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MAY 2017

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Live, Laugh, Love for HOAs!



April Parsons,
CMCA, 2017
CAI Board
of Directors
President

If you are reading this, more than likely you live in the association management world. As an association board member, community manager, vendor, or resident, your HOA may be causing you HOA stress. Now, is that really a thing? NO!

Living in an HOA should not be stressful; if it is, something is not right and education may be needed on a subject that is causing negative feelings. Being

a volunteer and dealing with HOAs, or being a professional on the operation side on a daily basis, should not be stressful. If it is, you are doing it incorrectly or don't have the assistance to support the operation of an association. Now, that doesn't mean that "things" don't get out of hand. They do, and then it is all about the approach. Be positive, thoughtful, and communicate. Live in that moment to address the situation and trade HOA stress for HOA success.

Laughing at an important matter is not funny; however, bringing to light the matters surrounding the situation will relieve the tension to be able to get to the solution. Do you have a pending lawsuit? Do you need to pull a million documents for legal? Has it become harder to find the document than finding a needle in a haystack? Do you have irrigation lines at a community that is over 20 years old and have major leaks all the time?

Think about the bigger picture and how to reach the goal. Contacting professionals in our industry and having one-on-one meetings instead of hiding behind email or the phone is key. For the irrigation saga, meet on site with your landscaping professional, review the problems and

talk out solutions. Then get a second opinion. It is okay to get a second party involved and it may benefit the situation. We all know more eyes and discussion are key to finding that solution.

The first clue that a situation has turned negative is the way you feel. If you cringe at an email that you should have responded to yesterday, respond to it as soon as possible. Explain that you are looking into it and will get back to them later if you do not have an answer. One of the most common statements is that there is a lack of response. Respect the sender for taking time to send an email and respond. If it's an email of absurdity, take a deep breath and then respond to the facts. Do not address the negative nature and it will turn into something positive.

You have heard the word "karma"; make it good karma, not bad karma. I promise you, you will see a change. Remember to appreciate your board members, community managers, and service providers. Negativity does not get any of us anywhere.

Love what you do! Turn that HOA stress into SUCCESS and achieve great karma.

Don't forget to find us and "like" us on Facebook at CAI Nevada.

Hope to see you at the next luncheon and social event. For updates and dates of events, please visit us at www.cai-nevada.org.

April Parsons, CMCA

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Compliance Equals Harmony



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

Compliance. Sounds pretty dull and boring, doesn't it? And possibly a bit irritating. Add the word sexy to it and, POOF - suddenly we have your interest!

The topic for this month's issue is: "Is your community sexy?" While I agree that compliance is certainly not sexy, compliance does equal harmony; and harmony can be pretty sexy and appealing to all of us.

Harmony is one of the many attributes of a community that I find necessary for enjoying my neighborhood. Even so, I realize that harmony can at times be difficult to achieve and sustain. If I get a ticket for speeding, my harmony is disrupted (at least temporarily) with my husband and the highway patrol (noncompliance with the laws of the road). If I bounce a check, or exceed the limit on a credit card, I am not only in disharmony with my husband, but also with the bank (financial noncompliance). So, I try my very best to be in compliance at all times for peace of mind and to maintain harmony in my home!

In my neighborhood, when neighbors are squabbling, the landscapers missed my front yard, the gates are standing wide open to unmonitored traffic, or when I am simply annoyed that the dog is barking next door, it saps the harmony I am looking for in my community. I want things to run smoothly!

Fortunately for me, my community is run by a well-educated board that takes its compliance requirements seriously. No surprise notices of a special assessment because the reserves are short. No wondering about the next meeting date because

the board forgot to send out notices. It runs very smoothly.

You are right if you are thinking that compliance is not at all sexy, but compliance is important for a harmonious living environment which can be a pretty seductive factor in the HOA experience. Greg Toussaint provides an interesting and compelling look at the elements of compliance in *Da Ya Think You're Sexy, Well Do Ya?* Michael McKelleb, Esq., shares a legal look at compliance and its ramifications in *Compliance: A Two-Sided Coin*. Matthew McAlonis, Esq., points out the stark differences between a well-maintained community and one that is not in *Is Your community an Attractive Place to Live?*

What do home buyers think is sexy? What are they looking for in a home? Read Lynaae Forbe's *Ring, Ring, Ring* for a peek at a realtor's perspective of what buyers want.

Shirl McMAYON provides a clear and easily understandable synopsis of landscape compliance which affects each and every one of us in *Landscape Compliance Within An HOA*.

If you think complying is tough, noncompliance is highly risky and can result in a trip to the Ombudsman's office, possibly to the CCICCH. Read Pam Scott's and Michael Buckley's collaborative article: *Creation of "The Commission" ... How? When? And Why?*

I am sure we all agree that what one potential buyer finds "sexy" about a community, another might not. Sexy is in the eye of the beholder. Compliance, on the other hand, is something that we certainly can agree is essential to a thriving, well led, alluring community. Is your community sexy?

Vicki Niggemeyer, DCAL



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Da Ya Think You're Sexy... Well do ya?

by Greg Toussaint, DCAL

Compliance? What's that all about? It sounds so authoritarian, doesn't it? It's like, "You will comply!" But really it's pretty simple in our world of community associations... it's just the process of ensuring that all the homes and common elements meet community standards as defined by the association documents and rules that govern the community as well as relevant state laws and municipal codes.

And don't blame the HOAs for having to comply! We comply with all kinds of things every day of our lives. We follow (well usually) traffic laws when we're driving. We pay to park our car, now even at Strip Hotels – who knew?! We comply with DMV rules to get our cars smog checked and then pay money to have it registered. After dining out we pay the bill. Our world would be total anarchy if most people just didn't comply with the "rules."

Unfortunately, in order to gain compliance, there must always be penalties for failing to comply – this is called enforcement. The threat of these penalties is usually sufficient to get people to comply, and when this doesn't work the actual penalties usually do the trick.

The process of getting compliance ain't for the faint of heart and it certainly isn't sexy... but you know, keeping your community looking tip-top is definitely sexy, so read on.

It's critical for the association to have an effective compliance process in order to maintain the community's look and feel that attracted residents to buy their homes originally. The look of your neighbor's home directly affects the value of your home and vice versa. In the same way, the association

has a responsibility to maintain the common elements at least to the standards that existed originally.

Community compliance depends on three key duties.

- 1. The homeowner's duty to maintain their property.** Every homeowner has a duty to comply with the rules that govern the community, which may change from time to time depending on association rule changes as well as state and local statutes and ordinances.
- 2. The association's duty to take reasonable steps to get owners to correct any problems.** If a homeowner is found not to be in compliance, the association has a duty to follow its compliance policy in order to get the problem corrected. In some cases, getting the property into compliance may be difficult and time consuming, but the association has a duty to all the other owners who do comply to do everything it reasonably can to bring the property into compliance.
- 3. The association's duty to maintain the common elements to the community's standards.** That's right, homeowners have the right to expect the association

to maintain all the common elements consistent with the community standards. How can the association hold homeowners to a higher standard than the association is held to?

Gaining compliance in all three of these areas is critical to having a community with the "sex appeal" that makes homeowners proud, visitors envious, and buyers excited.

How you doin'? Ask yourself questions like these... does your community have the "wow-factor" that it should? How does it match up with similar communities nearby? How about your private streets, are they cracked and unsightly? Is your gated entrance in good repair, or does it fail intermittently? Are your greenbelts looking well maintained? Does your pool look fresh and healthy, or is it stained? Does the clubhouse look first-rate, or are



things starting to look old and in need of replacement? Do the homes in the community look as well-maintained as they should, or are an increasing number of homes in need of repair and refurbishing?

Don't rely on your memory; look at each area carefully before you try to answer these questions. Your answers will tell you a lot about the state of your community.

Gee, I never noticed the stucco falling off that wall. We're all human! It's easy for board members to see the same things day in and day out; yet fail to notice the subtle changes that over time cause the amenities to lose that "ooh, ooh, baby" appeal which was the main reason they bought their home in the first place. So board members really have to look with a critical eye and ask themselves if each element of their community looks as good as it should - and could it look even better?

What's good for the goose. Board members should ask themselves if they would allow a homeowner to maintain their property the same way the association is maintaining the common elements. Generally, an association should hold themselves to a higher standard than they expect from homeowners, and it's not just a matter of fairness ... poorly maintained common elements drag down the value of the entire community. Several respected realtors have told me that great amenities often go unused by residents but they sure do sell homes.

Board members should always spend homeowners' money carefully and wisely. It's easy to look around and say, "ya know, overall everything looks pretty good, let's not slurry the streets yet and let's not replace those dead plants or fix that unreliable gate - maybe next year." As a homeowner, you might agree, "We homeowners are saving money, why should we do all that maintenance anyway and then have to pay higher assessments? It still looks pretty good."

Pretty good? Really? Do you remember how perfectly the developer maintained your community when they were selling your homes? They did that for a reason, otherwise they wouldn't have spent all that money to make the model homes and amenities look so fantastic. Builders know what buyers like and they like sexy-looking homes in sexy-looking communities and they're willing to pay more to get it. They know that "sex sells."

Homeowner compliance. But even the most enchanting common areas won't matter if the homes in the community are not well maintained and attractively landscaped. Just one poorly kept home can damage surrounding property values and potentially cause a buyer to look elsewhere. So it's important that associations diligently inspect all homes and take action to bring homes into compliance with the community's standards. Once a few homes fall out of compliance, other owners take note and may feel free to follow suit, and then you'll have a real community-wide problem that will take a long time to repair.

Buyer image & pride. People choose homes much like they decide on other important purchases. Self-image and personal pride are primary drivers of purchase decisions. Women buy nice outfits that make them look and feel awesome and men do the same. We want to impress others, each in our own way. We choose our furnishings not just for self-satisfaction, but also for how guests will react to our home. When we buy a car we think: what does this car say about me, how will I look in this car and how will it make me look to others? Will I look successful; will I make an impression; will I look sexy? People want to be proud of where they live and they want their guests to be impressed too. When our guests drive into our community we want them to say, "WOW!"

Is your community still looking as sexy as it did when you bought your home? If not, new home buyers might overlook your nice, but no longer quite so awesome, community because it just doesn't "blow their skirts up."

Buyers today have a growing number of choices with all the new residential developments underway as well as the many beautiful communities out there that are well-cared for. Home buyers are looking for value...value in their homes and value in their communities.

Home values rule. Protecting the assets and the value of homes in a community is a prime duty of the association board of directors. They owe this duty to the homeowners. Think of it this way. Let's say you live in a 200-home community with an average home value of \$250,000. The combined value of those homes is \$50,000,000. Just a 2 percent drop in home values caused by decreased buyer interest would result in a \$1,000,000 loss in property values to the community as a whole. The assets of every homeowner in the community would drop by an average of \$5,000. Yet the cost to keep up the "wow-factor" that the community once had would have been a mere fraction of that million dollars. No one likes their assessments to be increased, but they will hate low property values a whole lot more.

Board members, please make it your priority to always maintain, and where practical, improve the assets of your community. Don't let irregular inspections and timid enforcement allow some homes to damage the appearance of your community. Don't let minor degradations in the beauty of your community slowly numb you to the cumulative, negative impact on the value of your community. Take care not to be "Penney-wise and pound-foolish."

If you're sexy and you know it, clap your hands!

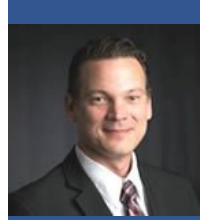
(Apologies to Rod Stewart and Clint Eastwood; somehow they just went together well!) 🎵



Greg Toussaint,
DCAL, CAI
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Compliance: A Two-Sided Coin

By Michael McKelleb, Esq.



Michael McKelleb,
Esq., Attorney in
the Angius & Terry
LLP

The general tenor of most discussions regarding compliance is related to strategies designed to educate unit owners with an eye toward achieving voluntary compliance. However, it is important for associations and managers to understand that enforcement must be applied fairly and equally against everyone, or no one at all. In other words, there are two sides to the compliance coin and both have significant impact on an association's ability to maintain the community standards set forth in the governing documents.

Enforcement of Governing Documents and Fiduciary Duties

NRS 116.3103 provides that the officers and directors of an executive board of an association are "fiduciaries and shall act on an informed basis, in good faith, and in the honest belief that their actions are in the best interests of the association." This statute is further interpreted by the Nevada Real Estate Division and its subsidiaries (collectively referred to as, the "Division") through NAC 116.405(8)(b), which provides in pertinent part that when determining whether a member of the executive board has performed his or her fiduciary duties, the Commission shall consider whether the board has "[u]niformly enforce[d] the governing documents of the association."

Thus, when an association enforces its governing documents, it is important for community managers to train their board members to understand that state law supports enforcement, but only when restrictions are enforced

"uniformly." Accordingly, it is important to understand how the term "uniformly" is applied by the Division.

To begin, recent rulings from the Division make clear the term "uniformly" requires boards to equally and fairly enforce its governing documents. An example of this is seen in the case of *Joseph (J.D.) Decker, Admin., Real Estate Div., Dpt. of Bus. & Ind., State of Nev. v. Sierra Ranchos Prop. Owners, et. al.*, IN-1608 (Jun. 16, 2016).

Sierra Ranchos is a 212-unit self-managed association that was created in 1974. Following an Intervention Affidavit, the Division made the following findings of fact. In late 2011, the board investigated a complaint submitted by several units' owners regarding a neighbor that was storing 55-gallon drums along the fence, and determined the unit owner violated the association's governing documents. Surprisingly, however, rather than send a violation letter to the unit's owner, the board called the complaining unit



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owners to a meeting and informed them that the association had not historically taken any action to enforce the specific provision that was violated. The board further stated there were far more egregious violations within the community, and as such, the association would take no action.

Interestingly, a year later, one member of the board filed a complaint against his neighbor for violations related to locating a structure within a lot's 60-foot setback. The board member's property abutted the north side of his neighbor's property and the complaint was related to horse shelters located on the south side of her property, which was adjacent to vacant land. Apparently, one shelter was constructed 30 feet from the property line while a second was constructed 33 feet from the property line. The board sent the unit owner a violation letter. The unit owner responded by requesting a hardship exemption.

The request stated the property had a unique propensity for high levels of standing water, requiring the structures be placed within the 60-foot setback. At the hearing on the hardship exemption request, the unit owner provided pictures of her property and a letter from the Washoe County Engineering Inspector who verified he saw standing water on the property and that the shelters were moved to keep the unit owner's horses from standing in the water.

The board rejected the hardship exemption request and sent the unit owner a letter informing her of its decision. The letter also informed the unit owner that state law required the board to enforce its governing documents. Two months later, the board sent the unit owner a violation letter, informing her that if the structures were not removed, she would be fined \$100 per day. Five months later, the board sent another letter, informing the owner she owed the association \$17,825 in fines. Several months later, the board sent another letter stating the fines were now \$20,000 and there was an additional \$1,000 in interest.

The unit owner moved the structures and sent a letter to notify the board she was compliant. She included with the letter a table, created by the Director of the Washoe County Building and Safety Department, which identified 30 other properties within the association that had structures located in the 60-foot setback, including one which had its residence located in the setback. Not surprisingly, the unit owner then filed an Intervention Affidavit.

The Division Rules Against Sierra Ranchos

Following an investigation, the Division found, among other things, that the board had knowingly and willfully violated its fiduciary duty to act in good faith, concluding the board had failed to uniformly enforce its governing documents, and that it acted out of reasons of self-interest, gain, prejudice, or revenge. Due to the overwhelming evidence presented against it, the board decided to settle with the Division, agreeing to pay a \$1,000 fine, grant the unit owner the requested hardship exemption, and remove all fines against the unit owner. Finally, the board members agreed

to a five-year ban from serving within a common-interest community. The example above demonstrates what the word "uniformly" means: an association must "equally" and "fairly" enforce its governing documents, and must do so without regard to personal feelings.

Equal Enforcement

When a unit owner can show an association has not equally enforced a restriction, the association may lose its right to enforce the restriction against other unit owners. Even worse, when it can be shown "that lot owners acquiesced in substantial and general violations of the covenant within the restricted area," the restriction may be deemed abandoned, meaning it cannot be enforced at all.

In *Rancho Sierra*, when unit owners complained about the 55-gallon drums, the executive board determined there was a violation; yet, the board failed to enforce the provision, acknowledging the association had not historically done so. Moreover, the board noted there were far more severe and egregious violations of the governing documents, but took no action to enforce those provisions either.


Citing these acknowledgements, and referring to the table provided by the Washoe County Building and Safety Department, the Division determined that the setback provision was not being enforced against anyone other than the complaining unit owner. Accordingly, the Division prohibited the association from enforcing that restriction. Thus, it is clear an association must enforce a restriction equally against all its unit's owners or not enforce the provision at all.

Fair Enforcement

In the example above, the Division's conclusions should not have surprised the board. It was clear to the Division that the board members were using their positions to harass an individual unit owner they did not like.

Decisions based on personal prejudice are a clear illustration of unfair enforcement. Further, in circumstances where a unit owner can show that its board has granted exemptions or allowed violations of the same restriction, the inference can be drawn that personal prejudice, rather than objective criteria, is the basis for the decision. Thus, when a unit owner seeks an exemption, especially when a similar request has been previously granted, a board must ensure it removes any personal feelings from the decision.

Conclusion

In summary, compliance has two sides. On one side, unit owners must abide by the governing documents. On the other side, an association must uniformly enforce restrictions or lose its ability to do so at all because uniform enforcement means the restrictions must be enforced by the executive board equally and fairly, with personal feelings set aside. If *Sierra Ranchos* teaches us anything, it is that board members must exercise their fiduciary duties forthrightly or face potentially serious consequences. 

New Pool Regulations? Maybe....

By Barbara Holland



Barbara Holland, CPM, is a regional manager with FirstService Residential and regular contributor to the *Las Vegas Review Journal* on HOA/CIC affairs

In case your swimming pool company has not informed you of the possible changes in regulations that have been submitted to the Southern Nevada Health District Commission, I would like to share some important thoughts with you from my testimony at the Commission about one month ago.

1. No one, to my knowledge, has ever challenged SNHD that associations are not public pools, consequently, over the years, associations have been under SNHD's jurisdiction. There is a statute on the books that exempts private pools from falling under SNHD codes. Homeowner associations are private organizations and should not be categorized as public pools. Disregarding that fact, here are the issues which would substantially and financially impact associations who have swimming pools and spas.

2. The proposed regulations would require the installation of automatic feeders for the pH and chlorine chemicals. Many associations may not have the space in their current pool pump rooms to install these automatic feeders. Any modifications to the pump rooms would most likely require the hiring of a general contractor. These modifications would increase the cost to install these chemical feeders as too many pump rooms, be they indoors or outdoors, would not be large enough to accommodate them. Such additional costs would include electrical, plumbing, drywall, etc. as well as addressing possible ventilation issues. I do know for a fact that there are some older communities where it is very conceivable that there is no room. The SNHD needs to visit some of these communities to offer alternatives, other than shutting down pools and spas. In addition, the initial costs of these systems could range from \$4000 to \$10,000 per body of water (not including the modifications to the pool pump room or the maintenance cost of these machines). For those associations who employ their maintenance personnel, they would need training on the machines. With our desert environment, the probes inside the system would require continual cleaning. At this time, we do not know if SNHD would provide any training seminars for the automatic feeders. The regulations would allow an association five years in which to install these systems. What the SNHD staff members do not realize is that the initial cost of the equipment cannot be taken from associations' reserve accounts but must be paid through operating costs. For many associations, this would require an increase in association fees.

3. The proposed rules would require communities to store 50 gallon drums of both liquid acid and chlorine in the pump rooms. Please note, you would have two sets of drums, one for the pool and one for the

spa - if you have more than one set of pools and spas, you can add another two drums. Forget about the fact that the pool service companies would have to be able to transport them and that cost would be transferred over to the association. Also, I do believe the pool service companies would need a special license from the DMV; that would again add up to increased operational costs to maintain your pools and spas. Storing the drums in our summer heat could affect the shelf life of the chemicals.

4. I don't know how our insurance companies would view associations storing these chemical drums at our communities. If for some reason vandalism occurred, where someone decided to open and spill the liquid acid with the chlorine, they would create mustard gas (I believe used in WW I). In one of the hotels in Vegas, there was a failure with the automated feeder that caused it to "explode" sending pH into the swimming pool. (This would cause a burning sensation if you were in the pool).

There are other issues that would cause additional operational and financial problems for the associations, as follows:

1. There are a few associations that actually use cartridge filters. If that is the case for any of your HOAs, you would need to store a full set of space cartridges on site, in a clean and dry condition.
2. SNHD would require a book of records whereby the association would be required to test the water and chemicals seven days a week. At this time, no one knows if SNHD would allow a resident of an association to read and record the readings when the pool company is not on site. I don't know how many associations would want that responsibility and liability of performing these readings. It should be noted that there are applications on the market place that would inform the pool company by computer or smart phone that there was a distribution problem which may negate the need to record the readings. Again, more costs as the association would need to have wi-fi to take advantage of this technology.
3. One of the reasons for the installation of the automatic feeders given by SNHD is to combat diseases- I have yet to hear of any disease coming

from a residential pool in the last 38 years of living in Las Vegas.

4. Associations would be required to have a written maintenance plan which must be approved by SNHD prior to the pools and spas being opened. At this time, there are no specific guidelines as to what should be in the plan. Just as an FYI, there are 4,800 bodies of water in Southern Nevada which includes the hotels - so how fast can SNHD approve these plans is another story. If you can remember the fiasco with the Virginia Greame Baker, the SNHD was not prepared to accommodate the approval and inspection of the drain covers, etc. This plan would also require an inventory of equipment (which they should have on their records) along with the operating manuals from the manufacturers.
5. Depth markers will need to be changed as well as no diving markers - section 2-3018.
6. There are some questions as to the interior maintenance of the pool - surface cracks under 1/8 inch wide will need to be documented and monitored. There is no specific regulation as to when an inspector would require the repair or resurfacing prior to opening the facility.
7. Emergency lighting will need to be installed. The proposed regulation does not spell out what emergency lighting is, i.e. some motion sensor?
8. Emergency exits - the regulation would require the installation of panic bars so that the gates could be opened without a key from inside the pool area.
9. Gates, locks, and associated alarms, if required, shall be tested daily prior to opening. Who will do this? If an association did not test on a daily basis and someone is injured at the pool, attorneys could jump onto this regulation and sue an association for negligence.

Please note these are just a few of the problems with the proposed pool and spa regulations.

At the hearing, we informed the Commission that none of the associations had received a business impact survey. As a result, business impact surveys were sent to all permit holders; hopefully you have returned the survey for your community. Please watch the SNHD website (southernnevadahealthdistrict.org) for vital information on this issue. Go to the hot topics, click on Aquatic Facility Regulations.

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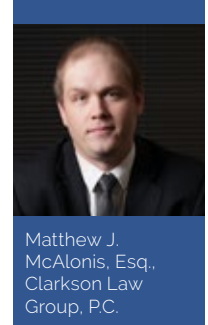
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Is Your Community an Attractive Place to Live?

By Matthew J. McAlonis, Esq.



We have all seen the dichotomy. Someone drives into a community in search of their dream home. This is the place they will put down roots. It's perfect. Everything looks inviting. The streets and sidewalks are pristine. Each neighbor's front yard and landscaping are well-kept in a manner that's pleasing to the eye. The clubhouse is in immaculate condition with a full schedule of events and activities for the community's residents. The overall atmosphere is welcoming and harmonious.

Then they head to another neighborhood. It offers an entirely different picture.

Empty trash cans are left out on the street, even though the trash was picked up a couple of days ago. A few of the front yards are overgrown with weeds and have a few toys thrown in for good measure. One in four yards is burned out completely with nothing but dead, brown scrub — and maybe some rusted-out old vehicles. Porch lights are broken. And here and there the occasional garage window is cracked.

Holiday decorations show great spirit and build a sense of community. However, decorations still up two months after the holiday? Something is wrong. Very wrong.

- Which community would they rather visit?
- Where would they feel safer?

- In which community will houses appreciate faster?
- Which one would they rather call home?

The answer is obvious, and the underlying reason is clear as well: homeowner associations, along with their governing documents and CC&Rs, lead to better, more attractive communities and a higher quality of life. But when it comes right down to it, those CC&Rs are pieces of paper with some ink. Their ability to enforce codes of conduct, standards for appearance, the colors of homes — it all comes down to the careful enforcement of the CC&Rs.

If a community is going to be an attractive place to live and remain so — not just for the years, but for the decades, to come — it's going to be up to the board members and their managers to maintain the original vision that made the community so attractive to begin with. Straying from that vision can rapidly lead to that death spiral we've seen too often — not only in the marginal communities, but in some of our best communities in times of economic downturn.

Asking a resident for the third time to replace a porch light, to bring in their trash cans for the fourth time, may seem petty. But multiply those seemingly innocuous issues over a couple dozen homes and you have a problem. The next time you try to enforce those rules, that resident will point to the decaying home of their neighbor down the street and say, "What about them?"

If it seems like HOA officials are frequently writing to residents on issues of compliance, it's for a very good reason. Compliance, even regarding the seemingly smallest issues, is of the utmost importance. Compliance is what makes the community an attractive place to have a home. It provides a symmetry and a feeling of harmony for all the residents. Ultimately, it's why the residents decided to live there.

Staying ahead of the curve, fixing problems before they become nightmarish legal headaches, is the fastest way to keep properties up and homeowners happy. HOAs can't be part of a SWAT team. They can't kick down doors and threaten a family with jail time. These are their neighbors. Eager and willing participation is worth far more. Deferred maintenance and letters left unsent are the enemy of a top-tier HOA.

After all, the devil is in the details. 



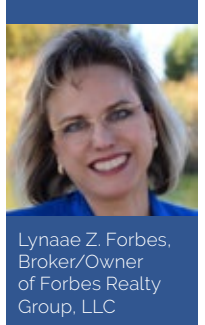
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Ring, Ring, Ring

By Lynaae Forbes



"Hello, your favorite realtor speaking."

Caller: "Hi, I am looking to buy, but not in an HOA!"

Realtor: "Why not in an HOA?"

Caller: "I do not want the fees, the rules or having people tell me what I can and cannot do with my house. I have heard that board members have nothing better to do than impose fines when they find we have not abided by the CC&Rs."

WOW... Not all people feel this way; however, as a licensed agent, this is something we have to overcome when approximately 24.8 million homes in the United States, as of 2010, are in an HOA or CIC.

Did you know?

HOAs became more popular in the 1960s and not under the best circumstances. Yes, they were started to maintain architectural integrity of houses, rules in condos and co-ops, and some included social control; however, the social aspect was undone by the Fair Housing Act of 1968. Most people have no idea the history. Nowadays, most people think of HOAs in either a negative or positive light as to behaviors or tastes, good or bad.

As a realtor, my co-workers and I see the HOA nearly always as a positive. Common Interest Communities are a way to preserve property values and maintain all homeowners' investments, this being most people's biggest investment.


What we see as very much a positive and most common added value for a CIC is the function for preserving and preventing people painting their houses pink, working on cars in the driveways (which can turn into the never-ending repair), turning the property into a junkyard, or not keeping the weeds at bay in their yards - just a few of the things that come to mind.

When interviewing a buyer we start by asking questions and find out what it is that they do not like. The most common objective we come across is the cost. We explain that there are many different kinds of CICs and we can do a home search based on this, so a CIC with lower cost will not have amenities like pools, tennis courts, and gates. There are many other buyers who want the amenities and have no issue with the cost.

We also explain to the buyer that they are entitled by law to review the most current budget, finances, and CC&Rs. Many of the resale packages go into great detail regarding the process to change the landscaping, what is covered by the HOA, and many of the benefits. We point out that the buyer has the right to cancel the contract to purchase if they feel they are too strict or do not cover things that are important to them.

We just had a buyer cancel when they discovered the CIC for a townhome was not responsible for the roof and exterior maintenance of a townhouse. This shows how important it is for the buyer to read these documents before signing that they accept the package - after closing is not the time to read these documents.

As real estate agents, we see many benefits to having CIC in place. It helps with resale value, the integrity of the neighborhood, and shows pride of ownership. We can drive through a neighborhood and show our clients the difference between CIC and no CIC. Many times the buyer who was against a CIC in the beginning, has a change of heart, especially when they experience the difference when viewing homes to purchase.

The Nevada Chapter of CAI is one more tool in our toolbox when helping people buying homes in a CIC/HOA. We are learning the benefits, the commitment to the education of the community, and value of this organization in place to create a positive experience for the homeowners and homeowners to be. 

Interested in attending the "Homeowner Meeting and Open Exchange" During the CAI Annual Conference?



The meeting will be held on
Thursday, May 4,
Between 1:15 and 3:15 P.M.
in Florentine 2 at Caesars palace.

Mingle, talk with and learn from experts
from around the country.

Mark your calendar and plan to attend!

Landscape Compliance within an HOA

By Shirl McMayon, ISA Certified Arborist



Shirl McMayon, ISA
Certified Arborist
and Account
Manager at GTI

So, you're ready to take on some landscape improvements at your home and in your community? Did you know there are regulations you must follow? Most homeowners do not.

Individual homeowners (as well as landscape contractors) must follow not only state, county, and city ordinances regulating landscape, but compliance also includes those regulations contained in the CC&Rs specific to each community. Many HOAs require ARC (architectural review committee) approval prior to any landscape design changes or renovations. I repeat: so, you're ready to take on some landscape improvements at your home or in your community? Then you need to know the rules and follow the rules!

Individual HOA landscape regulations apply to both original installation of landscape (construction), renovations of existing landscape (as a result of new owner's expectations when purchasing a home), as well as the subsequent maintenance of the landscape. Most associations have clear, concise landscape-related expectations, as well as stated consequences for failure to comply.

Let's start with new construction. As a landscape contractor hired by residential clients within a particular HOA within the Las Vegas valley, I often work with individual homeowners to assure compliance with their association's landscape regulations. So many times I hear from the homeowner, "What regulations?!?" And I reply, "Well... those regulations contained within your community's CC&Rs provided to each and every homeowner upon purchase of home." And from there, begins the task of creating a beautiful landscape while satisfying the client's

requests and abiding by the HOA's requirements. Hence... **it's not easy being green!**

Regarding landscape, most HOAs practice (and regulate) what is referred to as "continuity" or "cohesive" principals – such as the color of rock or the choice of plant material. I often see restrictions on color of decorative rock. Many HOAs will state specifically that *no red, green or white rock will be allowed*. I personally agree on and support this regulation and the reason being is an intent to seek a color that is closer to a natural or native look – *blending* in with our high-desert surroundings, if you will. And many HOAs will dictate size of rock, such as *rock must be half inch or larger*." Regarding choice of plant materials, most often this is stated as unacceptable species (very short list of plants) as opposed to *acceptable species* (very lengthy list of plants.) Typically, this list follows either a design intent for the community, or attempts to simply adhere to county regulations regarding invasive species such as green fountain grass. This is also an area where acceptable spacing of plant material will be defined – *plant coverage must be 1 plant per every 25 sf*" or something similar.

Another common landscape restriction is in regards to the selection of plant material. Often communities seek to have a "theme" for the landscape – desert, Italian, Mediterranean, etc. In order to maintain that theme, individual homeowners must abide by the association's guidelines in order to perpetuate that theme. In other words, you can't throw boxwood hedges into a desert-themed community landscape!

Regarding trees, most HOAs specifically state quantities, sizes, and species of trees required to meet community standards. All communities must follow county regulations regarding "nuisance/invasive species" such as Mulberries, Salt Cedar and Cottonwood. Some communities are very strict on their landscape/tree canopy expectations – *"a minimum of 6, 36"* box trees will be planted in the backyard area." Many communities spell out specific details regarding installation *tree size* and *expected maturity tree size*:
1. *One large tree (at maturity will be 40 feet or higher and have a minimum 20-foot spread) is required for each 30 linear feet of street frontage;*
2. *One medium tree (at maturity will have a minimum 20-foot spread) is required for each 20 linear feet of street frontage;*
3. *One small tree (at maturity will have a less than a 20-foot spread) is required for each 10 linear feet of street frontage;*
4. *These distances may be increased*



“ ...so, you're ready to take on some landscape improvements at your home or in your community? Then you need to know the rules and follow the rules! ”

by 10 feet if 24" box trees are planted instead of 15 gallon trees. You must consult your individual CC&Rs for your community in order to meet, or exceed, the expectation.

And then, there is the ever-popular requirement of *neighbor approval*, often stated as "Signed Neighbor Awareness Form." Yes, your neighbor must not only be notified of the intended landscape improvements, but must also sign off on the submittal for the Architectural Review Committee. If you want to raise the height of your shared wall, if you want to put up a basketball net that is visible to the neighbor, if you want to add a raised firepit that will be visible to the neighbor, you must get the neighbor's signed approval. I whole-heartedly support this particular requirement in that, if nothing else, it requires the homeowner to walk over, knock on the door, and have a conversation with their neighbor – an important opportunity to engage and get to know your neighbor!

Once the landscape is installed, there are additional community regulations regarding acceptable/unacceptable landscape maintenance practices. Homeowners can be cited for various landscape offenses: weeds in the landscape; dead trees/shrubs in the landscape (*Any required plant material that does not survive, or sustains severe damage, shall be replaced within 90 days*); as well as regulations regarding parking within the landscaped areas (*Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping*); and other landscape issues that represent a nuisance to the community. All of this regulating is intended to increase the curb appeal of the community, thus increasing the value of the property within the community.


Landscape compliance regulations for all communities within the Las Vegas valley are those regarding mandatory watering days as regulated by the SNWA (Southern Nevada Water Authority). Landscape contractors, individual homeowners, and property managers are obligated to adhere not only to SNWA water restrictions, but also the agencies' requirements for turf conversions.

When it comes to landscape decisions...whether it be new landscape, renovation to existing landscape, turf conversions or landscape maintenance, please seek the support and advice of your local landscape business professional.....that's what we're here for! 


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Las Vegas Golf Gallery

The Annual Las Vegas Golf Tournament was held recently at the Wildhorse Golf Resort in Henderson. Teams and Hole Sponsors enjoyed an early start to a beautiful day. Thank you to all who participated and the Golf Committee.



Valerie Hand, Closest to the Pin Women's



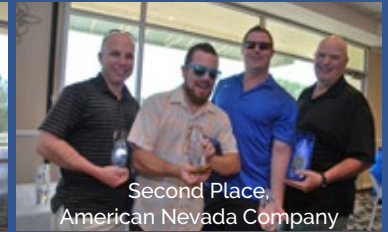
Chad McGuire, Closest to the Pin Men's



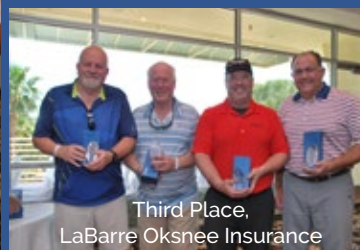
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Heroes Don't Wear Capes, They Wear Dog Tags...

As we approach Memorial Day, thoughts turn to the men and women of our country who gave the ultimate sacrifice for our nation. The heroes who died for our freedom.

The story of how we identify the dead started during the Civil War. In those days, men going into battle did not have any kind of identifying tags on them. So, they began putting pieces of paper somewhere on or within their uniforms, scratching their names on the backs of their belt buckles, or any other method they could devise so they could be identified if they did not survive the battle.

During WWI, each American soldier was issued two circular aluminum tags engraved with name, rank, serial number, and religion. Tags issued during WWII were rectangular instead of circular and were made from stainless steel, suspended around the neck on a beaded chain.

Dog tags are largely the same today as the ones used during WWII. According to the Library of Congress, a slight change was made during the Vietnam War. But changes could be coming again. Today's military is developing and testing tags that will contain micro-chips with personal medical history as well as identifying information.

The source of this quote is unknown, but someone once said: "A veteran, whether active duty, discharged, retired or reserve, is someone who, at one point in his life, wrote a blank check made payable to the United States of America, for an amount of 'up to, and including his life.'"

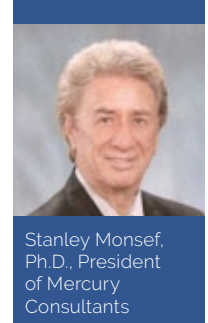
Memorial Day provides a good opportunity to remember those men and women who made the ultimate sacrifice for all of us.

For the full story, read "A Brief History of the Dog Tag" by Sarah Sicard on the taskandpurpose.com website.



Smoking Policy and Pet Policy in High-Rise Condominiums

By Stanley Monsef, Ph.D.



Social management in a high-rise condominium is the focus of laws, rules and regulations, and policies that restrict the *freedom rights* of residents/occupants while recognizing that of the others. Two important social issues in management of a high-rise condominium is concerning smoking and pets policies.

Smoking Policy

When a home/residency is within a high-rise condominium, smoking policy is a question of how the smoking affects neighbors and the community as whole. Most states have bans and/or restrictions on smoking in public places. Several states have even prohibited smoking in condominium units. Colorado is an example.

In Nevada, smoking is prohibited in all public places with restrictions in restaurants, casinos, and gyms. Private homes and units are exempt.

Because smoking cannot be banned in a private building or a home in most states, the tug-of-war between a resident who smokes in his unit and a neighbor resident who does not becomes a major policy-making issue for the association's board and the community manager of a high-rise complex. Thus, for a high-rise condominium secondhand smoking becomes subject to the following factors:

- *State Law*: Prohibits smoking in common areas of the association;
- *Privacy Rights*: Provides the right of a homeowner to smoke inside his unit;
- *Constituting a Nuisance*: The governing documents of the association restrict smoking to inside condominium units while establishing secondhand smoking as a hazard to the health of residents;
- *Vote of Owners*: Smoking restrictions inside a home/unit helps keep homes pristine and enhances the value of the property. Therefore, the board may establish non-smoking policy by a vote of membership. The language of such policy must disclaim any express or implied warranty that the



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building and the common area will be free from secondhand smoke;

- *Owners Compromise:* This develops when the smoking party, the offending homeowner, is willing to inform his immediate neighbors that he will be lighting up a cigarette or a cigar on his balcony (limited common element) and that neighbors should close their windows or be aware when leaving their home, to avoid secondhand smoke;
- *Non-Smoking Signage:* Proper signage must be placed in all appropriate places.

Pet Policy:


The provisions given may be adopted "as is" or used as a guide in the development of appropriate rules and regulations for a high-rise condominium pet policy. Because common areas in high-rise condominiums are intertwined and typically subject to heavy traffic, pets must be confined to the pet owner's unit and must not be allowed to roam. Pets in transit are to be carried, restrained by a leash, or placed in an animal carrier. Resident dog owners in transit must have their pet on a leash at all times.

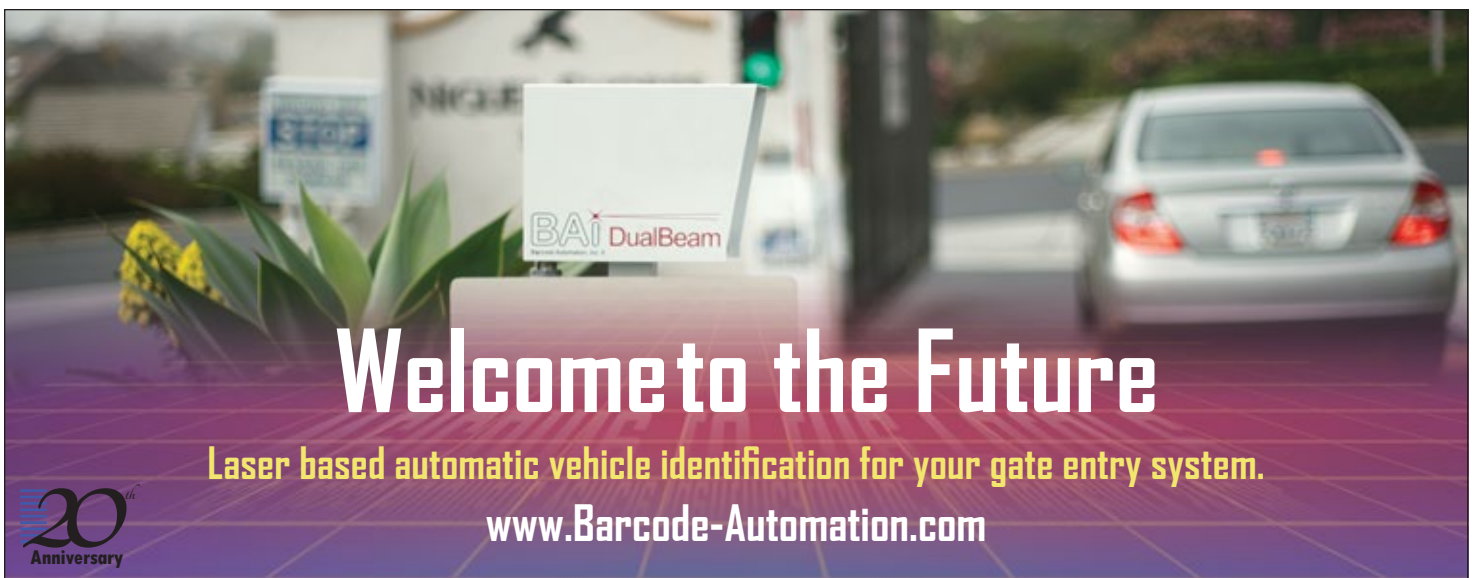
Pet rules must be consistent with the association's declaration, bylaws, local and state statutes, and federal regulations. The Federal Housing Act requires associations to exempt service animals from pet policies and rules. Pet policy generally requires:

- *Registration:* Pet owners must complete a Pet Application and Registration form before occupying the unit. For a dog or a cat, a current photograph is required. In addition, dogs must have a rabies certificate and a collar band with the name, address, and telephone number of the owner. Registration is necessary to protect buyers who have severe allergies to pets or animals.


- *Permission:* The following pets are allowed in the owners' units: dogs, cats, caged birds, fish in tanks, and rabbits.

- *Restrictions:* The following restrictions are generally accepted to be reasonable procedures for pet control in a high-rise condominium:

1. Pets shall not be bred or used for any commercial purposes;
2. Dogs must be on a short hand-held leash and under the control of a responsible human companion when in the building common areas;
3. Dog and cat walkers must pick up and clean up after the animals with doggie-mitts. Droppings, **securely bagged**, must be disposed in owner's floor garbage disposal chute. Balconies cannot be washed off with hoses;
4. Dogs are limited to two per unit and with a maximum weight of 50 lbs each;
5. No pet shall be allowed to become a nuisance or create any unreasonable behavior such as making noise continually/incessantly for a period of five minutes any time of the day or night;
6. Owners are responsible for dogs that relieve themselves on walls or floors of common areas. Owners are subject to a fine for not cleaning the areas discolored and or damaged;
7. Aggressive and unfriendly dogs must be muzzled for protection of residents who come in contact with them in the common areas;
8. Owners and tenants are responsible for visiting pets which must be registered with the management office on entering the building. 



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Creation of “The Commission” ... How? When? And Why?

By Pam Scott, retired PCAM, and Michael Buckley, Esq., former member and chair of the Nevada CCICCH

To understand the origins of the Nevada Commission we have to look at the “homeowner association” environment in Nevada, especially Las Vegas, in the mid-90s.

Prior to the adoption of the Uniform Common Interest Ownership Act in 1991 (NRS Chapter 116), homeowner associations consisted mostly of condominiums governed by NRS Chapter 117. Enforcement issues usually related to the “3 Ps” - pools, pets, and parking. After 1991, the proliferation of single family home associations and master planned communities, promoted by homebuilders and often required by local governments, resulted in additional enforcement issues such as yard maintenance, architectural control, etc.

Most homeowners viewed CC&Rs as protecting their investment and supported board enforcement. However, a minority faction of very vocal homeowners saw governing documents as infringing on their “rights” to do what they wanted with their own homes, even if those actions conflicted with the CC&Rs.

This latter faction promoted a narrative of persecution and abusive or unresponsive boards. They found homeowners

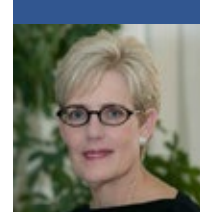
and websites in other states that agreed with their position and sponsored a weekly Las Vegas radio call-in show to air homeowner grievances. They found a sympathetic ear in a state senator who began holding public meetings at which anecdotal horror story after horror story were aired, even going so far as bringing homeowners in from Texas to tell stories of persecution by their associations.

This resulted in a bill at the 1997 Legislative Session that created the office of the Ombudsman and which laid the groundwork for the later creation of the Commission.

Many believed creation of the Commission in 2003 meant there would finally be someone to enforce “the rules.” At the outset, however, it often seemed the Commission was bogged down in administrative issues. It met almost monthly in public, but focused primarily on creating the new state agency. Regulations had to be adopted not just interpreting statutory requirements, but establishing administrative procedures. The Real Estate Division (RED) welcomed its new source of funding, but had to learn (as did the real estate industry itself) the difference between real estate licensees and community managers. This was solved in 2005 with the enactment of NRS Chapter 116A, establishing a separate licensing regime for managers.

The Commission’s initial regulations established many rules and regulations for managers and associations. Enforcing those rules, however, required referral of the violation to the state agency, an investigation, and, should the administrator decide the facts supported it, prosecution by the Attorney General’s office at a public hearing before the Commission.

One hears the echoes of justice delayed is justice denied. It soon became apparent that neither the Commission nor the RED could, realistically, enforce and punish ordinary wrongdoers in a meaningful way. The (due) process was too cumbersome. The real strength of the Commission slowly evolved: a gathering place where information and best practices could be discussed and evaluated. A statewide



Pam Scott, retired PCAM, member of CAI since 1985 and the Nevada LAC since its inception



Michael Buckley, Esq., is a director in the Las Vegas office of the Fennemore Craig law firm. He is a former member and chair of the Nevada Commission on Common Interest Communities and Condominium Hotels (CCICCH). Through the State Bar of Nevada, CAI and CCICCH he has actively participated in the drafting and enactment of state legislation affecting common interest communities, including the original enactment of UCIOA in 1991.



Find the most current legislative news by going to the CAI Nevada chapter website: cai-nevada.org. Click on the **Advocacy** tab.



learning process was underway as Commissioners and the RED realized the priority of education and training over rules and regulations. An enforcement proceeding became a lesson in what not to do, rather than an occasion for punishment; in many cases, the only “person” available to punish was the association. Public comments by an aggrieved homeowner could sometimes provide a satisfactory solution.

One of the purposes of the Commission was also to gather accurate information in an effort to distinguish between fundamental problems and simply bad actors. To a large

degree, the Commission and RED fulfilled this objective. RED statistics revealed the astounding number of units and HOAs in Nevada. They also showed, contrary to anecdotes at the time, few pre-recession HOA foreclosures, and, in the midst of the recession, the tremendous impact of defaults on association finances. Legislative proposals were vetted in public, showing their strengths as well as their weaknesses. The CPA Commissioner educated all on the importance of audits.

Many learned the Commission’s mantra: “one size does not fit all.”

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Grassroots, the Big Squeeze is Coming



By Chuck Niggemeyer, DCAL



Chuck Niggemeyer, DCAL, CAI Nevada Chapter treasurer, Vice Chair of the Nevada Legislative Action Committee and President of Sage Hills BOD

Those of us living in Las Vegas are now living under the "big squeeze." Construction of US Highway 95 intersection with Interstate 15, aka the spaghetti bowl, has traffic down to two lanes on US 95 both directions—the big squeeze! The Nevada Legislature will soon be down from 120 days to approximately 18 days. The "big squeeze" to get bills passed before the last legislative day will be on!

Now, more than ever, Grassroots has got to be alert, ready to react, and voice our concerns in case a bad bill is in line to be passed into law before adjournment. Grassroots still needs you, all of you, to use your voice and be heard in Carson City.

Remember, there are over 3100 HOAs in Nevada in which almost half of the state's residents reside. A bad HOA bill

becoming law affects all homeowners and we have no choice but to live under the law. Probably all of you reading this magazine live in an HOA.

If you haven't joined Grassroots please do so by going to www.cai-nevada.org, selecting the "Advocacy" tab, Grassroots, Join Grassroots Initiative. GET INVOLVED. Keep HOAs throughout Nevada the best place to live and raise your family!



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2016 Article of the Year

You're all winners!

By Chris Snow



The chapter magazine committee works extremely hard at delivering an exemplary product to you each month. It's a combined effort that begins with formulating a yearly editorial calendar and following through by generating articles that fit the issue and completing the editing process. Many on this committee take it upon themselves to write articles showing their passion for an issue that relates to the industry we are all a part of. Knowing them, they don't like to take credit, they'll tell you it's a team effort, they depend on help and content that is sent from everyone...that's true. We can't publish this magazine without the help of the hundreds of author contributions from all over the state. This year's Awards Gala will present a new award honoring the contributions of the many authors who make *Community Interests* the quality publication that it has become. We wish we could give everyone an award! Even though there will be only one winner, we would like to honor and thank all the writers of the articles that were considered.

On behalf of the gala and magazine committees and the CAI Nevada Chapter Board of Directors, congratulations! Thank you for your contributions to *Community Interests*.

Nominees for Best Article of the Year:

- November 2016 - "What Do You Mean We Have to Allow Unit Owners to Publish Information on the Association's Facebook Page and Newsletter?" by John Aylor
- November 2015 - "Running Successful Common Interest Communities" by Sara Barry
- November 2016 - "Random Acts of Goodwill" by Tonya Bates
- June 2016 - "Drowning" by Trina Blackburn
- May 2016 - "Your Community - Through the Looking Glass" by Cary Brackett
- February 2016 - "Planning Activities for Seniors 55 and Over" by Karen Brown
- July 2016 - "Foreclosure and D & O Issues in Nevada as of May 2016" by Mark Coolman
- March 2016 - "Compliance in a Nutshell" by Christian Diamandis
- September 2015 - "Did the 2015 Nevada Legislature Affect that Quiet Title Lawsuit In Your HOA?" by Troy Dickerson
- November 2015 - "Why are Committees Important to an HOA?" by Judith Hanson
- October 2015 - "What are the Roles of the Homeowners, Management and Board of Directors in a Homeowner Association?" by Barbara Holland
- May 2016 - "The Super Priority Battle Will Be Back in 2017, Lets Be Prepared!" by Barbara Holland
- October 2016 - "Building Community and The Spirit of Neighborliness" by Dawn Marie Hughes

- July 2015 - "What's the Deal with Rooftop Solar?" by Mark Leon
- June 2016 - "Rooftop Solar - What Now?" by Mark Leon
- July 2016 - "Take It To The House" by Lori Martin
- June 2016 - "Bag Homeless Hunger - One Sandwich at a Time" by Shirl McMayon
- September 2016 - "Challenges Facing High-Rise Management" by Stanley Monsef
- September 2016 - "Basics of Budgeting" by Alice Moore
- September 2015 - "Fact or Fiction? Will Lenders Stop Lending in Nevada?" by Chuck Niggemeyer
 - March 2016 - "Compliance Process for New Homeowners" by Jeff Pope
 - November 2015 - "It is in Giving, that We Receive" by Robert Rothwell
 - November 2016 - "Creating a Level Playing Field" by Robert Rothwell
 - July 2016 - "Water - Protecting Our Resource" by Richard Salvatore
 - October 2016 - "The Smart Pawn" by Richard Salvatore
 - December 2015 - "The Value and Power of Effective Boards of Directors" by Arnie Snow
 - March 2016 - "Rules + Enforcement = Compliance" by Greg Toussaint
 - March 2016 - "HOAs and the New Sharing Economy: AirBnB and HomeAway" by Donna Zanetti



Articles for consideration were published in *Community Interests* magazine July 2015 to December 2016. The winner will be announced at the Awards Gala on June 17, 2017. 

Congratulations 2016 Gala Nominees!

Northern Nevada Outstanding Small Scale Association of the Year (Less than 250 Doors) Ironstone HOA

The Fairways HOA
Claridge Pointe Homeowners Assoc

Southern Nevada Outstanding Large Scale Association of the Year (250 Doors or More)

Panorama Towers Condo
Desert Shores Community Association
Solera at Anthem
Mountain's Edge Master Association
Providence Master Homeowners Association

Northern Nevada Portfolio Manager of the Year

Ryan Fields
Erica Heavrin

Southern Nevada Portfolio Manager of the Year

Jeani Wheeler
Kendall Abbott
Gloria Arteaga
Regina Bradbury
Zara McFadden
Frederick Simons

Northern Nevada On-Site Manager of the Year

Karen Brown
Kelly Nichols
Stephanie Viau
Lorrie Olson
Piper Cates
Sarah McCalla
Lisa Nunley

Southern Nevada On-Site Manager of the Year

Scott Jaegel
Cary Brackett
Michael Cornwell
Chris DeLong
Bruce Heckman
Lori Martin

CMCA Manager of the Year

Blake Lederman
Stephanie Viau
McKensy Bagnell
Keith Wisniewski

AMS Manager of the Year

Kelly Nichols
Chris Stevens
Tanya Chamberlain
Larry Hartman
Lori Martin
Michael Cornwell
Paige Boesen
Helen Marshall
Jamie Harper

PCAM Manager of the Year

Lorrie Olson
Marlina Short
Cary Brackett
Karen Brown
Tonya Bates
Sharon Bolinger
Courtney Grossa
Vincent T. Oliva
Dawn Osterode
Jeanne Tarantino

Northern Nevada Association Board Member of the Year

Robert Kemp
Marilyn Brainard

Southern Nevada Association Board Member of the Year

Dennis Kariger
Mark Leon
Glen Proctor

Article of the Year

"Your Community - Through the Looking Glass" May-16
Cary Brackett
"Drowning" Jun-16 Trina Blackburn
"Creating a Level Playing Field" Nov-17 Robert Rothwell
"The Smart Pawn" Oct-16 Richard Salvatore

Ambassador of the Year

Debora Costa
Dawn Osterode

Rising Star Award

Stephanie Viau
Rob Forney
Vicki Niggemeyer
Patricia Delacruz
Norman Rosensteel

Hall of Fame Award (Only Win 1 Time)

Robert Rothwell
Donna Toussaint
Philip Crapo

Outstanding Small Scale Management Company of the Year (less Than 10,000 Doors)

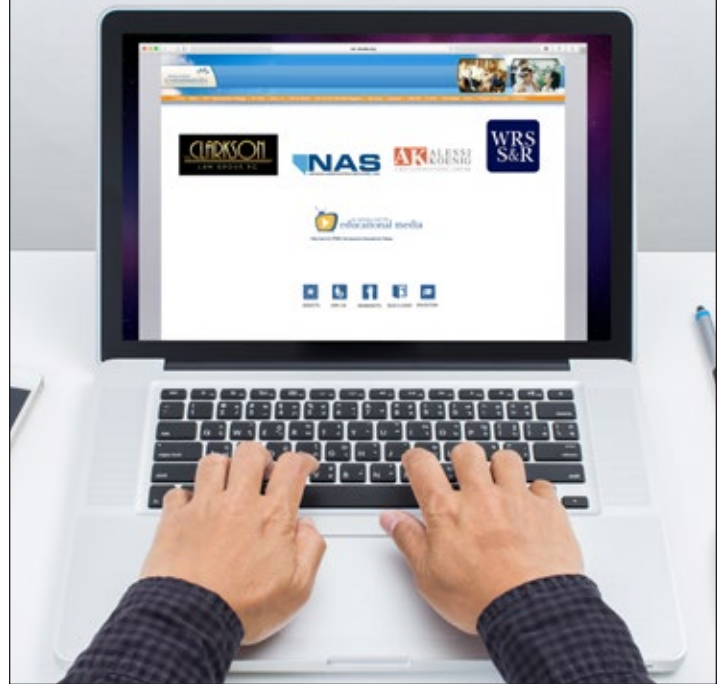
Epic Association Management Tonya Gale
Prime Community Management April Parsons
Soleil Association Management Shelley Leobold
Seabreeze Management Co Lisa Dale

Outstanding Large Scale Management Company of the Year (10,000 Doors or More)

CMMC Tony Ledvina
Level Property Management Anne Calarco, President
Taylor Association Management Jason Hoorn
Associa Sierra North Debora Costa
FirstService Residential Steven Parker

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In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.



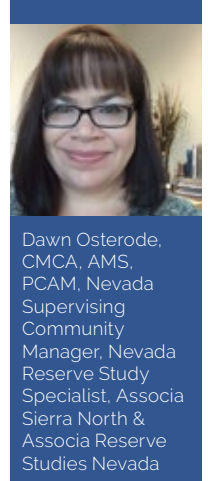
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A Mission to Success

By: Dawn Osterode, CMCA, AMS, PCAM



With the change of seasons and spring in the air, not only are flowers soon to be in bloom, but often in homeowner associations it starts the beginning of a new relationship with newly elected board members. Volunteering to serve your community in the capacity of an elected board member is exciting, but also a bit intimidating. It seems like overnight you acquire significant responsibilities without any on-the-job training. This can feel like a heavy weight on your shoulders, and often, a feeling of being stranded and alone in your crusade. Feel comforted that you are not alone. You are surrounded by a network of seasoned professionals to support and guide you through your new journey.

Identifying the "Mission Statement"

The Articles of Incorporation for the association has already set this for you. Typically, within the first page of the document, you will find a purpose statement which defines the core purpose for which the association (i.e. corporate entity) was established. A typical purpose statement may read: "The specific and primary purpose for which the Corporation is formed is to provide community services and facilities for the general use, benefit and welfare of the Owners." We often get sidetracked in rules enforcement and assessment collection and should routinely refresh ourselves on the purpose of the association and what we can do to successfully fulfill its intent. Many communities often publish this in their newsletters or meeting agendas as a constant reminder of why we are all here in the first place.

Our Contractual Obligations

As we look to the future, it's best to start with the basics. What contracts has the association entered into that have renewal dates? Most likely within those service contracts, such as landscape, there are commitment timelines such as pre-emergent application, pruning, irrigation start-up and shut-down, just to name a few. Populating these key dates and timelines will help you work in tandem with your vendors and ensure the operations are running smoothly by understanding the expectations.

Meeting and Events

Most importantly, including those meeting dates and social events on the calendar are an absolute must. Looking ahead gives everyone ample time to plan and notice for these key target dates. Be sure to check your documents as many communities have minimum meeting requirements. Setting your calendar annually will ensure you can count those days to ensure compliance with the provisions.

Monthly, Quarterly and Annual Maintenance Targets

If your community has assets such as a pool or gates, there are key target dates for health inspections, permits, preventative maintenance and seasonal opening and shut down procedures that are ideal for inclusion in your operations calendar. Taking the time to document these

“ A typical purpose statement may read: ‘The specific and primary purpose for which the Corporation is formed is to provide community services and facilities for the general use, benefit and welfare of the Owners.’ ”

tasks can also serve as a checklist to ensure that nothing is missed and components remain operational.

Project Planning

Your reserve study restoration/replacement schedule, or even a capital improvement project, will have timelines and steps needed through project completion. Set a goal on your calendar and schedule tasks to achieve those key target dates within your plan to ensure ample time is allotted to successfully reach or even beat those target dates on your schedule.

Getting To The Finish Line

As a community manager, there are many behind the scenes tasks that take place to reach the end product of a special event, board meeting, compliance inspection, landscape enhancement project, and so on. An operations calendar can further be expanded beyond key target dates to include key tasks as a checklist for the management team to ensure the behind the scenes operations run seamlessly.

In the end, a successful operations calendar is a brainstorm of all the vendors and the board, working together to ensure the vision is aligned and the purpose of the association is expressed through the day-to-day management of the community's assets and business structure. As a team, we can come together and achieve great things! 🌟

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Book Review

Water is for Fighting Over and Other Myths about Water in the West by John Fleck

By Vicki Niggemeyer, DCAL


Is the lake half full? Or half empty? Are we approaching panic? Your viewpoint could easily determine whether you think we have a water crisis here in the Las Vegas Valley or not. Or anywhere in the Western United States for that matter.

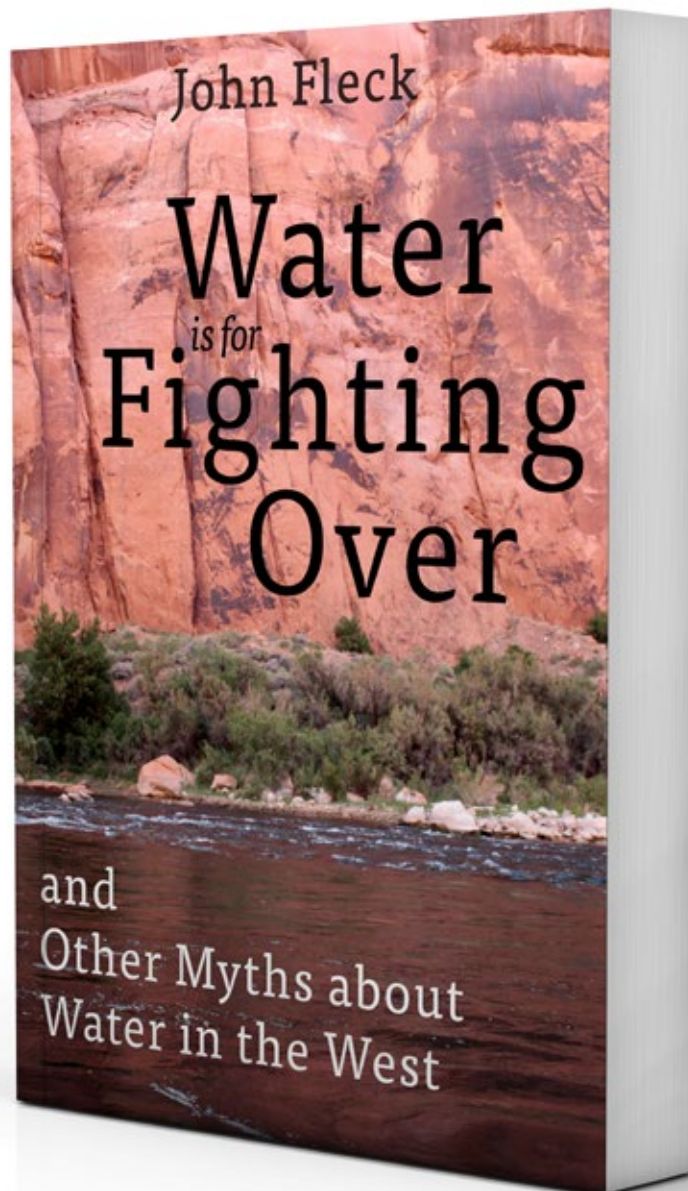
Headlines repeatedly tell us about devastating droughts. We hear in the news about water problems and shortages. How can we possibly allow more people to move into the Las Vegas Valley when we are running out of water? It seems urgently immediate, like something that has crept up on us and we need to fix it right now! In reality, similar stories have appeared for decades.

In his 2016 book *Water is for Fighting Over*, John Fleck dispels some of the myths that have run rampant in recent years and sheds light on facts he has collected. In the introduction to the book, he says, "In spite of doomsday scenarios, Westerners are coping. This book chronicles my attempt to understand and explain where that ability to adapt comes from, how it works, and how we can call on it to get us through the hard times ahead."

Fleck also deals with the false impression that the fountains in many of our Nevada casinos are water-wasters. In an August 2016 interview with the *Las Vegas Review Journal* writer Henry Breaun, Fleck addressed the Bellagio fountains in particular. In spite of the illusion that the fountains are a waste of water, Fleck points out that they "represent one of the most economically productive uses of water you'll find in the West."

Water controversies are not new to Fleck. As a journalist, he spent 25 years writing about environmental issues for the *Albuquerque Journal*. He now serves as the director of the University of New Mexico's Water Resources Program. His research for *Water is for Fighting Over* took him all across the Colorado River Basin and beyond; talking with farmers and city dwellers alike, revealing a history of collaborative efforts and ideas to deal with the current drought and water shortages.

Fleck firmly believes that we can, and need to, "recognize our ability to make do with less." Rather than perpetuate the myth "Whiskey's for drinkin', water's for fightin' over," Fleck urges readers to embrace a new, more optimistic narrative—a future where the Colorado continues to flow. 



"If you only read the books that everyone else is reading, you can only think what everyone else is thinking."

—Haruki Murakami



Vicki Niggemeyer,
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Thank You!

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