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The workshop includes a toolbox of support materials:

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- A copy of CAI's award-winning *Common Ground*™ magazine

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



Reno
The Peppermill,
White Orchid
February 23, 2019
8 a.m. to 4 p.m.

community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

FEBRUARY 2019

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Correspondence

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Payment, a signed contract, and your ad sent by e-mail or disk must be received by the 20th of the month, two months prior to publication. See Magazine Deadline above. Acceptable file formats are Microsoft Word, plain text or in the following high resolution (300 dpi) graphic formats: .jpg, .tif or .eps format. Please send a hard copy of the ad along with contract.

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Fasten Your Seatbelts – Really!



Chuck Niggemeyer, DCAL, NV Chapter BOD President, Sage Hills BOD President, CICCH Commissioner

Have you ever wondered how the expression **fasten your seatbelts** originated or how it might apply in daily or future activity?

The expression comes from a 1950 movie starring Bette Davis titled, "All About Eve." Her character, Margo, throws a birthday party, becomes jealous of an invited friend, and starts downing drinks. The drinks take effect and Margo utters the legendary expression: "Fasten your seatbelts. It's going to be a bumpy night."

Since the year was 1950, she was alluding to buckling up during a bumpy flight on an airplane. Cars didn't have seatbelts back then.

So, now that we know the origin, let's consider how we can apply it, especially over the next four months which encompass the timeframe of the 80th (2019) session of the Nevada Legislature. Will the 80th session be calm, like a smooth airplane flight; or will it be bumpy, like a flight in turbulent air with the "Fasten Seatbelt" sign on constantly? Let's hope for the best and prepare for the latter.

What exactly is turbulence? Turbulence is unstable air which causes a plane to bounce around and gives us a bumpy ride. When we experience ups and downs in our work or personal life, we are experiencing another type of turbulence which can also be unsettling. During 2018 our CAI Chapter was filled with unpredictable change; you could describe it as a year of great turbulence. That is the problem with turbulence, whether in aviation or in everyday lifework, it's unpredictable! Seatbelt sign on!

Almost anyone who has flown on a plane in the last sixteen years or so will probably tell you flying can be stressful. TSA pat-downs, delays, and the fact that you're stuck in a middle seat (yes, you who were in the "C" boarding group) tends to dampen even the best of moods. Then, when turbulence makes the airplane jump or dip slightly, and the captain turns on the "Fasten Seatbelt" sign, now you are really upset! When the sign is turned on, you probably think to yourself, "is a quick trip to the bathroom really dangerous?" The unintended consequence could be a serious injury to you or someone else.

The CAI Nevada Chapter team has a staff of two, a BOD of nine, twelve committees, and a membership of over 1200. The Chapter events in 2019 number over 115 separate activities which must be planned and coordinated. It's fair to say the year is filled to the brim; however, this level of activity is not at all unusual. The possibility for unpredictable turbulence is obvious with such an ambitious schedule. Venue changes, speaker cancellations, power outages are just a few examples of unpredictable turbulence that could affect the schedule. Observation over the past year shows the CAI Nevada team is well prepared and resilient regarding unintended consequences of activity turbulence. Our team has committed volunteers who understand they must buckle down harder if turbulence occurs. They are ready for it because they keep their seatbelts fastened!

Our 2019 journey is smoothly underway. I feel confident that if unpredictable episodes of event turbulence occur, the professionalism of our volunteer Chapter team will handle each episode swiftly without ever missing a beat.

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Chuck Niggemeyer, DCAL

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February Brings Love and Law



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

Love, law, and seatbelts. What could the three possibly have in common?

Well, here in Nevada, it's the start of another legislative session in Carson City. As Nevadans, we love our state. As Nevadans, we recognize the need for law. As Nevadans, we also realize the turbulence that sometimes results from laws that may or may not help those of us who live in HOAs. Hence: "Fasten your seatbelts! It could be a bumpy ride!"

Three quite knowledgeable members of CAI Nevada's Legislative Action Committee (LAC), Donna Zanetti, Esq., Gayle Kern, Esq., and Norm Rosensteel provide us with a pretty thorough look at what to expect during the 2019 session in their article, "**Smooth Ride? Or Not so Much? The 2019 Legislative Session Is Here!**" Barbara Holland has also shed some light on what to expect in: "**What Are Some of the Biggest Challenges Facing Nevada in 2019?**"

If you need a refresher on exactly what LAC is and does, be sure to read Marilyn Brainard's article, "**Why LAC Matters.**" And even though it is a reprint from two years ago, Greg

Toussaint's article, "**How the Nevada Legislative Process Works,**" is another must read with its informative yet humorous content.

Over the next four months, there will be a lot of action going on in Carson City. If you've never attended a session it is well worth your time to do so. If you cannot make it to Carson City, or merely choose not to attend a session, you can still keep abreast of what is going on. News sources all across Nevada will be reporting the highlights of legislative news. Or join our CAI Grassroots effort which will provide regular updates about bills that could affect you and your HOA. Tune in and be aware of what our legislators are doing!

Now, back to the love part. It's February. Valentine's Day! Don't forget to do something special for the love of your life!

Vicki Niggemeyer, DCAL

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- SB39 would regulate Nevada residential property appraisers and appraisal management companies by incorporating various requirements of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act;
- SB44 would revise provisions of the Uniform Unclaimed Property Act;
- SB74 would make changes to eviction actions;
- SB75 would establish the procedure for pursuing the redemption of unclaimed United States savings bonds by the State Treasurer;
- AB9 would clarify the proper venue or place of trial for small claims actions. All small claims actions may be tried in the township where the defendant resides, does business, or is employed at the time the cause of action arose or the complaint filed. For cases involving injury to persons or property, a small claims action may also be tried in the township where the injury occurred. Contract disputes may be tried in the township where the obligation is or was to be performed;
- AB18 would authorize certain local governments to install and maintain ramps on certain public easements and rights-of-way;
- AB26 would increase the amount of money a person injured by a residential contractor may receive from the State Contractor's Board's "Recovery Fund" from \$35,000 to \$40,000 and revises the maximum amount that may be recovered from any single residential contractor;
- AB34 would revise provisions governing the investment of money held by the state or certain political subdivisions;
- AB39 would revise provisions relating to governmental financial administration, including the holding of certain securities as collateral against deposits of public money;
- AB65 would update the laws for notaries public and expands the opportunities for persons to register as an electronic notary public;
- AB70 would revise provision governing the Open Meeting Law relating to meetings of public bodies;
- AB73 would impose an additional tax on the transfer of real property in certain larger counties to provide funding for services and affordable housing for homeless or indigent people in the county;

“ There will be times that a very fast response from our Grassroots members will be required, particularly as we get close to deadlines for moving bills out of each legislative branch and as we get to the end of the session itself. ”

- AB79 would create an expedited procedure for sale, by a county, of abandoned property where there are delinquent taxes owed.

The Legislative Action Committee (LAC) will review bill drafts as they become available. As the session progresses, there will be regular communication with Grassroots as to those bills that affect community associations and need special attention with the legislators.

There will be times that a very fast response from our Grassroots members will be required, particularly as we get close to deadlines for moving bills out of each legislative branch and as we get to the end of the session itself. Grassroots has been very successful in past sessions in helping legislators to reconsider detrimental last minute bill changes to bills. Below are some critical dates in the upcoming 2019 Legislative session.

- February 4 – First day of 2019 Legislative Session.
- February 11 – Legislators' BDRs deadline.
- February 18 – All BDRs due.
- February 25 - BDR details deadline.
- March 18 – Legislators' Bill Introductions due.
- March 25 – All Bill Introductions due.
- April 12 – Deadline for Bill passage out of first house committee.
- April 23 – Deadline for Bill passage out of first house.
- May 17 – Deadline for Bill passage out of second house committee.
- May 24 – Deadline for Bill passage out of second house.

“ Grassroots has been very successful in past sessions in helping legislators to reconsider detrimental last minute bill changes to bills. ”



May 29 – Deadline for exempt Bill passage.
June 3 – Last day of session Midnight Sine Die.

All the dates and deadlines are outlined in Joint Standing Rule No. 14 of the Nevada Legislature. Some bills are exempt from most of the standard deadlines if they have some fiscal effect on the State of Nevada, although they are still subject to the May 29 deadline.

If a bill originates in the Assembly and is then amended by the Senate (or vice versa), it must then go back to the original house for approval of the amendments. If not approved, the bill is moved to a conference committee, which can then approve the bill with amendments; or, if they can't agree, the bill dies.

Once a bill is approved by the Legislature, the Governor has five days to act on it if the Legislature is still in session

and 10 days if the session has ended. The Governor may sign and approve, veto, or allow the bill to become law by not acting on it.

LAC presents a united voice on legislative matters pertaining to issues that affect all of us in the Community Association Industry. LAC works to build strong relationships with legislators and state officials to ensure that we establish laws that benefit the majority of homeowners who follow the rules and pay their assessments on time. This committee continues to retain Garrett Gordon as our lobbyist. Garrett has proven himself to be invaluable in our efforts with the Legislature and will continue to do so in the future.

For additional important information regarding the session, go to www.leg.state.nv.us/Session/80th2019/. The Nevada Electronic Legislative Information System (NELIS) will begin on February 4, 2019. 



Donna Zanetti,
Esq., PCAM,
Leach Kern
Gruchow
Anderson Song



Gayle Kern,
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Why LAC Matters

By Marilyn Brainard, Advanced DCAL

States that are lucky enough to claim a Legislative Action Committee benefit in many ways. Here in Nevada our members work in teams to prepare language for bill draft requests we hope will be sponsored by legislators who appreciate and understand community associations. Unfortunately, some lawmakers will continue to react to the horror stories of isolated incidents reported by individual constituents. These incidents are statistically insignificant, but may have far-reaching consequences resulting in onerous new laws.

While we're lucky in Nevada to have biennial sessions, a lot of work goes on continuously to prepare our positions on matters that affect all who choose to live in associations or provide services to enhance our quality of life.

A major goal every session is to educate newly elected legislators, many with either little knowledge or actually hostile opinions about HOAs. This is a challenge that our legislative advocate, Garrett Gordon, confronts regularly. LAC works very closely with Garrett to identify harmful bills and members travel to Carson City to appeal in person when committees are taking testimony on the merits - or demerits - of the proposed legislation. LAC members also testify via video-conference from Las Vegas.

LAC works closely with the Nevada Office of the Ombudsman for Common Interest Communities and Condominium Hotels which has jurisdiction over Nevada's 3290 registered community associations. Ombudsman Charvez Foger frequently attends CAI southern and northern trade shows to share information and respond to questions. Once again, our legislative advocate and LAC members help educate the state office on the importance of major issues being confronted daily in our properties. The number of which is sure to grow since the majority of new housing developments are established using the community association model.

The CAI Government & Public Affairs department, with which all LACs are associated, has shared new state legislative priorities identified as potential "hot button issues" for the new year. They are: Warranties for New Construction, Dispute Resolution for Residents, Sales Disclosures, Community Values, Regulation of Community Managers, Reserve Requirements and HOA or Uniform Acts. These priorities have been acknowledged by the 2018 G&PA Committee. Acceptance of the doctrine of self-determination by owners - who elect neighbors who volunteer to serve as directors - should be recognized as a fundamental right by legislatures and governmental regulators. In other words, each community should have the right to establish and govern its own policies.

All LAC members are volunteers. Based on the importance of a working knowledge of the legislative and regulatory process, extensive governance participation in a community association [service as an elected director for example] and ability to volunteer time for regular

teleconference meetings are fundamental requirements to serve on a LAC. In addition, time must be reserved for in-person appearances during each legislative session, possibly with scant notice, as critical legislative committee meetings are called by committee chairs. For these reasons, Nevada chapter members are identified and invited to serve either representing a CAI membership category or a Nevada Board of Director's at-large appointee. A strict [non] Conflict of Interest document must be completed, as well as a self-nomination form. LAC volunteers ultimately serve at the pleasure of the CAI Board of Trustees in recognition of the importance of this volunteer role within CAI. 



Marilyn Brainard, Advanced DCAL; NV LAC; CAI Government & Public Affairs Committee; CAI Federal Legislative Action Committee; CAMICB Board of Commissioners - public interest member; Wingfield Springs Community Association - [retired] Board of Directors





Health Safety and Welfare Fines Based on Conduct

By Avece M. Higbee, Esq., at the request of Barbara Holland

Printed with permission by Barbara Holland and the Review Journal

Question: I was assessed \$17,500 in health, safety, and welfare fines for alleged assault on the manager and I did not get a hearing before the board of directors to defend my position. What is the process for an association to impose and collect health, safety, and welfare fines?

Answer: While the amount of \$17,500 sounds excessive, associations have the right to impose large fines that are commensurate with the severity of the violation. Conduct like assaulting a manager, if true, certainly could easily warrant a large fine. Regardless of the amount of the fine or the violation involved, the association must follow the governing documents and the applicable laws. Then, the board of directors for the association has some alternatives concerning enforcement depending on if the violation is a violation of a statute or of the governing documents. If health, safety, and welfare fines have been imposed against an owner, failure to pay the fines can result in foreclosure against the owner's unit.

First, there must be a basis in the governing documents or law for a health, safety, and welfare violation to exist. Many times, health, safety, and welfare violations are a result of "bad conduct" like threatening or harassing a community manager or a member of the board of directors. Most associations have rules and regulations prohibiting "bad conduct" and have incorporated language from the harassment statute, NRS 116.31184, which prohibits harassment of a manager, board member, or resident that causes harm or a hostile environment for that person. Thus, the basis for the violation is generally in the rules and regulations.

If the violation is a statutory violation, the association can proceed with an intervention affidavit with the Nevada Real Estate Division, Common-Interest Communities and Condominium Hotels, Office of the Ombudsman (NRED). Here, there may be an informal mediation held for the parties to attempt resolution prior to an investigation to determine if there is evidence supporting the violation of the statute. If the violation is of the harassment statute, the association has the right to report the violation to the police as a criminal matter since the violation of the statute is a misdemeanor.

Second, the association must follow the statutes and established procedures set forth in the association's governing documents. The statutes contain specific requirements before a fine, including a health, safety, and welfare fine, may be imposed: the person has had the applicable rules (or other governing documents) for more than 30 days, the person must be provided with notice of the details of the alleged violation, the proposed action to cure the alleged violation, the amount of the proposed fine, the date time and location for a hearing, photographs if applicable, and time to cure the violation. Additionally, the association must follow whatever additional processes have been established in the association's rules, bylaws, or policies such as sending warning letters, imposing fines established, providing additional compliance time, if any.

Third, the association must hold a hearing unless the person against whom the fine will be imposed waives the right to the hearing or fails to appear at the hearing after proper notice. At the hearing, the person is entitled to due process, which under the statute, includes the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the board of directors. While the board is acting as the judge at the hearing, the person has the

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right to challenge any conflict for fairness purposes. If the person does not appear at the hearing, a hearing does not need to be held. The board should still evaluate the evidence and review compliance with the required process before imposing a fine, especially a health, safety, and welfare fine. The minutes of the executive session meeting should reflect the violation, the evidence reviewed, and the determination made by the board.

Fourth, once the association imposes a fine, the association may seek to enforce payment of the fine through court (after proceeding with the alternative dispute resolution process through the NRED) or by simply recording a lien on the title to the unit (if the owner was the one that committed the violation). The association may not proceed with foreclosure to collect a general fine. The association will likely get paid when the owner determines to refinance or sell the unit. If the fine imposed is for a health, safety, and welfare violation, the association can proceed with foreclosure to collect the health, safety, and welfare fine. The foreclosure process is outlined in the statutes and is the same as that used for nonpayment of assessments. If the owner fails to pay, the association may sell the unit at the foreclosure sale. Should the board determine to proceed with foreclosure for the health, safety, and welfare fine, the owner could pay the fine, attempt resolution with the board, seek bankruptcy protection, or file legal action to try and stop the sale.

Health, safety and welfare violations are serious and thus the association has authority to take serious actions to stop such violations to protect the residents in the community. 



Avece M. Higbee is a shareholder with the law firm of Marquis Aurbach Coffing. She is an AV rated attorney with Martindale Hubbell and a CAI Business Partner attorney



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HARRY THE HAPPY HOMEOWNER

Disclaimer: Answers provided to questions about governing documents, NRS statutes, or any other legal matter are not in any way represented as legal advice.

Have questions? Need answers? Send your questions to me at info@cai-nevada.org.

Q: Hello Harry, Pool season is just around the corner and our board is looking into the possibility of defraying costs for maintaining our underutilized pool by selling memberships to people outside of the community. What can we expect? — Signed, Fish out of Water.

A: Hi Fish. First of all, your board cannot just decide to open the pool to outsiders, or the public, without the approval of your membership. This will require a vote of the entire community. After all, they are the ones who will be carrying the cost of operating the pool. Maintenance wise, the idea of opening the facility to non-residents is something that needs to be seriously explored by your manager and board of directors. There will be additional costs involved with maintaining **public** pool versus a **residential use facility** in an apartment complex or HOA.

Before jumping in, so to speak, your board will need to consult with its attorney for the legal issues, the insurance carrier for increased premiums due to increased liability, the municipalities, city, county, state, and federal for additional regulations. In the long run, it may not be cost-effective for the community and may not accomplish the original goal of savings.

The important thing is, if the community decides to open the pool to non-residents, the pool will need to be ADA compliant, additional staff will need to be hired, such as lifeguards and security, extra maintenance and log keeping, additional supplies, and most of all, be prepared for additional city inspections for water quality and health safety.

I hope this helps ...

Q: Hi Harry, I try to attend as many board meetings as I can but always leave frustrated. I don't feel the board listens to us homeowners, and in some cases, we can provide a tremendous amount of experience and expertise that I feel may be lacking with some of the board members. — Signed, Just a Voice in the Wind

A: Hello Voice in the Wind, You bring up a common complaint among homeowners, mostly from owners that are new to the HOA world. First, I will assume you are talking about regular meetings of the board and not a homeowner meeting; these are two different animals. Board meetings are just that, meetings of the board, whereas homeowner meetings are where homeowners can discuss anything and the board is usually there to answer questions and concerns.

Our communities are corporations which are regulated and required to allow homeowners to attend the meetings so that they are informed about the decisions the board makes. This is a great thing and allows transparency and all decisions are made openly. Now, this transparency is a bit of double-edged sword as some homeowners feel they have the right to participate in the meeting.

Under NRS 116, homeowners are allowed to attend and speak at all board meetings, at the beginning for agenda items and at the end of the meeting for non-agenda items. So, if you feel compelled to speak, you have your opportunity to be heard during those designated portions of the meeting. Remember, it's a board meeting and not a homeowner meeting and the board should be treated with respect and not interrupted. 🗣️

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Gaining Altitude: DCAL/Advanced DCAL

By Richard Salvatore, Advanced DCAL



Richard Salvatore, Advanced DCAL, is Vice-Chair Community Interests magazine committee, on the CAI-NV Chapter Board of Directors, President of Kensington at Providence HOA.

As a homeowner and/or homeowner board member of your community association, you have already taken the first step demonstrating your commitment to your community. The next logical step is to improve your knowledge in this ever-changing industry by enrolling in the CAI-Nevada **Dedicated Community Association Leader (DCAL)** program. In order to take advantage of this essential education opportunity, membership in CAI is required, either individual or community membership. So, why wait? Download your application today at www.cai-nevada.org.

The DCAL recognition was developed for homeowners and homeowner board members in order to receive the training to build on their commitment to serving as a board member of their community associations.

As a CAI member, the cost to enroll in the DCAL program classes is included with your yearly membership fee. An additional minimal fee may be required

for the eight-hour training class.

Earning the DCAL recognition requires 26 hours of classroom training: Board Leadership Development Workshop (eight hours); Ethics in the CIC (three hours); Risk Management and Insurance (three hours); Finances in the CIC (three hours); Building Community (three hours); Meetings and Elections (three hours); Rules Creation and Enforcement (three hours); and either attendance at one CICCH Commission meeting, or research and submit one article for the Chapter magazine.

Maintaining the DCAL requires re-application every two years and meet continuing education requirements to include: attend annually at least three hours of additional education from a volunteer perspective relating to CIC management (manager breakfast/luncheon, homeowner

seminar, Advanced DCAL class, or a series of CAI educational workshops totaling three hours; attend at least three hours of legal updates after new legislation is enacted.

Now that you have your DCAL recognition, don't stop! Your next step is to continue your Community Association education through the **Advanced Dedicated Community Association Leader** (Advanced DCAL): The Advanced DCAL recognition was developed to acknowledge the DCAL's commitment to continuing their education as a homeowner board member.

Earning the Advanced DCAL recognition requires an enrollee to have at least two years as a DCAL; at least two Advanced DCAL classes; attend a three-hour legal seminar in the past 24 months; and either (a) at least three hours of additional education classes, seminars, manager breakfasts/luncheons in the past 24 months; (b) submit an article for the Chapter magazine; or (c) serve on a Chapter committee for at least two years.

Maintaining the Advanced DCAL requires re-application every two years and meet all of the Advanced DCAL requirements.

DCAL and Advanced DCAL are Not Just Education ... But Also Recognition for Time Well Spent! 

Congratulations 2018 Gala Nominees!

Category 1: Northern Nevada Outstanding Small Association of the Year (Less than 500 Doors)

Woodchase Condominiums
Airpark Estates

Category 2: Northern Nevada Outstanding Large Association of the Year (501 Doors or More)

Highland Ranch HOA
Arrowcreek Homeowners Association

Category 3: Southern Nevada Outstanding Small Association of the Year (Less Than 500 Doors)

Meridiana Homeowners Association
Sage Hills Community Association
Kensington at Providence Homeowners Association
Sierra Valley HOA
Westchester Manor
Lakeside Village
V at Lake Las Vegas

Category 4: Southern Nevada Outstanding Large Association of the Year (501 Doors or More)

Canyon Gate
Red Rock Country Club HOA
Elan Owners Association
Sun City Aliante Community Association
Sienna Community Association

Category 5: Outstanding High-Rise Association of the Year

Panorama Towers
The Montage Owners Association

Category 6: Outstanding Master Association of the Year (at least one sub-association)

Desert Shores Community Association
Anthem Highlands Community Association
Providence Master Homeowners Association
Caughlin Ranch Homeowners Association
Mountain's Edge Master Association
Inspirada Community Association
Wingfield Springs Community Association
The Foothills at Wingfield Homeowners Association
Sun City Anthem Community Association, Inc
Somerset Owners Association

Category 7: Northern Nevada Portfolio Manager of the Year

Tonya Bates
Paige Boesen
Piper Cates
Donald Lamers
Erica Heavrin
Joe Lopez

Category 8: Southern Nevada Portfolio Manager of the Year

Jessica Alexander
Stacey Cosentino
Jamie Harper
Alise Elwood
Tiana Hudson
Kathryn Jones
Simone Mrdjen
Cheryle Turner
Jacob Hardin
Justin Rogers
Krista Gilmore
Eric Theros
Stacia Dorris
Jann Smit
Regina Bradbury
Jeani Wheeler

Category 9: Northern Nevada Onsite Manager of the Year

Lorrie Olson
Judee Southard
Piper Cates
Ryan Fields

Category 10: Southern Nevada Onsite Manager of the Year

Kimberly Snyder
Sharon Bolinger
Tasha Davila
Larry Hartman
Lisa Jaegel
Scott Jaegel
Lori Martin
Julie Nagy
Katherine Rader
Sandra Seddon
Sally Arnold

Category 11: CMCA (Certified Manager of Community Associations) of the Year

Ryan Bossman
Michelle Carpenter
Inga Hale
Felicia McMilan
Stacey Cosentino
David Vineyard
Eric Theros

Category 12: AMS (Association Management Specialist) of the Year

Paige Boesen
Shani Fazzi
Jamie Harper
Larry Hartman
Scott Jaegel
Kathryn Jones
Elyssa Rammos
Julie Nagy
Cheryle Turner
Garrett Roberts
Ann Copeland
Tonya Chamberlain

Category 13: PCAM (Professional Community Association Manager of the Year)

Tonya Bates
Tonya Gale
Melissa Ramsey
Katherine Rader
Cary Brackett
Christine Greengrass
Lori Martin
Sandra Seddon
Marlina Short

Category 14: Northern Nevada Association Board Member of the Year

Deanna Lee
Harry Tolles
Diane Nielsen
Sam Reagle
Robert Kemp

Category 15: Southern Nevada Association Board Member of the Year

Diana Hupp
Dennis Kariger
Peter Bernasconi
Cameron Sarchburg Beyer
Gail Qualey
Walt Dittrich
Mark West

Category 17: Ambassador of the Year

Michelle Goodell
Ashton Kendrick
Deanna Lee
Garrett Roberts

Category 18: Rising Star Award (One Time Only Award)

Lisa Jaegel
Alicia Fadrowsky
Ashton Kendrick

Category 19: Golden Star Award (One Time Only Award)

Sharon Bolinger
Norm Rosensteel

Category 20: Outstanding Small Management Company of the Year (Less than 10,000 Doors)

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Soleil Association Management Company
Epic Association Management
Gaston Wilkerson Association Services

Category 21: Outstanding Large Management Company of the Year (10,000 Doors or More)

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CCMC
FirstService Residential
Prime Community Management
Real Properties Management Group
Level Community Management 



January Luncheon Gallery

We recently opened our New Year with an inspiring luncheon themed on commitment. We were honored to host the CAI National 2019 Board of Trustee President, Cat Carmichael as our speaker. Joining Cat were our DCAL and Advanced DCALs, Chuck Niggemeyer, USAF Colonel Retired, Dr. Robert Rothwell, USMC Colonel Retired and Judi Hanson. They shared heartwarming stories of awe inspiring events that pulled at heartstrings and challenged everyone to review their own level of commitment. We were also proud to host Nevada Chapter founders, Gary Lein, CPA, and John Leach, Esq., both Nevada Educated Business Partners. We recognized three hardworking homeowners: Charlene Lundquist and Lyle McKenzie both received their DCAL and Jocelyn Holzwarth received her Advanced DCAL. Thank you to our luncheon sponsor, The Clarkson Law Group, P.C. The 2019 Board of Directors were sworn in by Cat Carmichael and we hosted the committee membership fair...a very busy start to the year for the Nevada Chapter!





Education Calendar

DCAL

MANAGER

Advanced DCAL

Preregistration for all dates is required. Visit CAI-Nevada.org

Northern Nevada February

CAI Nevada Reno Homeowners Class, DCAL

"Board Leadership Development"

February 23, 2019 at 8:00 a.m. – 4:00 p.m.
Peppermill Resort

CAI Nevada Reno Managers Class

"Playgrounds: Problems and Paperwork"

February 21, 2019 at 9:00 a.m. – 12:00 p.m.
Peppermill Resort
3-hour C.E. Credit

March

CAI Nevada Reno Homeowners Class, DCAL

"Landscape 101"

March 20, 2019 at 10:00 a.m. – 1:00 p.m.
Peppermill Resort

CAI Nevada Reno Managers Class

"Who Does What? Board Members, Community Managers, and the Unauthorized Practice of Law"

March 21, 2019 at 9:00 a.m. – 11:00 p.m.
Peppermill Resort
2-hour C.E. credit

Southern Nevada February

CAI Nevada Las Vegas Luncheon

"Fraud & Embezzlement"

February 12, 2019 at 11:25 a.m. – 1:00 a.m.
Gold Coast Hotel & Casino
2-hour C.E. Credit

CAI National Manager Class

Optional PMDP (Professional Manager Development Program)

February 1, 2019 at 8:30 a.m. to 5:00 p.m.
Gold Coast Hotel & Casino

Manager Pre-Registration Required

CAI Nevada Las Vegas Homeowner Class, DCAL

"Ethics in CIC"

February 23, 2019 at 9:00 a.m. – 12:00 a.m.
Sun City McDonald Ranch

CAI Nevada Las Vegas Managers Seminar

"To Squat or Not to Squat ... That is the Question"

February 26, 2019 at 9:00 a.m. – 12:00 p.m.
Sun City McDonald Ranch

March

CAI Nevada Las Vegas Luncheon

TBD

March 12, 2019 at 11:25 a.m. – 1:00 a.m.

Gold Coast Hotel & Casino
2-hour C.E. Credit

CAI Nevada Las Vegas Homeowner Class, Adv DCAL

"Advanced Reserves"

March 23, 2019 at 9:00 a.m. – 12:00 a.m.

TBD

CAI National Manager Class

Optional PMDP (Professional Manager Development Program)

March 21, 2019 at 8:30 a.m. to 5:00 p.m.

March 22, 2019 at 8:30 a.m. to 12:00 p.m.

TBD

Manager Pre-Registration Required

CAI-Nevada sends monthly email blasts of scheduled events to its members.

If you are not receiving the monthly blasts, contact Chris at info@cai-nevada.org



What Are Some of the Biggest Challenges Facing Nevada in 2019?

By Barbara Holland

Since the results of the mid-term elections, we will see some new faces in the state legislature. It is our job to bring them "up-to-speed" as to the issues that we believe need attention.

Education - The same old story from when I first came to Las Vegas back in the 70s. If we want to attract new companies, we need to bring the level of our educational system to be more competitive and to rank higher on the national level. We are still searching for the best solution.

Transportation - We need to continue to improve our transportation infrastructure which is an essential ingredient to our economic growth and development. With the Raiders coming to town, we have little time to address traffic congestion!

Terrorism or Mass Violence - After, 1 October, we quickly learned that our community was vulnerable. We also learned that we were not as prepared as we thought we were. Changes will need to be made.

Tied into this topic will be the controversial issue of weapons, specifically, guns. As a grandmother raising a grandchild, guns being brought to schools is a troubling issue. Where is the balance?

Minimum wages - Will we see a movement to increase them? Right now, the minimum wage in our state is \$7.25 per hour if the employer provides health benefits and \$8.25/hour without them. Could we see a bill increasing them to \$13.00/hour over a couple of years? Our rental population has experienced significant increases making rental units less affordable.

Increase property taxes - Will we see the legislature increase them? Will we see any changes to our current tax abatement law which allows qualified homes to apply for a 3 to 8 percent tax reduction?

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Short-term rentals - Will there be a push from the national companies as well from our investors to allow them to be legal in our state?

Rising Health Costs - Are there any solutions on the state level to provide relief from rising healthcare premiums?

Water - The U.S. Bureau of Reclamation released drafts of plans that, if approved, would be a significant response to our 20-year drought. Under the proposed deal, more water from other states would be sent to prop up Lake Powell while Nevada, Arizona, and eventually California would have to cut their river use to keep more water in Lake Mead. As homeowners and as managers of homeowner associations, look for more rate increases and possibly more regulations as to our water use.

Climate Change - We can expect longer and hotter weather. According to the Intergovernmental Panel on Climate Change (IPCC), we can expect an increase in global temperatures by about 1 degree Celsius or 1.8 degrees Fahrenheit. We can expect more architectural requests from our homeowners to install energy reduction system.

Yucca Mountain - Under the 1987 amendment to the Nuclear Waste Policy Act, the Yucca Mountain Nuclear Waste Repository was designated as a deep geological repository facility for spent nuclear fuel and other high-level radioactive waste in the United States. The project was approved in 2002 by the United States Congress,



but federal funding for the site ended in 2011 under the Obama Administration. The Department of Energy (DOE) has requested millions of dollars from the Trump Administration/Congress to continue the licensing activities. For the fiscal year 2019, the DOE has again requested \$120 million dollars and the Nuclear Regulatory Commission (NRC) has increased their request to \$47.7 million. As of this article, Congress has not decided to fund the site.

The battles will continue. 



Barbara Holland, FirstService Residential, regular contributor to the *Review Journal*



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Grassroots- A Success Story in CAI Nevada Chapter's Journey

By Chuck Niggemeyer, DCAL

Success generally means achieving a goal or accomplishing a specific task/objective. In 2012, the CAI Nevada Chapter formed the Grassroots Initiative. Homeowners were recruited in Nevada with the expressed purpose of giving these homeowners an electronic (email) voice conduit to their state legislators in Carson City. The first opportunity to exercise the new grassroots voice occurred during the 2013 Legislative Session. Grassroots learned a collective voice worked, but a centralized source of consistent information was needed.

Planning for the 2015 Legislative Session continued throughout 2014 and the source for grassroots information was shifted to the CAI Nevada Legislative Action Committee (LAC). The information shift proved to be effective, fast, and consistent during the session. An additional refinement prior to the 2017 Legislative Session moved grassroots directly under LAC, allowing strategic information to flow directly from the LAC lobbyist in Carson City.

Near the end of the 2017 Legislative Session LAC's lobbyist learned of a proposed amendment called the "Nevada Homeowner Equity Protection Act." Normally this type of amendment is introduced in a public session with hearings and debate. This specific amendment was going to be added in a conference committee which allows for no public comment, hearing, or debate. The public is shut out; the amendment can be added and become law after passage by the legislator. The LAC lobbyist called on grassroots who responded with their collective voice in

hundreds of emails and calls. RESULT: The legislature's IT operation was saturated, and the conference committee agreed to not propose the amendment. SUCCESS!!

Grassroots will continue its focus in the upcoming 2019 Legislative Session, but success depends on a robust membership and commitment. Grassroots invites everyone to join our effort and help us in our cause. CAI members please join us and also invite your neighbors and friends to join. (CAI membership is not required to join grassroots.) Sign up at: www.cai-nevada.org. Click on the Advocacy tab. 



Chuck Niggemeyer, DCAL, NV Chapter BOD President, LAC Vice-Chair, Sage Hills BOD President, CICCH Commissioner

Book Review

The Slight Edge - Review

By Maurice Talley

Sir Francis Bacon once said, "Knowledge is power." Thomas Jefferson and many other historical figures have continued to share these words throughout history, but I can't say that I agree. If knowledge were power, we should already have everything our hearts desire.

Living in the age of information makes it easier than it has ever been before to obtain all the knowledge we desire. When we want to know something, we Google it or watch a YouTube video. How to be a millionaire, how to plan for a secure retirement, how to, how to, how to. If knowledge truly was power, then why is it we don't have all that our hearts desire? The quote should be updated to, "Knowledge may be power" or "Knowledge can be power" which is much closer to the truth. If you agree, *The Slight Edge* by Jeff Olson is definitely a book that should be added to your 'must read' list.

In *The Slight Edge*, Jeff Olson shares a fresh perspective that challenges the status quo, unlike other personal development literature which continues to focus on "what" we do rather than "why" we do what we do. His focus is on "your philosophy." Our philosophies are what we believe, how we see ourselves in the world, and the foundation upon which we build our lives.

The Slight Edge will challenge you to examine your philosophies on finances, personal development, business relationships, and several other key areas in an effort to assist you with finding the answers to two very important questions: "Why don't I have everything I want?" and "How did I end up here?"

These questions are commonly asked by those who are on their own personal development journey and typically for individuals going through a life crisis. If you've ever found yourself asking these questions or similar ones at any point in your life, reading *The Slight Edge* can help.

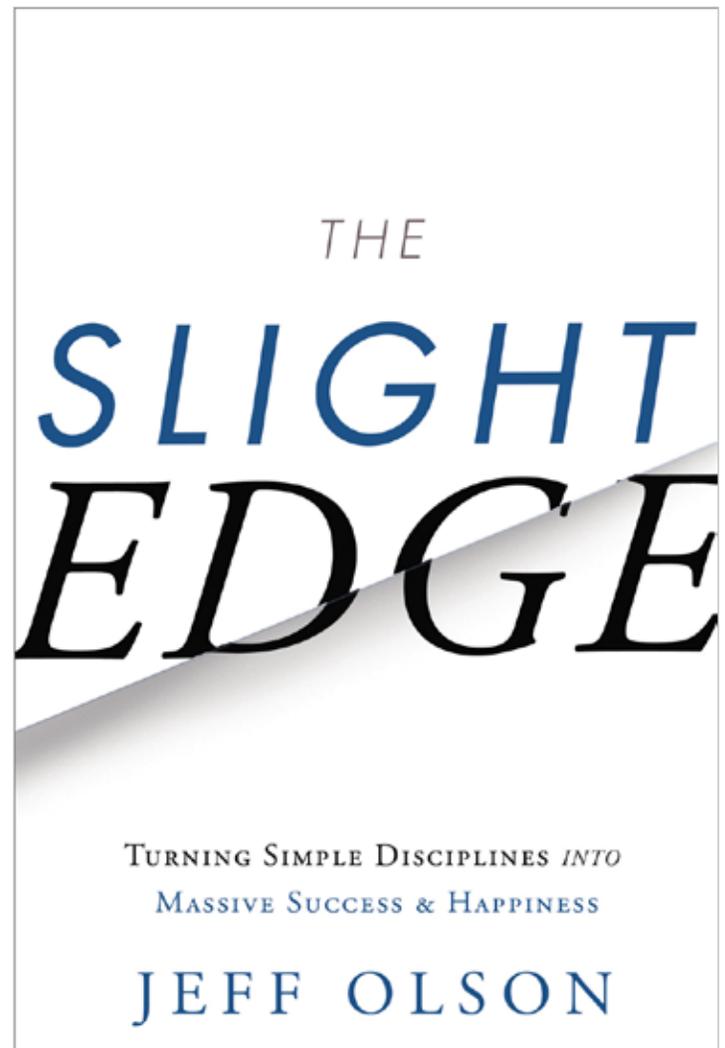
If your relationships, career, and finances are exactly where you want them to be, you might be wondering if *The Slight Edge* is fitting for you. The answer is yes! *The Slight Edge* philosophy has been at work in your life too. Both positive and negative results are created the same way through our habits, habits of thought as well as the actions we take consistently. Just because things are going well today doesn't mean that they will always be that way. Remember, all things change. Nothing remains the same.

The Slight Edge entered my life at just the right time. Since reading it the first time, my life has taken a dramatic and purposeful turn for the better. *The Slight Edge* is a must

read for adults and teens to assist you with getting exactly what you want out of life. 



Maurice D. Talley, Corporate Trainer & Speaker, FirstService Residential





How the Nevada Legislative Process Works

By Greg Toussaint. DCAL

To paraphrase Otto von Bismarck: There are two things that are not pretty to watch being made: sausage and laws. Out of concern for those of you who might be reading this before dinner I will spare you my fascinating dissertation on the proper methods of making sausage. So, let's look at how laws are made in the state of Nevada.

In every odd-numbered year, the State Legislature meets in session for 120 days starting in the first week of February. Nevada has two legislative bodies: the State Assembly and the State Senate, both of which must pass identical legislation before the governor can sign it into law. Simple enough, right? Well, as they say, "the devil is in the details." Let's look at the whole process.

The Ingredients

Like sausage, legislation is made from ingredients. Various people and organizations draft legislative changes by creating Bill Draft Requests or BDRs. These BDRs eventually become bills once the legislative session begins, and it is these *bills* that become the legislative ingredients that will be the major work of the legislative session.

A bill will first be considered by either the Assembly or the Senate depending upon the chosen house of origin. If a bill were numbered **SB123**, it would be a Senate Bill; **AB321** would be an Assembly Bill.



The Recipe

So now the work begins. Most bills that deal with Community Associations (CAs) are sent to the *Judiciary Committee* of either the Senate or the Assembly. The Judiciary Committee's job is to review the bill, conduct hearings in open session where citizens can offer their views and finally vote for or against it.

The Chopping

Sounds simple, doesn't it? Well, it turns out that sausage-making is really messy. The Judiciary Committee may want to make changes to the bill based on input gathered at a hearing or from members of the committee. Or, they may wish to merge portions of two different bills into one. They might even want to incorporate language from another bill that was previously voted down, into a bill under consideration. Such bills are often referred to as *Zombie Bills* because they never seem to die, even after being voted down. All these changes would usually trigger another open hearing and the chopping continues.

The Grinding

But it gets worse! To simplify the committee's work, a subcommittee is often formed to review multiple bills of a similar nature, like, for example, CA bills. This subcommittee will have open hearings instead of the committee as a whole. Then when the subcommittee has approved the bill it has to go to the full Judiciary Committee for a final decision. In some cases, this could trigger another hearing and possible changes. The fact is, it's quite common to have multiple hearings and revisions before the Judiciary Committee has finished their work on a bill. What a grind!

But wait, only the Judiciary Committee has approved the bill. Now it must go to the full house (Senate or Assembly) at which time amendments may be considered and adopted.

The Stuffing

Even when the House of Origin has approved the bill we're still only half done, because now the other House has to go through the exact same process. That should be easy right? Well, not usually. The Senate Judiciary Committee may want to make amendments to the bill already passed by the Assembly and this will take them through the very same steps that the Assembly committee went through.



Once the Committee has passed the amended bill it must take it to the full House at which point amendments can be proposed and adopted. It's pretty amazing what can get stuffed into what was originally pretty simple legislation.

But finally, the second house has approved the bill. Just send it to the governor!

Whoa, wait! This "amended bill" is not the same as the bill approved by the first house. Now what? Well, ideally the two houses can agree on which version of the bill to adopt and then the bill can be sent to the governor... but that's not the norm.

The Grilling

What usually happens is that a *Conference Committee*, consisting of three members from each house, meets in closed-session to resolve the differences. Unfortunately, this is a point at which all kinds of new stuff can get added in, while other stuff can be removed, as the legislators haggle over terms. There's a lot of pressure on the Conference Committee; unless they can agree on something the entire bill will be lost. Once the Conference Committee has agreed on a final bill, both houses must approve it by voice vote by which time it is generally just a formality.

Whoa... I ordered Italian sausage, this looks like German blood sausage! Oh well, maybe I'll like it. After all, it is sausage.

Time for Dinner?

Man, you can almost smell that sausage on the grill, can't you? Well not yet.

It still has to go to the governor for his signature. Come-on Gov! The bratwurst took us a long time to make, so please sign the bill and let's eat! 🍷

Reprinted with permission from Greg Toussaint and the Community Interests magazine, February 2017.



Greg Toussaint, DCAL, Chair of the Desert Shores Lakes Committee, president of La Jolla Classic HOA in Desert Shores

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Nevada Revised Statutes (NRS) vs. Nevada Administrative Code (NAC)

By William Paul Wright, Esq.

We in the Common-Interest Community (CIC) industry often cite NRS Chapter 116 in discussion, but you do not often hear about NAC Chapter 116. As a general rule, this is probably due to the fact that NRS supersedes NAC when in conflict, as NRS is the superior law in the hierarchy of state law. However, both the NRS and NAC are law. Board members are required to certify on Real Estate Division Form 602 that they have read and understand, to the best of their ability, both the NRS and NAC. NRS 116A.630 requires managers to keep abreast of the law. Therefore, both need to be studied and understood to get a full picture of the legal landscape with regard to CICs.

I like to compare the differences between NRS and NAC with the differences between CC&Rs and Rules. The Nevada Legislature revises the NRS by enacting bills. The process is long, difficult, and usually only occurs every two years. Likewise, CC&R revisions are difficult to perform in that you need a majority, or supermajority, of unit owners to agree (and sometimes the consent of holders of security interests, and/or their insurers or guarantors), and the balloting process can be long.

The NAC is adopted and revised by the administrative agency authorized under a particular NRS Chapter instead of the Legislature; in the case of NAC Chapter 116, it is

the Commission for Common-Interest Communities and Condominium Hotels (Commission). The Rules of an association are revised by the Board of Directors instead of the Membership. Both the NRS and CC&Rs are written in a manner that allows the NAC, or Rules, respectively, to further clarify, expand upon, or define the NRS or CC&Rs. In fact, the NRS and CC&Rs frequently refer to the adoption of the NAC or Rules for that very purpose.

For example, while NRS 116.3103 provides that the members of a board are fiduciaries in the performance of their duties, NAC 116.405 outlines the factors which the Commission uses to determine if a director has properly

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fulfilled their fiduciary duty. While NRS 116.31152 requires reserve studies to be conducted, NAC 116.425 outlines the required contents of the study. While NRS 116.310313 states that an association may charge reasonable fees for collection of assessments, NAC 116.470 lists the fees considered reasonable that may be charged.

Another important example of the interplay between NRS and NAC is in the review of association records. As you know, NRS 116.31175(1) states that: "... the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association ..." However, do you know the definition of "regular working hours"?

Statutes do not capitalize terms that have definitions (as is usual for CC&Rs or Bylaws), and "regular working hours" sounds very much like "business hours," but it is not. NAC 116.440 states that: "As used in NRS 116.31175, "regular working hours" means a period of at least 4 consecutive hours per week."

Some managers believe that their associations have up to twenty-one days once a unit owner makes a records review request. However, the 21-day rule found in NRS 116.31175(2) only applies to select records which the association must

produce (financial statement, budgets, and the study of reserves), not to a review of the other association records. In fact, based upon NAC 116.440, defining "regular working hours" in NRS 116.31175(1), the time period can be less than a week.

Each week is supposed to have a period of four consecutive hours for unit owner records review. Do your associations have a designated period of four consecutive hours per week set aside for records inspections? If not, do you schedule four hours for review within a week each time that such a request is made? A savvy unit owner might know they are entitled to the full four hours. Not allowing the review within the week, for four consecutive hours, could result in a complaint for violation of NRS 116.31175.

Therefore, it is advisable that managers and directors familiarize themselves with both NRS and NAC Chapters 116. In fact, it is a requirement by law. 



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