

community interests

SEPTEMBER 2019

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PRE-FLIGHT CHECK





Education Calendar

DCAL

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Southern Nevada September

CAI Nevada Las Vegas Luncheon

"Budget Fun" with Craig Huntington

September 10, 2019 at 11:25 a.m. – 1:00 p.m.

Gold Coast Hotel & Casino

CAI Nevada Las Vegas Homeowner Class, DCAL

"Meetings & Elections"

September 28, 2019 at 9:00 a.m. – 12:00 p.m.

Peccole Ranch

CAI Nevada Las Vegas Managers Class

"Dollars and Sense: What You Should Know

About Banking and Your HOA"

September 24, 2019 at 9:00 a.m. to 12:00 p.m.

Peccole Ranch

C.E. 021500 – 3-hour C.E. Credit

October

CAI Nevada Las Vegas Luncheon

"Leadership" Brand NEW CE!

October 8, 2019 at 11:25 a.m. – 1:00 p.m.

Gold Coast Hotel & Casino

Brand New CE Class!

CAI Nevada Las Vegas CA Day TRADE SHOW

"Legislative Update"

October 11, 2019 at 9:00 a.m. – 12:00 p.m.

LAC Presentation at 8:00 a.m.

Gold Coast Hotel & Casino

Northern Nevada September

CAI Nevada Reno TRADE SHOW

"Legislative Update"

September 20, 2019 at 9:00 a.m.

LAC Presentation at 8:00 a.m.

Peppermill Resort

October

CAI Nevada Reno Homeowner Class, DCAL

"Risk Management & Insurance"

October 16, 2019 at 10:00 a.m. – 1:00 p.m.

Peppermill Resort

CAI Nevada Reno Quarterly Breakfast

"Ten Simple Writing Tips to Make You Look Like a Pro"

October 16, 2019 at 8:00 a.m. – 9:30 p.m.

Peppermill Resort

1-hour CE Credit

CAI Nevada Reno Managers Class

"How to Run an Efficient Board Meeting"

October 17, 2019 at 9:00 a.m. to 10:00 p.m.

Peppermill Resort

C.E. 019000 – 1-hour C.E. Credit

Mixer and 1-hour CE Class

"Parking Regulations and Enforcement"

October 17, 2019, 4 p.m. to 7 p.m.

National Automobile Museum

10 South Lake Street, Reno

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

community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

SEPTEMBER 2019

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Correspondence

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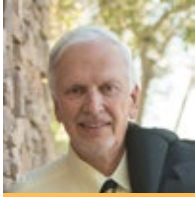


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CAI Nevada Contact Information
 Christina Snow, *Executive Director*
 Gaby Albertson, *Administrative Manager*

3230 S. Buffalo Drive, Suite 105, Unit 6, Las Vegas, Nevada 89117
 Phone: 702-648-8408 | Fax: 702-240-9690 | info@cai-nevada.org | www.cai-nevada.org

Are You Ready to Go?



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

The best way to get ready for any task is by making, or already having a plan made, on where, when, and how to accomplish the task at hand. This fact is at the heart of every trip you take as a passenger on an airplane and critical for the crew flying the plane. It's called a preflight checklist.

Aviation has made a critical shift in an industry where safety is the number one priority. The use of checklists (started by the Boeing Corporation in 1935) has made

all the difference in this industry, and aircraft accidents have been on a steady decline during the last thirty plus years as checklists are mandatorily used by flight crews. A checklist can simply be thought of as a grocery list of sorts — a line-by-line register of specific items "checked off" to make sure that important tasks have been completed with none skipped. Example of typical airline checklists used by flight crews: PREFLIGHT, PUSHBACK, ENGINE START, TAXI, BEFORE & AFTER TAKEOFF, CLIMB, DESCENT, APPROACH, BEFORE & AFTER LANDING, and SHUTDOWN. The normal checklist length for a 737 (Alaska Airlines type aircraft) is around 55 steps compared to a 777 (United Airlines large

jet) which is approximately 180 steps. If airlines can devote the time and energy to ensure safe and efficient flights using checklist discipline, then CAI committees should be able to do the same.

Committee chairs' checklist:

1. Are you keeping a spreadsheet of committee member attendance noting those excused/unexcused? (Remember if any one committee member does not attend four consecutive meetings they will be dropped from the distribution list and will have to petition the Board of Directors in order to be placed back on the committee.)
2. Are you providing the written monthly minutes to the Executive Director by the last business day of the month?
3. Are meeting notices/agendas sent to the committee and the Executive Director a minimum of 10-14 days prior to the scheduled meeting dates?
4. Do you submit notices/flyers/mailings to the Executive Director for approval BEFORE they go out?

Committee Chairs and Vice Chairs adhering to the above simple checklist (which follows the chapter's Master Charter) will be effective leaders overseeing committees that are not only fun to be part of but whose members are focused on performing their responsibilities on time and efficiently.

Checklists are used in daily activities; however, we probably don't think much about them. In a typical day we shower, eat breakfast, drive to work on time, eat lunch (time permitting), attend meetings, drive home, eat dinner, relax (if we don't take work home), and finally retire for a restful night of sleep. You may say that is just a routine, but is it? Or is it really a daily checklist that, if followed, gets you through the day with the right result provided no steps are missed?

Whether you are a commercial pilot, a soccer mom, a company CEO, or, most importantly, a CAI NV Chapter committee chair - whether you realize it or not - the use of checklists will save your day. Checklists are for real. Use them and you will always be Ready to GO!

Full throttle ahead!

Chuck Niggemeyer, DCAL

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Money, Money, Money!



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

Our grandson just started college. Needless to say, budgeting has been a "hot topic" for several months. We have tried to impress on him that, especially in the case of a college freshman, budgeting both time and money is essential.

Now I must admit, budgeting money has never been my strong suit. I subscribe more to the A.A. Latimer theory: "Budget: a mathematical confirmation of your suspicions." I have a general idea, suspicions, of how much I can spend on any given category, but nothing precise. So far it has worked pretty well for me, at least Chuck hasn't reined me in YET and demanded that I stick to a budget!

As we all are aware, the HOA world is an entirely different story. HOA board members are responsible for millions of dollars of other people's monies. HOA board members have a fiduciary duty to spend wisely, invest prudently, and manage funds with the utmost ethical discretion. Managers and board members are confronted daily with rules and statutes delineating sound financial practices they must follow.

Our September articles offer an array of advice and information from experts on the financial side of the HOA industry. Rob Forney furnishes a critical look at what are and are not adequate reserve funds in **"Stress-Test - Giving your Reserve Fund a Check-up."** **"Reserve Study Fiscal Fitness"** by Robert Browning is another solid piece addressing the imperative of maintaining a reserve study. All of us love having a pot of money to dip into when we need it, but Gary

Porter points to some hazards of that idea in **"Restricted Reserves or Piggy Bank?"**

Do you understand **"Cash Versus Accrual Accounting"**? Phil Bateman does. And he shares that knowledge with us in his article.

Please, as you prepare your budgets, don't forget two essential budget items: #1, CAI memberships for your boards, and #2, the Legislative Action Committee's Buck-A-Door program, which is essential to keeping our legislative lobbyist, Garrett Gordon, and ensuring that LAC runs smoothly.

Being fiscally fit is not just a worthy goal in our industry. It is a requirement.

Vicki Niggemeyer, DCAL



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Stress-Test

Giving your Reserve Fund a Check-up

By Rob Forney

This month's issue is about "Fiscal Fitness." Just like going to the doctor for an annual checkup, one of the reasons to get a Reserve Study is to determine the association's "Reserve Fund Fitness." When I get my annual physical, I always sneak a peek at my patient portal to see the results of my blood work without waiting for my follow-up appointment. Every time I do that, I am convinced I have any number of rare disorders based on one number being outside the normal range. But, many times, one number being out of range doesn't necessarily mean there is anything wrong without another number being high or low as well. It can be the same with Reserve Studies.

First and foremost, I should address Percent Funded. It is the most rudimentary measurement of Reserve Fund strength. Despite the generally accepted figure of approximately 70 to 75 percent funded as being adequate, I can tell you that most of the time a number far below that can be sufficient. Amongst my industry peers, anything above 70 percent is generally considered "strong." As "strong" is a higher standard than adequate, it stands to reason that a figure lower than 70 percent can still be adequate.

Percent Funded is a better indicator of risk. It is counter-intuitive, but you can drive your car around indefinitely

and never fill the tank past halfway, you just have to stop for gas more often, and, of course, you can run out of gas faster. An example I like to give is taking a road trip to California. In order to get there you have several "funding options" when it comes to the fuel: (1), you can fill up the tank and drive to the destination (full funding), (2), you can fill up the tank halfway and plan on stopping in Barstow to put another half a tank of gas in the car (threshold funding, 50 percent), or (3), you can put in just the amount necessary to make it to Baker and then putting in just enough fuel to get to the next gas station and simply plan on stopping a lot (baseline funding).

The point is, at the end of the day you are going to put in the same amount of gas in the car. It takes a full tank's worth of gas one way or another so there are no "savings" with any of the methods – they all cost the same because it is not about the funding but about the price of a tank of gas. Ultimately the main difference between the methods is your risk tolerance. With a full tank of gas (full funding) the risk of running out of fuel is the lowest. However, with just enough fuel to make it to the next gas station (baseline funding) the chances are significant that you could hit traffic or some unforeseen event that could cause a delay and you will run out of gas. But with a full tank, you can always stop at the next gas station if something unforeseen comes up. The same elements of risk affect full, threshold, and baseline reserve funding. When you are fully funded you can always drop down to a lower threshold, even a significantly lower threshold and be fine. However, if you are already at a low threshold, (pun intended) you might be out of gas.

As you can imagine, all things being equal, there is less uncertainty, less "risk," the shorter distance you have to travel. Stretching my car analogy pretty far, a new community has less to travel than an older one with streets to rehab and roofs to replace. Therefore, Percent Funded is less significant with a new community than an older one, simply because typically there are no major projects to perform for years to come. A newer community may be 50 percent funded, but the difference between that and 100 percent funded may only be \$50,000. That same community that is 50 percent funded at year 25 might be underfunded by \$500,000. In fact, it could be that they only have 50 percent of the funds necessary to do the projects for the upcoming year. They might literally be out of money at 50 percent funded. So, like my blood work, one number doesn't always mean anything without considering something else.

How do I determine if an association is adequately funded? It's difficult to say but one way to look at it is to consider that an association that isn't adequately funded must necessarily be inadequately funded. It's hard to know what adequately funded looks like but we all have some idea of what inadequately funded must look like. Obviously, a Special Reserve Assessment is a dead giveaway, but we would also expect to see evidence of deferred maintenance, doing reserve projects piecemeal or in phases, because there aren't the funds to do them at one time, having to go with the cheapest bidder, etc.

As a benchmark for adequate funding, I suggest looking at the next five years' worth of reserve expenses in the Reserve Study. If the association has enough reserve funds to pay for the next five years' worth of reserve expenses without any additional reserve income, then the association is probably adequately funded today. In other words, if you can stop contributing to the Reserve Fund and not run out of money for half a decade then you are

probably adequately funded today. That doesn't guarantee you will be adequately funded tomorrow, but today you are probably adequately funded.

So, what about tomorrow? What if in year six there is a huge roof project? As an indicator for that possibility I have another benchmark I like to use. Most, if not all, reserve study software borrows funds from those projects with long remaining lives to fund those with shorter ones. The concept is that if a reserve fund is 75 percent funded it doesn't do any good to allocate funds so that every component is 75 percent funded. After all, if the pool filter has to be replaced this year it doesn't do any good to only have 75 percent of the money do to it.

Most Reserve Studies will have a "Component Funding" page which shows the contribution and funds currently allocated to each line item. If all reserve projects with a remaining life of 10 years or less are fully funded, then you are probably adequately funded today. This is because the longest useful life a component can have in a 30-year study is 30 years. So, if all projects are fully funded to at least year 10, then that means even the longest-life component still has one-third of its useful life to be caught-up and fully funded before it is due to be performed.

In a related note, I sometimes find an association that is despondent because their Reserve Fund is 60 percent funded. They will even go so far as to put off reserve projects unnecessarily because they think they are inadequately funded. Of course, that defeats the purpose of a Reserve Study, you shouldn't defer maintenance and sacrifice the appearance of the community to improve the appearance of your Reserve Fund. To them, I say, "You are not 60 percent funded but rather you are 100 percent funded for all those projects due to occur in the next decade."

It should be understood that both benchmarks really can only point to adequate funding today, not necessarily in the future. Adequate funding is necessarily a moving target that is changing all the time. An association that is adequately funded today may quickly be inadequately funded if sufficient contributions to the Reserve Fund are not made or if the projections and assumptions in the Reserve Study prove to be wrong.

There is no one solution to determine adequate funding for all associations. But hopefully, with the key indicators I have identified today, the mystery of that perpetual question "what is adequate funding" is somewhat diminished. And with regular check-ups your association can be healthy for many years to come! 🍷



Rob Forney is President of Complex Solutions as well as a member and Vice President of the Association of Professional Reserve Analysts



Construction Boom, Labor Shortages, and Economics

What Does this mean for HOAs?

By Regan Brown

The housing shortage plaguing California has been brought to the forefront by its newly elected Governor. Gavin Newsome has promised to help solve the affordable housing issue. Developers are building again, so why is there a housing shortage?

The economic boom itself has caused the problem. It's difficult to find and retain skilled labor. Unemployment is at an all-time low and the skilled construction labor force has virtually disappeared. There simply are not enough employees to do the work.

In the homeowner association or common interest development (CID) industry, residential community developers have improved the speed of housing development and construction by deflecting many of the community costs onto the associations. By doing this, developers have expedited required development processes. This has led to sustained and strong growth of CID new construction in the United States and there is no sign of slowing. In 1970, there were approximately 10,000

common interest developments. By the end of 2017, there were roughly 69 million people living in a reported 347,000 HOAs. All states have shown increases in CID development with California being one of the top three leaders in growth. It is estimated there are more than 50,000 HOAs with 14.7 million residents within California.

Sharply contrasting with the dramatic growth of HOA communities is the availability of qualified contractors and labor force. There is a slow decline in the number of general contractors holding "B" licenses and a shrinking workforce resulting in escalating labor costs. This has created a mixture of bad news for the construction industry and has resulted in the slowing of all construction projects.

When the bubble burst with the Great Recession of 2008, a substantial number of employees left the construction trades to seek employment in other fields. This created a significant long-term labor shortage. Adding to this problem is the aging population of Baby Boomers. Over the next seven years, approximately 40 million baby boomers will retire, but only 22 million millennials are entering the workforce. These 23 to 35-year-old "millennial" workers generally lack interest in, or have no appreciation for, the construction industry or any trade-related field. These demographic changes are creating a huge gap in the workforce that will take years to recover from.

Since the 2008 recession, the rebuilding of the construction workforce has been made up almost entirely of new immigrants. In California, 53 percent of that immigrant labor force was born in Mexico. The tightening of immigration laws and enforcement will have a detrimental impact on the recovery of the California construction industry creating shortages and delays for HOA projects for years to come.

During the last eight years, there were more than six times the number of jobs created in California than homes built. This has created a housing crisis of too few homes built for the number of jobs created. As a result, housing is generally unaffordable to most workers. Tradespeople simply cannot find affordable homes in the regions where they work.

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“ The constant pressure on board members and managers to keep assessments low can now create significant problems in the ability of the board to exercise its duty. ”

While the discrepancy between available tradespeople and the rise in planned unit developments (PUDs) is arguably the largest problem in residential housing construction, the incredible impact of “Mother Nature” cannot be discounted. Fires, floods, hurricanes, and other extreme weather patterns have wreaked havoc across the nation. *The Global Catastrophic Recap Report* in November of 2018 reported that “the total aggregated economic losses for the California wildfires were expected to exceed \$20 billion dollars for the losses of 2017-18.” California is witnessing the fallout of those fires with slow rebuilding and construction delays.

Further, the complex and strict housing codes in California have increased the cost of materials and complicated the permitting processes. Building departments vary significantly from city to city and county to county, causing frustration and significant delays. There is a wide disparity in fees, procedures, review processes, and code compliance enforcement. This “red tape” simply adds to the delays of building and increases housing construction costs.

Another challenge contributing to these compounding issues is the cost of materials. Commodity prices change daily adding uncertainty and cost. The price of lumber, aluminum, and steel and oil-based products used for roofing materials are driven by a global economy and pricing is subject to the whim of international politics. Recent geopolitics have created uncertainty and challenges to the construction industry. Tariffs and trade plus uncertainty over quotas and availability of construction resources add frustration and cost. In 2019, the ongoing lack of construction workers, higher cost of building materials, higher cost of land, and the ever-growing regulatory burdens associated with multi-family construction caused continued limitations on both new construction and reconstruction projects. On the positive side, these conditions will force the industry to innovate and become more efficient and improve productivity to off-set construction inflation.

The construction industry is facing a long recovery process. Industry members agree, “*something will have to give!*” New technology will play a bigger role, such as cameras with live feeds, software in the field, exoskeleton suits, and robotics. Expect to see an increase in modular construction and pre-fabrication. More women will be recruited to construction work; currently only 9 percent of the construction jobs are held by women. High school programs, night schools, and vocational training will also help ease the labor shortage.

The next generation is encouraging. Of the so-called “Generation Z,” those born between 1995 and 2010, nearly 75 percent of this school-aged cohort believes there are good alternatives to spending money for higher education such as enrollment in trade schools and vocational training. They are not interested in drowning in an average \$42,000 college debt when they enter the job-market after school. Market researchers, recruiters, and forecasters

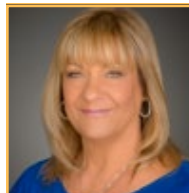
are very excited about this next Generation Z entering the workforce giving us hope for the future. In the meantime, it is important to cope with the situation dealt.

These many challenges have a direct impact on HOAs, especially when planning budgets and adjusting for reserves.

Many homeowner associations are unprepared and have under-funded reserves. It is time to scrutinize all underlying assumptions of reserve studies. Reserve studies must be reformulated and adjusted to consider global trends in the cost of construction and repair work. Standard cost of living adjustments just don't work anymore. Projects may require special assessments, bank loans, or complete re-scoping or value engineering.

The constant pressure on board members and managers to keep assessments low can now create significant problems in the ability of the board to exercise its duty. Members not affected by the economy, or unit owners who are not facing problems like their neighbors, may be less willing to approve a special assessment or loan since these problems are not as visible and therefore not seen as urgent as needed for a special assessment. Underfunding projects will result in deferred maintenance, broader repair scopes, and a snowball effect on costs allowing for further dilapidation of buildings and properties.

Small measures of prevention today can save exponentially in the future. Associations need to continue to invest in ongoing maintenance prior to it becoming replacement and reconstruction. Don't wait for the last minute to schedule a repair. Consolidate projects whenever possible and keep maintenance and inspections on task. Anticipate longer than “normal” timeframes to do the work. Look to and appreciate the HOA-based vendors and long-standing contractors who have earned a reputation and understand this specialized industry. 🏠



Regan Brown is the CEO of The GB Group. Founded in 1992, The GB Group provides construction services in California and Nevada to homeowner associations (HOAs), apartment, high-rise and mid-rise communities, and select commercial projects.



Restricted Reserves or Piggy Bank?

By Gary Porter

We occasionally run into board members who view the reserve fund as a “big pile of money,” a piggy bank that they should be able to use to fund any projects they want. Can they do that? No! The reserve fund is intended to provide for future major repairs and replacements of common area components (reserve activities) that are the maintenance responsibility of the association. These activities (components) are normally, but not always, listed in the reserve study report.

While perhaps not legally restricted, reserve monies are typically designated for the specific major repair and replacement activities identified in the reserve study report. Some state statutes do place a legal restriction on reserve funds, stating that they may only be used to fund items listed in the reserve study report. However, we've also observed associations funding projects such as:

1. Major repairs or replacements not included in the reserve study that really should have been included in the study;
2. Capital improvements that don't meet the definition of items that should be included in a reserve study;
3. Operating expenses that should NEVER be paid from reserve funds.

So, what are the rules? Where does the guidance come from? Guidance generally comes from: 1) state statutes, 2) governing documents, and 3) industry standards and general rules of practice.

- Statutes typically prohibit expenditure of reserve monies for any items not included in the reserve study report, and also require specific approval by board members. Some states also require the board of directors to review the reserve expenditures on a

periodic basis and place restrictions on borrowing from reserves.

- Governing documents of newer associations are more likely to contain specific language regarding the requirement to: a) create a reserve fund, b) perform a periodic reserve study, c) include specific components in the reserve study, and d) to fund reserves.
- Industry standards and practices provide additional guidance, but there are still wide variations in actual practice.

Statutes and governing documents usually provide specific language about the requirement to establish a reserve fund or perform a reserve study but are generally vaguer in specifying the actual components to be maintained. That is both purposeful and a necessity. Neither statutes nor governing documents can anticipate everything that should be included in a reserve study; they provide the general guidelines, anticipating that industry standards and practice, and the exercise of good business judgment by both the board of directors and the reserve preparer will produce the details that are unique to each association.

That may work most of the time, but, unfortunately, it is also at this industry standards and practices level where



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differences of opinion and interpretation can cause real differences in reserve studies. Different people reach different conclusions regarding the timing and cost of future expenditures. These differences can be so great that it is not uncommon for some associations to question the validity of their reserve study report. An additional factor is that depending on what standards are followed, you can also have a different result on what components are considered for inclusion in the reserve study. I have been preparing reserve studies since 1982 and one observation I have is that I never see reserve studies “shrink” over time, but I regularly see them “grow” as costs continue to increase and as new components are considered for inclusion in the study.

In a perfect world, every significant, nonannual, maintenance-related cost could be anticipated and included in the reserve study. But, that doesn't always happen, so it is not uncommon to discover components not previously considered in the reserve study must be added. The reserve study report is a budget, and it is not perfect. One statement I always make when addressing a board is that the reserve study is a series of assumptions about future events, not one of which is likely to be completely accurate. The goal of the reserve study is to accumulate approximately the right amount of money at the right time.

What can the association do to protect itself and improve the process? Create a set of reserve policies for your association. This can be the document that clearly establishes WHY you established a reserve plan, WHAT you are going to include in it, and HOW you manage the process, including cash handling procedures. A sample of a reserve study policy is available at http://www.capitalbudgeting.org/images/Documents/Reserve_Policy_-_Long_Form.pdf



Gary Porter, RS, FPM, CPA, is a past national president of CAI and primary author of *Reserve Studies – The Complete Guide*, *CPA's Guide to Homeowners Associations*, Homeowners Association Tax Library and more than 300 articles on association financial matters. Porter is CEO of Facilities

Advisors International LLC and president of the International Capital Budgeting Institute

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Gaining Altitude

College of Community Association Lawyers (CCAL)

By John E. Leach, Esq., CCAL, NVEBP



John E. Leach, Esq., CCAL, NVEBP, Leach Kern Gruchow Anderson Song

Since 1993, CAI has recognized excellence in the practice of community association law through the College of Community Association Lawyers (CCAL). CCAL Fellows distinguish themselves by advancing community association law for the betterment of the communities they serve.

CCAL Goals:

- Promote high standards of professional and ethical responsibility in the practice of community association law;
- Develop and educate attorneys working in the field of community association law;
- Assist in the development of community association educational materials and programming related to legal issues for use by other professionals and homeowners;
- Cooperate with international, national, state, and local organizations, government agencies, and other groups having an interest in community association law;
- Assist community associations in maximizing effective governance practices;
- Promote professional development and career goals of CCAL Fellows through a community of scholars;
- Implement the goals and objectives of Community Associations Institute.

CCAL Membership:

In order to be considered, an attorney must apply to the College. Membership in the College reflects that an attorney has demonstrated a strong commitment to the practice of community association law in four specific ways: first, the applicant has practiced ethically and with respect for colleagues and the profession; second, the writings and publications submitted in the application reflect superior legal research and writing and a recognition of that superior work by peer organizations; third, the applicant has shown a willingness and ability to effectively teach presentations on a range of topics to CAI affiliated groups and to other professional organizations relating to the practice of community association law and operations; and, fourth, the applicant has made a significant contribution to community association law through advanced participation in professional organizations including, where possible, those involved in analyzing community association law, cases, and legislation.


CCAL Eligibility:

The eligibility requirements to become a CCAL include the following:

- Having a minimum of seven years of legal practice with a demonstrated concentration in community association law, five of which must immediately precede the date of application;

- Be a member of CAI and have attended at least one CAI Law Seminar within the last five years;
- Demonstrate significant leadership and involvement in the provision of legal services to community associations in the three graded categories, which are:
 1. Writings and publications;
 2. Teaching and instruction;
 3. Professional involvement in legislative activities.

A committee of CCAL members reviews and collectively acts on the application. Not everyone who submits an application is granted admission on the first attempt or perhaps after that. A candidate may be particularly strong in one or two of the areas, but deficient in the third area.

Currently, there are 151 attorneys in the United States that have been admitted as Fellows in CCAL. According to the most recent CCAL records, there are three attorneys licensed to practice law in the State of Nevada that have received such designation: John E. Leach and Gayle A. Kern of the law firm of Leach Kern Gruchow Anderson Song, and Michael T. Schulman of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP. 

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Axe Throwing Gallery

Northern Nevada committee members and business partners enjoyed an evening of team building by trying not to hit each other with axes. All went well and they are happy to continue working together on chapter business!



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2019 Gala Awards ... Already?

By Judith Hanson, Advanced DCAL

Mark your calendars now for our next Gala, March 27, to be held at The Red Rock Hotel & Casino. While that may sound like a long way off, it is definitely time to think about nominations for a 2019 award. Yes, already! And the more individuals you nominate, the more chances there are to find that perfect recipient who deserves the award.

Do you know a manager who has made an impact on an association or community? Or a homeowner/board member who has gone above and beyond as a community volunteer willing to serve? Then, what are you waiting for? It's time you joined the bandwagon and nominate someone, or even several someones.

Start thinking about the CAI members you want to nominate. Make a list of the activities, achievements, and reasons one of your peers stands out in the crowd. Coming up with names and the reasons for nominating them will make the nominating process easier when nominations open on October 1.

In the next issue of *Community Interests* you will find more information about the Gala, requirements for the various award categories, and the nomination process so you can get started. Contact the CAI office for additional information: 702-648-8408 or email Gaby at: info@cai-nevada.org.



Judith Hanson, Advanced DCAL, Homeowners Leadership Council CAI, Aliante Master Association, Treasurer, and the Fields at Aliante, President.

MANAGERS

When helping your associations prepare their budget for 2019, remind them to add a line item for CAI membership/education! It could be the best advice they'll ever receive!

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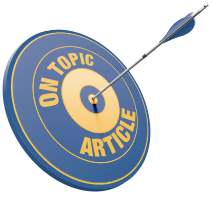
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Cash Versus Accrual Accounting

By Phil Bateman

Many board members struggle with reading and understanding association financial statements. Even those versed in accounting struggle. I am often asked questions. Why doesn't the expense statement tie to the check disbursements on the bank statement? What is the allowance for doubtful accounts? Where does one go to see how we are doing financially as an association? These questions are all valid and can be understood by knowing how the financial statements are put together.

In accounting, there are two main methods of reporting (with some hybrids): the cash method and the accrual method of accounting.

Under the cash basis of accounting, revenues are reported when funds are received (deposits in the bank account), regardless of when they may have been earned. Expenses are reported when paid by the association (check or debit cuts), regardless of when the expense may have been incurred. While the cash basis of accounting is very simple and easy to follow, it can mislead the reader as to the overall financial condition of the association. For instance, if the association doesn't pay the vendors at month's end, under the cash basis of accounting those expenses would not be recorded. If the association doesn't make a deposit for physical checks received, they would not be recorded. Cash basis of accounting can lead to inaccurate and incomplete reported numbers and a false sense of where the association actually is.

Under the accrual basis of accounting, revenues are earned (billed), regardless of whether the money has been received or not. Expenses are reported when incurred (work has been done), regardless of when the invoice is actually paid. The accrual basis of accounting is harder to think through, but will give the reader a fuller picture of the financial condition of the association. For instance, whether you have paid your vendors or not, the expense that was incurred will be reported as an expense – work was done. Assessments received in advance, will not show as income – as this is money paid for future periods. The accrual basis of accounting can lead to a much more accurate picture of where the association actually is.

Under Nevada Revised Statutes and the Nevada Administrative Code regulations, associations are required to follow Generally Accepted Accounting Principles (GAAP), which requires the implementation of accrual basis of accounting. All association financial statements in Nevada

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are required to be on the accrual basis of accounting. As a member, you should see Assessments Receivable and Prepaid Assessments, and Accounts Payable or Accrued Expenses on the Balance Sheet. Assessment Revenue should reflect the total assessments billed for the period. Expenses should reflect what was incurred during the period (regardless of whether paid or not).


By reporting on the accrual basis, the board and members of the association have a much clearer picture of the financial condition of the association. The financial condition of the association is not distorted with members that may have prepaid their assessments for a year in advance or invoices that may have not been paid at period end.

The allowance for doubtful accounts is an accrual basis principle. An association/manager would determine what would be deemed not collectible. For some associations, they would use their budget, so look at overall homeowner accounts. When an amount is determined, it is booked as an estimate through allowance for bad debt and bad debt expense. This way when the actual write off happens, it is put against this allowance and not all in one period.

Basically, in any period, the association estimates what the association anticipates in assessments billed, what may not be collectible, and records it to the Balance Sheet as an Allowance/Bad Debt Expense. Down the road, if the account becomes a true uncollectible balance, the amount is applied against the allowance (association has

been writing off over the months leading up to), the hit of writing off the account is not shown all in one month. What this means, is writing off an account does not have a dramatic effect on one financial period.

Booking accrued expenses on a financial statement helps give a fuller picture on the overall financial condition. A great example is security or labor that may be paid every two weeks. There are some months during the year that may require three payments, due to the number of pay dates in the month. The accrual basis of accounting will show the incurred service (1st to the 31st), regardless if paid or not. Under the cash basis, in those months with three instances, you may have a large variance compared to other months.

Overall, the accrual basis of accounting is the most realistic approach of looking at financial statements. Yes, it does take some education at looking and reading the financial statement. Once educated, you will have a greater understanding as to the overall financial condition of the association. You can then make good financial decisions on incurring additional work and in the overall budgeting process. 



Phil Bateman, CPA, Hilburn & Lein

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Reserve Study Fiscal Fitness

By Robert W. Browning, PCAM

"It's budget time again... Hooray!" Said no one ever.

Budgets are often thought of as a perfunctory task boards and managers must do. The importance of budgets can get lost in the myriad of details mandated by laws, regulations, disclosures, reserve requirements, font sizes, printing deadlines, and the like. But what if we look at a budget not as a task, but as a reflection of what we want our communities to be?

"Don't tell me what you value, show me your budget, and I'll tell you what you value."

—Joe Biden

Not everyone will agree with everything the vice-president has said. But his remark was spot on. The budget is the starting point for how community associations are managed. This translates to outward appearances such as curb appeal, maintenance and upkeep, risk mitigation, financial solvency, etc. It is important to take the time to do an evaluation of everything in the budget, with an emphasis on how these decisions impact member's home values, as well as increase their sense of pride in the community.

The reserve contribution can be the largest line item in most community association budgets. Fortunately, the manager and board can rely on help from the reserve analyst for this important line item. The association's "Fiscal Fitness," the theme of this issue, is dependent on having adequate reserves for reserve components maintained by the association.

As part of an association's "Fiscal Fitness," which is best? Special assessments, reserve assessments or bank loans?

Spoiler alert! The best answer is, "None of the above." And for two good reasons.

First, in Nevada, NAC 116.425 defines adequately funded reserves in a reserve study as: "Without using the funds from the operating accounts or without special or reserve assessments, except for occurrences that are a result of unforeseen catastrophic events."

Secondly, special assessments, reserve assessments, and bank loans are all symptoms of a reserve fund not adequate for the purpose for which it was created. Let's look at each of the three, one at a time, and then talk about ways to avoid them. Always check with legal counsel and the governing documents before proceeding. Language in the association's documents may impact options available to the board.

Special Assessment and Reserve Assessment

The reserve assessment is specifically defined in Nevada Revised Statutes Chapter 116. NRS 116.3115(2)(b): "...the executive board may, without seeking or obtaining the

approval of the units' owners, impose any necessary and reasonable assessments against the units in the common interest community. Any such assessments imposed by the executive board must be based on the study of the reserves."

For special and reserve assessments, the board must disclose annually to the members, per NRS 116.31151, if it "anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose."

An important note on special and reserve assessments—Special or reserve assessments should be a result of unforeseen catastrophic events [NAC 116.425(2)(b)].

Bank Loan

Depending on the governing documents of the association, some community associations in Nevada can obtain market-rate loans from financial institutions. This process does not directly affect a member's interest in the community because the collateral for the loan is from the association's income stream, not through an encumbrance on an owner's parcel.

A few things to remember about bank loans:

- These are commercial loans, not residential loans, and the interest rates may reflect this reality and have more restrictive terms than a home loan.
- The bank may initiate several requirements during the approval process.
- A reserve study may be required for the bank to determine the viability of the loan in the associations long term reserve funding plan.
- The association's legal counsel should be consulted. This may be a bank requirement.
- The association may be required to deposit funds in the lending bank.

Loans can be a life-saver for some associations facing large impending expenses from reserves. The reserve analyst can run models for the board to determine the impact of different interest rates, loan terms, loan payment amounts, etc. The board should always consult with their reserve analyst before approving a loan for reserve component replacements.

An important note- Never include funding from a bank loan, special assessment, or reserve assessment in a future year in the reserve study. For example, it would be wrong to "help" the funding plan by inserting an unadopted, prospective reserve assessment or bank loan proceeds in 2030, the year the roofing is replaced.

Which is better, a loan or reserve assessment? Like all good experts say... it depends. There is not much overall difference between a bank loan and a reserve assessment except the loan has debt service. This means interest is paid to the bank for use of the bank's money. When this is factored in, the reserve assessment is usually less expensive for the members. There are many other variables with loans and reserve assessments and an analysis by the reserve analyst will help sort this out.

A sound budget and reserve study should comply with the law and also include visionary goals and objectives of the association. This will help to ensure bank loans, special assessments, and reserve assessments will not be needed. Surprises will be averted. Take some extra time this budget season, have some fun, and see how the budget process can help the community show off its vision to the members.

Your reserve analyst wants to hear from you and can be a big help. 🗣️



Robert Browning, PCAM, RS, RSS #005, is a twice-past president of the CAI CA North Chapter, served on CAI's Board of Trustees, President of the Foundation for Community Association Research and Chair of the California Legislative Action Committee. He also co-chaired the 2016 task force charged

with reviewing and revising the CAI National Reserve Study Standards.



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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, I am currently a DCAL along with one other of our board members. Two others just began taking the classes by CAI. My question is, I hear a lot about the Advanced DCAL, can you explain what is involved and the benefit to me by becoming an Advanced DCAL? I found the DCAL classes very informative, so what's next? — Signed; Davey D.

A: Hi Davey. I am glad to hear that you and your fellow board members are taking advantage of the Chapter's DCAL program. The Advanced DCAL program began last year providing DCAL members further and more advanced, or in-depth, education classes.

There are many advantages of becoming an Advanced DCAL, and in my opinion the two most important benefits as a board member are: 1) You are kept up to date on the changes in the laws in Nevada as attending a legislative update is one of the requirements for your Advanced DCAL certification, and 2) it shows the homeowners in your community that you are willing to continue HOA training. Homeowners benefit from knowing that their

board members are willing to continue learning the most up-to-date and effective ways to run a successful HOA.

Working toward an Advanced DCAL, you need to complete two years as a DCAL along with taking Advanced classes, C.E. (continuing education) credits. For the specific list of what you need to complete the program, go to the CAI website (cai-nevada.org), click on education, then Advanced DCAL. The required classes you need are listed on the application. You can also contact the CAI Nevada Chapter office. Keep up the good work! More association boards should be participating in the program - the better educated the board, the better your association operates. "Growth Through Education" is a CAI motto!

Q: Hi Harry. We are a fairly new association and our board is currently using the miscellaneous category in the operating budget for our CAI membership. Can we legally add a budget line for our CAI membership? Can

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we also use it for education and monthly luncheons?
— Signed, Want to Make Sure

A: Hi WTMS. Thanks for the question. Some associations currently use miscellaneous for their CAI memberships. So, the answer to your question is probably YES, you can budget for membership, education, and luncheons, but the budgets need to be specific. Before making any changes, be sure to check with your CPA for exact verbiage for the line item, and, as always, check with your attorney before making additions or changes.

Now is the time of year when budgets are reviewed (if your budget is based on a calendar year) and you can add a line-item for board memberships, education, and monthly luncheons. The budget can be written to include costs of all luncheons and classes, or quarterly only if the board prefers. Of course, as with any budgeted line item, the homeowners must ratify the new budget which would include CAI expenditures. 🗣️



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Your Buck Buys A Voice That Legislators Hear

By Don Schaefer, Advanced DCAL

We've just completed the 2019 Nevada Legislative Session. But the need for a lobbyist and support for the Nevada Legislative Action Committee (LAC) doesn't stop just because our legislators have gone home. We are already preparing for the 2021 legislative session and are asking for your help.

Many HOAs are sitting down and preparing their 2020 budgets, so what's a better time to include in your budget a voluntary donation of a Buck-A-Door to help us retain our lobbyist.

The Buck-A-Door campaign was started almost six years ago and has allowed the Nevada Chapter Community Associations Institute (CAI), working with the chapter's LAC, to hire a lobbyist to help educate legislators as they propose new bills which affect HOAs throughout the state of Nevada.

During the 2019 legislative session, 19 bills were introduced which would have directly impacted our HOAs. By the end of the session there were only nine. Of those bills, eight were vetted by our LAC, and, with the help of our lobbyist, changes were made to the original proposals allowing us to support the bills that were eventually signed into law.

The one bill, AB369, hung around like a raging storm cloud, threatening to change a previous foreclosure bill agreed upon in the 2015 legislative session. But with your help in writing your individual Assemblyperson and with the persistent lobbying by our lobbyist, the bill failed to make it out of the Assembly where it originated.

The sponsor of the bill reluctantly admitted defeat but asked for help between now and the 2021 legislative session to write a new bill which would protect homeowners from foreclosures by their association.

The 2019 session is over, but our lobbyist and members of the LAC will be working with Assemblywoman Sandra Jauregui to protect community associations interests. We want to put a new bill on foreclosure to bed early in the 2021 legislative session. This committee will need our lobbyist, a couple of Assembly people, Senators, and the

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Why should your association donate a Buck-A-Door to the LAC? Here's why:

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2. LAC is dedicated to monitoring and influencing legislation that affects CICs;
3. LAC meets regularly with lawmakers to help advance issues effecting CICs;
4. LAC is not a political action committee and does not give money to any legislators or their campaigns;
5. LAC provides immediate action alerts and input to bills that effect CICs;
6. LAC organizes "grassroots" emails, letters, and talking points to communicate with our lawmakers;
7. LAC exercises members' constitutional rights to participate in the political process;
8. Giving is easy and can be done by completing the **BUCK-A-DOOR** form which can be found on the CAI-Nevada web site at www.cai-nevada.org under the tab Advocacy (Buck-A-Door Campaign);
9. It is legal for many associations to donate money from assessments collected, but each association should check with their legal counsel to be sure that its own governing documents permit such donations. This money will be used by the LAC to protect the associations and the owners by supporting and/or opposing state legislation affecting CICs;
10. Donations are for **LEGISLATIVE ADVOCACY, NOT POLITICAL CONTRIBUTIONS**;
11. Both the Senate and Assembly committees ask our advocate (lobbyist) for input to legislation when HOA legislation is proposed and debated;
12. LAC has become a recognized resource for providing accurate, timely, and influential input to Nevada legislators. 



Don Schaefer is a homeowner, Advanced DCAL, and currently the treasurer of the Legislative Action Committee (LAC) for CAI.



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DCAL Class Online


By Howard Jenkins

Okay. I admit it. I'm lazy when it comes to getting in the car and driving to some sort of seminar or class across town. Even though I am retired! I am a bit jealous of those with letters after their names: CPA, DR., CFP, and yes, DCAL (Designated Community Association Leader) often seen in CAI magazines or after the name of a presenter. As a member of a board of directors, member of a master community board, and a compliance committee person, the lack of DCAL made me feel, well, inferior.

Lo and behold a solution was announced by the local CAI chapter and I took full advantage of it! For \$39, I was enrolled in an online course - "Board Leadership Development Workshop." The online course consisted of five modules: Module 1: Governing Documents and Roles and Responsibilities; Module 2: Communications, Meetings, and Volunteerism; Module 3: Fundamentals of Financial Management; Module 4: Professional Advisors and Service Providers; and Module 5: Association Rules and Conflict resolution.

I was off and running in the comfort of my own home. No Dockers and pressed shirt required! I was told it would take about 3-4 hours and I had to complete the course within six weeks. Piece of cake! With wonderful graphics, easy to navigate screens, and a non-monotone narration, the course was user-friendly and I probably finished in a little over a week. Working at times that were convenient to me!

The knowledge check questions after each completed lesson weren't always easy which made for some "Man! I do need to pay attention" moments.

I highly recommend this online course to anyone "lazy," like me, and who really wants to improve their understanding of how HOAs should work and what's best for the residents. 



Howard Jenkins, Sage Hills HOA BOD, Summerlin West Master BOD member, Metro Northwest Police Department Volunteer/Neighborhood Watch Program



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