THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER OF COMMUNITY ASSOCIATIONS INSTITUTE

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES



FULL THROTTLE AHEAD

CAPTAINS AND CREWS









Education CalendarMANAGERAdvanced DCAL

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

Southern Nevada

DCAL

October CAI Nevada Las Vegas Luncheon

"Leadership" October 8, 2019 at 11:15 a.m. – 1:00 p.m. Gold Coast Hotel & Casino C.E. TBD – 1-hour C.E. Credit

CAI Nevada Las Vegas CA Day TRADE SHOW

"Legislative Update" October 11, 2019 at 9:00 a.m. – 12:00 p.m. Gold Coast Hotel & Casino

November

CAI National PMDP Class *"M-203"* November 15, 2019 Gold Coast Hotel & Casino CAI National Manager Pre-Registration Required

CAI Nevada Las Vegas President's Luncheon

November 12, 2019 11:15 a.m. – 1:00 p.m. Gold Coast Hotel & Casino

CAI Nevada Las Vegas Homeowner Class, Adv. DCAL *"Manager / BOD Relationship"* November 23, 2019 at 9:00 a.m. – 12:00 p.m. Desert Shores

CAI Nevada Las Vegas Manager Class

"Manager / BOD Relationship" November 19, 2019 Desert Shores at 9:00 a.m. – 12:00 p.m. C.E. TBD – 3-hour C.E. Credit

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

Northern Nevada October

CAI Nevada Reno Quarterly Breakfast

"Ten Simple Writing Tips to Make You Look Like A Pro" October 16, 2019 at 8:30 a.m. – 9:30 a.m. Peppermill Resort 1-hour CE Credit

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 Managers Class

"How to Run an Efficient Board Meeting" October 17, 2019 at 9:00 a.m. to 11:00 a.m. Peppermill Resort C.E. 019000 -2-hour C.E. Credit

National Automobile Museum Mixer

"Parking Regulations and Enforcement" October 17, 2019 • 4 p.m. -6 p.m. Mixer; Seminar 6 p.m. - 7 p.m. CE.0375000-CAM 1 HOUR

November

CAI Nevada Reno Homeowner Class, DCAL *"Building Community"* November 21, 2019 at 1:00 p.m. – 4:00 p.m. The Atlantis Paradise Ballroom D

CAI Nevada Reno Managers Class

"Violation Enforcement – Beyond the Fees Anti-Bullying Polices & Tactics" November 21, 2019 at 9:00 a.m. – 11:00 a.m. The Atlantis Paradise Ballroom D C.E. 0359000 – 1-hour C.E. Credit C.E. 0358000 – 1-hour C.E. Credit

FULL THROTTLE AHEAD

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES



WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

OCTOBER 2019

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Magazine Committee

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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 for-mats are Microsoft Word, plain text or in the following high resolution (300 dpi) graphic for-mats: jpg. tif or .eps format. Please send a hard core of the od alone with constant.

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President's Message

Safe Skies Depend on Two (or More) Pilots



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

Recently, the front cover of the Air Line Pilots Association magazine, Air Line Pilot, caught my eye immediately. An article inside was titled: "Safe Skies Depend on Two (or) More Pilots." Seems to me, two or more pilots should always be required! So, what is this all about? Well it turns out that technology companies, airlines, and even the military are seeking to cut operating costs by reducing the number of flight crew members in large aircraft to just one pilot. My reaction—yikes!

What does all this have to do with CAI? CAI committee chairs and vice chairs: YOU are the NV Chapter's two pilots, Captain & First Officer, in charge of CAI's large aircraft.

Depending on your committee's tasks, large or small, the successfulness of your outcome will depend on your interaction and cooperation (chair and vice-chair) much in the same way two pilots accomplish safe on-time departures and arrivals day in and day out. What seems simple and routine could become disastrous with only one committee chair or pilot performing the duties. There is no back-up when something unintended happens. Ask most



pilots flying commercial airliners today if they want to be solo when the unintended happens. My guess would be that the answer is a resounding NO! Teamwork, as a flight crew principle, applies equally to committee work not only in CAI but in any job/profession which requires working closely with other people.

Teamwork generates lift for the entire committee and makes the job easier to complete because everyone feels they have a part to play and wants to contribute. Ah, yes - lift, - the principle by which an aircraft keeps flying through the air has the same effect of keeping committees flying to event completion. Committee leaders you need to lift your thoughts high. Remember you can think whatever you choose, so choose to think highly of yourself. (Persons remain weak and miserable by refusing to lift their thoughts.) If your goal is to become a CEO, then think like a CEO. Successful persons in life think about success and are determined to achieve their goal(s). Committee members will be inspired as they feel the lift from their leader's thoughts which lead to goal/event accomplishment. Teamwork at its best is empowered by lift supplied by the solid committee leaders like we enjoy here in the NV CAI Chapter.

The choice to become a successful leader is easy if you are willing take advice from the best, explore your potential, avoid negativity, and stay positive and optimistic. You will become the team player leading to leadership opportunity roles and won't be a solo performer when the unintended happens.

The skies of CAI depend on two or more just as the title suggests. Committee chairs/vice-chairs - you are the Captain and First Officer providing the lift for our chapter. Keep up the good work!

Full throttle ahead!

Churck Miggemenner, DCAL

Editorial Exclamations

Captains and Crews



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

aptains (leaders) most often get the glory, but in reality (more often than not), it's the crews who do much of the work. And yet - they must work together to win the gold!

In 1936, a group of young male students, sons of farmers, loggers, and fishermen, all students at the University of Washington, focused on a common goal. At the UW, they coalesced into an Olympic rowing team. The Boys in the Boat, written by David James Brown, tells the story of

these young men who worked together, pulled together, and gave everything they had to achieve their goal. In spite of the odds against them, they won the gold medal in the 1936 Olympic Games in Berlin.

Their story is somewhat similar to many of our own in CAI. Homeowners, managers, and business partners - serving on various committees - coalesce around common goals and are able to achieve incredible things that CAI members cannot do individually. It takes teamwork. Captains AND crews.

Good, dynamic leadership is essential for inspiring and motivating our crews who do the pulling and rowing on our CAI committees. What makes a good leader? J.D. Decker, offers a unique perspective on leadership in our lead article, "Leadership - How Do You Do It?" Are leaders born? Or do they evolve? Christine Greengrass sheds some light on that in her article, "Evolution of a Leader."

CAI Nevada Chapter's DCAL program stresses knowledge and leadership for homeowner board members. Read Rich Salvatore's article "Making Leaders Stronger with DCAL" for details about how YOU can become a DCAL and strong leader in your community.

For those of you who are already in leadership positions, be sure to read Maurice Talley's article, "We Have Lift Off." He emphasizes the value of taking care of yourself to avoid burnout and minimize stress.

Families, companies, and organizations such as CAI need both good leaders and crews. Are you rowing? Or resting? Are you leading? Or lagging? Where do you fit?

Vicki Miggemeyer, DCAL

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Leadership – How Do You Do It?

ву Ј.Д. рескег

've been in leadership my entire career. I started in the military, formally trained in leadership as a non-commissioned officer and then later as a cadet on the way to becoming an Army officer. The military differentiates between management and leadership very distinctly. We've all heard the comparison between "telling people what to do" versus "motivating them to want to do." And the Army spent a significant amount of time outlining how to focus on motivation while accomplishing a military mission. Following orders is one thing, but soldiers need to be able to think and act while putting their lives in the balance without being directed each step of the way. The Army focuses on motivating soldiers to take initiative, to understand and contribute to the success of the team and the mission. But what I really learned about leadership would not become apparent until I joined the corporate sector. It was there that I experienced "management."

A performance review given to me by a director, whom I reported to for 11 years, started me thinking deeply about leadership. I ran a team of special investigators in the banking sector who were all prior military and law enforcement. All had experienced "leadership" in their careers in those life-threatening settings. In the corporate sector, my team had noticeably exhibited very non-corporate behavior as a group. They had developed an exceptional, and very obvious, sense of pride in the team.

They adopted a team name, **Decker's Raiders**, as a nod to our geographical location in California and a local sports team. They dressed impeccably and regularly inspected each

other to make sure unit appearance standards remained high. Ironically, career bankers referred to us as "the Corporate Guys." The team did everything in pairs, went out of their way to back each other up, eagerly took on a peer's work if necessary, collaborated on projects even when they didn't need to, and showed up to an event, function, or incident as a group. They created a team symbol and wore lapel pins to identify themselves and the team they belonged to. Senior investigators made each new team member accomplish something worthwhile before earning a pin. Amongst the 20 similar geographic teams like mine that were spread across the country, their team pride earned them a reputation for distinction. In my own performance review, my director had only one thing to discuss, and it was a question. He asked me, in terms of my leadership of Decker's Raiders, "How do you do it?"

I had no answer. I'd never thought of it before. It just was.

But not really.

There is a school of thought that posits that people are born leaders. You either are one, or you are not. But I've seen young college kids with little to no natural leadership ability become fine Army officers. So, I began thinking about what my answer to my director's question *should* have been.

Square Peg....

The corporate model of management that I learned when I entered the corporate sector was a competitive model, which utilized a specific formula called the Vitality Curve. It essentially allows a manager to rank employees within a certain framework assuming that 20 percent of employees will rank high, 70 percent will comprise the average, and 10 percent will need improvement to reach that average. This puts an employee who wishes to be considered for raises or promotion by achieving a ranking in the top 20 percent in direct competition with his or her peers. Which means that to be better than your peers, you must be vested in your own success, but not necessarily theirs.

In the special operations community, a mission is successful if the goals are achieved. Moreover, the team is successful in achieving those goals if they do it without losing any team members. "Everyone goes home" is always the goal. It is the same in law enforcement. This is a very existential way to view the difference between your performance when compared to that of your peers. You get no extra pay, credit, or rating if you survive a mission because your teammate catches a bullet that you avoided. In fact, that would be considered a failure to all the members of the team. Each person's success (and survival) is dependent on the success of their teammates, and on each of those teammates being the best at what they do. No one benefits by a member of the team being in the bottom 10 percent. So those who are substandard receive help, training, and coaching from their peers to be the best they can be at their job. And if you get injured in the field, your teammates carry you out.

Compared to the corporate model, there could not be a starker contrast. But, by then, it was too late for me. I had learned the Special Forces model first. And without having thought about it, I'd applied that model in the corporate sector. I have continued to apply it in law enforcement ever since with great success. But really it can work for anyone because it didn't originate with the police or military. It originated in your family and you already apply it every day in some way with them.

Everyone Goes Home.

I've often told my employees that being outstanding in itself is less impressive to me than being outstanding enough to help your peers to be outstanding as well. If an employee has the ability to perform better than their peers, they also have the ability to make extra effort to help those peers along. This is reinforced by managers who rate employees in contrast to the success or progress of the organization and less in comparison to the performance of their peers. My "Raiders" knew that I cared about them each individually, enough to value them helping each other. Our successes were viewed in terms of team successes where everyone shared in the reward and everyone was vested in contributing toward team success over individual success.

No leader wants to be the reason why a soldier or cop gets killed. So improving and evaluating your own leadership is a natural constant process in those fields. For the average manager, this approach can be much harder than a comparison of subordinate employees against each other during the rating process. It forces a manager to evaluate the team, unit, or organization as a whole, including the manager's own talents, and, of course, deficiencies.

For example, someone who is not performing well might improve if formally advised through a performance review. But that individual might also perform better if a problem with training or unit morale is recognized as being a deficiency of the manager. A manager who can self-evaluate his or her own efforts as contributing to the overall success of the team also shows employees that the manager's self-perception is dependent on their individual actions as employees. It's hard to do. And it's generally not required in the corporate sector, but it is noticed by employees. My Raiders team members knew that I believed I wasn't more important than them because I was their manager. I was one of them; I just performed a different function. The team was bigger than all of us. They took their jobs seriously because they knew I was dedicated to their team as their manager. I felt that I owed it to them to hold up my end.

So why would a manager subject himself or herself to a self-assessment at the same time employees are being evaluated? It has to do with character.

We've all seen people chase promotions, accolades, authority, or titles without serious thought as to the responsibility that comes along with those things. Great leaders throughout history have agreed that with power comes great responsibility. Anyone who has been put in a position to manage other people understands what that means. It can be superficially tempting to ignore the *responsibilities* of leadership and instead focus on the power of being in charge. But if you deeply understand and care about the responsibility, your character will become obvious to those around you. Good leaders inspire their employees not by telling them what to do, wearing an expensive suit, or acting a certain way, but by solving people's problems, making their jobs easier, learning and sharing as much as possible, and caring about people and their issues.

I used to say flippantly that an organization couldn't pay enough to compensate a person for assuming a leadership role. Aside from a sarcastic reference to all of the thankless tasks of management, the reality is that a leader, as an individual, loses priority in order to serve in management. Managers, in law, in policy, and in practice, give up many rights enjoyed by employees. They are not evaluated based on their individual efforts but are judged based on the work of others whom they supervise. Doing a good job is not adequate like it is for employees.

Managers assume responsibility for the performance of all those they are tasked to supervise, not just themselves. More seriously, managers are faced with a recurring choice: Do what is right for ME, or do what is right for the organization. Most of the time, doing what is right is in everyone's interest; however, there are many times where a leader must make a decision that furthers employee or organizational interests ahead of their own personal interests. The title, the authority, and the extra pay often do not adequately compensate a manager for accepting these responsibilities. But, leaders, people who want to serve, to contribute, to shoulder responsibility for more than just themselves, to think of others first, to feel personal satisfaction in fostering someone else's success are drawn to it anyway. Because true leadership is selfless. These are the kinds of people who are constantly weighing the value of their contribution, not the value of the benefits they receive.

It's not Me, it's You.

Someone has to be in charge. That's just human nature. It's the way we, as humans, function effectively in groups. So we, as humans, are all ready to follow someone who we think is worthy.

A famous New York law enforcement executive who achieved great success in a male-dominated field, in a male-dominated era, told me once how she was able to do so well as a leader during her career. She told me that no matter how much pressure there was to conform, to change, to BE who other people thought she should be as she rose up the ranks, she was determined to always just be herself. She said while it was not always easy, she did just that. And what she thought would hold her back at the beginning of her career, she looked back on as being her biggest asset. She cared more about contributing herself to leadership than becoming the stereotypical leader that people expected her to be.

This matches my own observation about leadership. People have expectations, of course, and a leader sets the example for his or her followers by the way they dress, act, and express their priorities and values. But too much focus on the theatrics of leadership can detract from the mechanics of it: inspiring confidence.

Good leaders inspire their employees not by telling them what to do, wearing an expensive suit, or acting a certain way, but by solving people's problems, making their jobs easier, learning and sharing as much as possible, and caring about people and their issues. This is what reaches employees and makes them want to contribute. Leaders learn about leadership and put their knowledge into practice. They find out what works and continue to make adjustments.

Employees want to know what is expected, to be given the tools to meet those expectations, to be understood and supported, and to have their efforts appreciated by their boss. Each individual communicates, feels, and believes different from each other, which means a manager must focus on not their own method of communicating, feeling and believing, but on each employee's method. This takes the realization that developing your own style of management means understanding everyone else's style of followership. It's about them, and you must feel that in your core. An employee told me once that part of their motivation to perform their job well was that they did not want to

disappoint me, as their manager. It hit me as deeply profound and I thought about why for a long time. Speaking for that employee, I'm convinced that he, and my other employees, saw that I was determined not to disappoint them.

By being yourself, thinking about other people, and caring about each individual, like you do at home, with your family, with your friends, and the people whom you care about, and by being that same person at work as a manager, those who work for you will be inspired to perform their jobs well and to continue to work for you. And they might remember you as an exceptional leader. Even though it was always really about them.



Joseph (JD) Decker, Chief/ Administrator of the Nevada Department of Motor Vehicles, Compliance Enforcement Division. JD is a former Administrator of the Nevada Real Estate Division earning the Agency of the Year in 2015.

Are You Unsubscribing and Missing an Opportunity?

By Community Interests Staff

E ack in the day - ah! the good old days - when there was no email, text, cell phones, social media, or ROBO calls, the only means of communicating a message or publicizing an opportunity were to write a letter, read a newspaper, make a phone call from your home office or from the all but forgotten payphone, or – OMG – having a face-to-face conversation!

Today, we have so many options for getting information electronically and otherwise that it can become overwhelming. Sometimes we impulsively react to an inconveniently timed email by scrolling to the bottom and unsubscribing.

Please don't unsubscribe! Your CAI emails contain valuable information and if you "unsubscribe" you will miss some terrific opportunities! Such as:

- Homeowner and manager education classes and schedules;
- Monthly luncheon/quarterly breakfast dates and topics;
- Class and event registration;
- · Legislative changes and Grassroots announcements;
- Chapter networking events;

- Chapter election announcements and voting;
- Event venue changes;
- Gala announcements;
- and much more.

CAI Nevada uses email as its primary source of information for our members. These emails are filled with beneficial information for everyone, whether you are a homeowner, manager, or business partner. If you are not receiving emails from the chapter, or have inadvertently unsubscribed, contact the CAI Nevada Chapter office at 702-648-8408 or send an email to info@cai-nevada.org.

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What Makes an Effective HOA Board Member?

By Pat Behonek, DCAL

"... human nature is much the same in a village as anywhere else, only one has opportunities and leisure for seeing it at closer quarters." —Miss Marple, The Thirteen Problems, by Agatha Christie

he bulletin board notice read "Board Meeting Tonight – 6:00 p.m. in the Clubhouse." What do they do at a board meeting, I wondered?

That evening I slipped into the clubhouse a few minutes before six, picked up a copy of the agenda, and took a seat close to the door in case I decided to leave early. When the meeting started, it was like opening a book in the middle of the story. For well over an hour, five board directors and a manager sat together at the board table, working their way through the agenda. Having little context for the issues they were debating, I focused on their interactions and tried to figure out why they were voting the way they were. Before long, any thought of leaving was gone. I stayed until the board president gaveled the meeting to a close and I have never stopped going back.

Over time my interest in the workings of my association grew, prompting me to review more closely our governing documents, which eventually led me to the dense and often perplexing NRS 116. I had been a student and a teacher for most of the years of my life and in retirement I found myself missing the rigors of academia—researching a question or pondering an idea, then experiencing a rush of satisfaction when I hit upon the answer. I was the same nerd I had always been, but instead of analyzing a piece of literature or defending the use of the Oxford comma, I was teasing out the meaning of this statute or that and applying my newly gained knowledge to everyday issues faced by our association. Since that first evening in the clubhouse, I have attended many more meetings than I can count, joined and chaired committees, worked with other owners to write a booklet for new residents, helped revise our governing documents, edited our community newsletter, joined with neighbors to start a book club, and enjoyed many delicious meals at social gatherings. Along the way I have made a number of good friends in this little community we call home.

A few years ago I began attending Nevada Real Estate Division trainings and CAI seminars, all of which deepened my knowledge of common interest communities and gave me a better sense of how, ideally, they should be governed. Very simply, I learned that a well-functioning association must have, at its helm, a board of directors composed of collegial, knowledgeable people who are dedicated to working together for the common good of the community.

As Agatha Christie's fictional character Miss Marple so keenly observed about her little village of St. Mary Mead, you don't have to live in a city or travel farafield to experience the fullness of human nature. An HOA community, like any other village, contains the same diversity of personality and behavior we find in the larger society. Within the confines of a small, interrelated community, however, residents' personal characteristics can seem outsized.



Add to this that everyone is tied to everyone else through an investment of a hefty sum of money, and we see how tricky it can be to form an HOA board whose members are individually and collectively equipped to carry out their fiduciary duty to the association as well as to the folks who trusted them enough to vote for them.

If you own a home in an unmanaged neighborhood, the person next door is not making rules you have to follow or deciding when your roof will be replaced. Considering the many complexities of HOA life, association members need to think carefully before choosing which of their neighbors to elect to their board. Likewise, prospective candidates owe it to themselves and everyone else to examine their own motivations and qualifications before deciding to assume the responsibility of board service.

Are You Ready? Those new to HOA living and governance should give themselves time to learn about the culture and condition of their community before running for the board. As a prospective board member, you can gain an understanding of how things work by attending meetings, serving on committees, and studying your association's governing documents and the relevant state statutes. It also helps to get to know people on a person-to-person level through participation in activities and social events. *An effective board member will learn about and prepare for board duties and responsibilities in advance instead of struggling to catch up after election.*

Do You Have a Personal Agenda? Examine your reasons for wanting to be on the board. An owner who runs for the board to gain the upper hand in a feud with a neighbor, or to lower assessments by removing the security presence other owners like and don't mind paying for, will inevitably create instability in the community. Taken to its extreme, a board member acting out of self-interest can threaten both the comity and the financial health of the association. *An effective board member will never use the power of elective office to fulfill a selfish intent but will propose actions and make decisions that serve the best interest of the entire association.*

Do You Know What Is Meant by Fiduciary Duty? To hold authority over other people's money and daily living conditions is a humbling responsibility. Before running for the board, you should fully comprehend the duty of care you will owe to the association and its members. *An effective board member will act in a prudent manner and make informed decisions in order to maintain the property and preserve the financial health of the association.*

Are You a Know-It-All? Some folks, especially those who hold or have held important, well-respected positions in their work life, may think they have nothing else to learn. If you assume that your corporate or public service experience, or even your service on other kinds of boards, is all you need to guide your governance of the HOA, you are being naïve. An HOA must strictly abide by its

governing documents and the law, which exist to protect the property itself as well as the financial investment of everyone who belongs to the association. An effective board member will respect and carry out the provisions of the association's governing documents and will abide by the law, not treat these regulations as impediments to be ignored or evaded.

Are You Realistic About the Commitment You Are Undertaking? While your association most likely employs a management company that provides guidance and takes care of the nuts and bolts of operation, as a board member you will need to be available outside meetings to handle issues, answer questions, and address emergencies that might arise at any time. An effective board member accepts and understands that the position requires a commitment of time, attention, and hard work that involves much more than a monthly meeting.

Do You Play Well With Others? This could be the most important question of all. You might know finance in and out. You could have the statutes, the governing documents, and even Robert's Rules right there on the tip of your tongue. But your expertise will count for little if you can't listen to, respect, and consider other board members' ideas and work cooperatively and pleasantly with them as part of a team. Do not stray outside the scope of your authority. Understand that, regardless of the office you hold, you have neither more nor less importance or power than any other board member. The same holds true for how you treat and respect the people in your community. Never threaten or bully anyone. Keep their private information confidential. Be scrupulously honest in your dealings with everyone. Listen to people when they talk to you. Do not hide things from the community or leave the impression you are making backroom decisions. Operate openly in board meetings, making only the exceptions required by statute. When there is an important decision to be made, inform the membership and get their buy-in before voting to do something drastic. An effective board member is respectful, honorable, and devoted to service to the community.



Pat Behonek, DCAL, HOA director for 1200 Riverside Drive Association **Evolution of a Leader**

By Christine Greengrass, CMCA, AMS, PCAM

have often reflected upon my career path over the past 30 years and find myself wondering how I ever stumbled into a community association management career. These thoughts arise from daily lessons in humility paired with profuse apologies for a situation over which I have no control, yet I bear most of the responsibility and accountability. What made me think I was even remotely qualified to deal with the never-ending tests of patience? For those who know me, modesty is not a word I would use to describe my unassuming nature. Nonetheless, I am consistently thrust into situations that require infinite decorum (a recent, unplanned encounter with an investigative reporter comes to mind).

This niche industry originates from a clearly defined and prescribed method of behavior: a near perfect set of documents that exist purely for the opportunity to be read and coveted by all that are fortunate to possess. Yet here I am, a dedicated professional with unadulterated respect for the existence of these documents in combination with the complete, utter amazement at the obliviousness that surrounds them daily. How did this tormenting conundrum wind up being my chosen specialty and how could I possibly be perceived as a leader in this field?

Several prior years in apartment management along with accounting and construction management experience should have provided a solid foundation for my leap to the homeowner association realm. There was one key experience that led me to believe my skill set could be well-suited for this career - I was the board secretary for the local chapter of the National Apartment Association to which I belonged and volunteered. Consequently, I learned to create a pretty darn good set of minutes.

Armed with my recorder and a keen ear for motions, I took the leap in 2001 and accepted a position as a portfolio manager with a small startup company in Las Vegas. While the tenure at this first leg of my journey was short lived, I will be forever grateful for the early exposure and introduction to the professionals that would shape my future and make an indelible mark on my outlook.

My timing, fortunately, afforded an opportunity to attend Community Association Solutions' early pre-licensing program through UNLV where Sara Barry introduced students to a plethora of local association management experts and their trade organization, Community



Associations Institute (CAI). In addition to the licensing course offerings, I attended numerous educational sessions taught by industry experts like John Leach, Esq. and Gary Lein, CPA; learned from PCAM mentors such as Tiffany Dessaints and the dearly departed Vicky Parris; and networked with up and coming trade partner beacons, Adam Clarkson, Esq. and Barbara Westhoff, CIRMS.

I discovered the best tool to add to my arsenal, in order to ensure my success as a manager and to establish my credentials as a professional, was to become a member of the Nevada Chapter of Community Associations Institute. In November of 2001, Norman Rosensteel, PCAM, proctored the M-100 Course which I attended in Reno and I was hooked! From there I dove into the progressive course work and obtained my Professional Community Association Manager designation in 2007. At the same time, I attended luncheons, volunteered on committees, and fully immersed myself in the organization.

What does this nostalgic account have to do with leadership? Like the luxury car commercial alludes, sometimes the journey is the destination. The evolution of a leader starts with being a follower. I had the fortunate opportunity to be welcomed by an amazing group of colleagues who also struggled with the multi-faceted, daily challenges our ever changing and continually evolving industry present.

Accumulated past experiences, a humble attitude, confidence, and commiseration have prepared me to calmly and consistently respond to the ever-present question, "What do you mean I can't do that on my property?" This is a question that provides infinite job security and an opportunity to practice leadership skills by demonstrating the discipline to not respond with an equally frequent refrain, "You obviously didn't read the governing documents."

On this current leg of my community management voyage, I aspire to share with our future generation of unsuspecting wanderers the many rewards this trade can afford, which includes testimony as to how membership in CAI was instrumental in creating the well-rounded industry leader I am today.



Christine Greengrass, CMCA, AMS, PCAM, Vice President of Association Services CAMCO Homeowners Association Management



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Movies and Music at HOA Events

By Michael McKelleb, Esq.

n November 7, 1981, two musicians attended a dance held in the clubhouse of a Florida condo association called Mainlands of Tamarac's. The musicians were not unit owners nor were they guests of a unit's owner. They each paid \$3 to enter and once inside, were surprised to discover their music was being played during the dance.

Believing their work had been publicly performed without compensation, the two artists sued the association, which was found to have infringed on the artist's rights. Though the court awarded the couple with the statutory minimum in damages (\$250/infraction), the imposition of attorney's fees and costs made the decision to play copyrighted music expensive. *See Hinton v. Mainlands of Tamarac*, 611 F.Supp. 494 (S.D. Fl 1985).]

When an association decides to host an event, boards of directors often wonder if they can legally play music or show a movie at the event. Those two questions can be answered at the same time because the law views the unlawful showing of movies and playing of music the same. Federal law vests all rights to publicly display or perform an original work of authorship to the author. *See* 17 USC § 106.

Many believe that because an association is a nonprofit corporation, it may play music or movies under the "fair use" exemption. See 17 U.S.C. § 107. This belief likely comes from the fact that 17 U.S.C. previously required a performance to be for profit before an infringement could be found. However, the "for profit" requirement was removed from the statute in 1976. Yet, the belief still persists, perhaps because another existing exemption disregards an infringement when the entity is a nonprofit teaching institution and the material is used in the course of face-to-face teaching. *See* 17 U.S.C. § 110. Associations are generally formed as nonprofit, but they are not teaching institutions. Notably, even charitable nonprofit corporations are not exempt.

Performing a work publicly is defined as any, "perform[ance] or display at a place open to the public or at any place where a substantial number of persons **outside of a normal circle of a family and its social acquaintances is gathered**." 17 U.S.C. § 101 (emphasis added). Thus, a family and their friends may gather in a private setting and watch or listen to protected original works of authorship.



Based on the foregoing, the pertinent question in determining whether an association can play copyrighted work at a clubhouse or other common area (such as a



playground or park) is whether such a performance is considered "performing a work publicly," or if the use falls outside of that definition because the attending units' owners are considered a normal circle of family with social acquaintances.

In *Hinton v. Mainlands of Tarmac*, the association argued their clubhouse was nothing more than an extension of each unit's owner's living room, and therefore, because each owner also owned a portion of the clubhouse it was not a public performance at all, but was nothing more than a family and its social acquaintances. The plaintiffs, on the other hand, argued the statute was intended to only allow a single family to perform a work, such as holding a wedding reception in the bride's home.

The United States District Court for the Southern District of Florida held the use was an infringement. The facts the court found compelling included:

The deposition of the defendant's president reveals that there are no security gates or entrances to pass through so the public can drive directly to defendant's clubhouse without the visitor's receiving clearance for admittance from a gatekeeper, security guard, or watchman. Neither of plaintiff's witnesses at the performance were residents or guests of residents of the Mainlands of Tamarac. There was no sign at the door excluding nonresident owners or persons who were not guests of such owners. There was a charge of \$3.00 each for admittance. ...

Hinton v. Mainlands of Tamarac, 611 F.Supp. 494, 495 (S.D. Fl. 1985) (emphasis added). Yet, in holding there was an infringement, the Hinton Court nevertheless stated it had no "trouble accepting Defendant's contention that the clubhouse in a condominium association is an 'extension of the owner's living room.'" Id. at 496. In other words, the court found the extension of the living room argument persuasive. Yet, based on the fact there was no impediment to the public entering the clubhouse (as evidenced by the fact the plaintiffs who attended the dance were not unit's owners) nor any effort whatsoever to exclude the public, combined with the admission the association charged, the court found an infringement.

Based on this, an association may be able to play music or show a movie without the artist's permission if the association: is gated; restricts access to unit's owners and a nominal number of their social guests; posts a sign restricting entry to anyone but a unit's owner or their guest; has a gatekeeper monitoring those entering; and charges no admission. Id. Yet, because there is no clear direction by the courts, even then playing music or showing a movie is risky because it is unknown if the Nevada courts will be as accepting of an association clubhouse being considered nothing more than an extension of a unit's owners' living room. Another exception is commonly thought to apply. Commonly referred to as the small business exception, 17 USC § 110(5) allows the retransmission of a FCC licensed radio, television, cable, or satellite carrier's signal when the following conditions are met. The establishment is less than 2,000 square feet. If playing the radio, it may not be broadcast on more than six loudspeakers, of which not more than four can be in any one room. If television, cable, or satellite, the broadcast cannot be displayed on more than four devices, of which not more than one may be in any room, with a screen no greater than 55". Also, the audio for the movie, if broadcast on different speakers, must follow the same rules as the screen (no more than one in any room and four total).

This exception, however, will apply to only a limited number of associations, if any. "Establishment" is defined in the statute to mean:

A store, shop, or any similar place of business open to the general public for the primary purpose of selling goods or services in which the majority of the gross square footage that is nonresidential is used for that purpose, and in which nondramatic musical works are performed publicly.

For any association that may have such (e.g. a mixed residential/commercial association), even then, the exception is limited to broadcasting a signal from a licensed FCC provider; it may not be used to play a movie or music from a non-FCC source, such as from a streaming service (e.g. Amazon Prime, Spotify, Hulu, Pandora, Netflix, Amazon Music, etc.).

As such, playing movies and music based on the assumption such performances are not public is inherently risky. If an association wishes to play music or movies that are not broadcast by an FCC licensed broadcaster, the association should purchase a license, many of which are affordable. Some of the agencies that offer licenses are listed below:

Movie Licensing Organizations: Criterion Pictures, USA, Inc. (www.criterionpic.com); Milestone Film & Video (www.milestonefilms.com); Motion Picture Licensing Corporation (www.mpic.org); Swank Motion Pictures, Inc. (www.swank.com);

Music Licensing Organizations: Broadcast Music, Inc. (www.bmi.com); The American Society of Composers, Authors, and Publishers (www.ascap.com)



Michael W. McKelleb, Esq., McKelleb Carpenter Hazlewood

Northern Nevada Tradeshow Gallery





MENATI



Were you among the many folks who showed up for the Northern Nevada Trade Show? If not, you missed a great opportunity! The legislative update class was filled with people and information. The trade show was sold out. Lunch was terrific. And the opportunity to mingle with other homeowners, managers, and vendors made it an extremely worthwhile day.









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Association Management



t any given moment in the United States of America, there could be 8,000 to 20,000 airplanes flying over our heads. Each aircraft varies in weight with a commercial 747 airliner weighing in at a maximum whopping 175,000 pounds! How does one get 175,000 pounds off the ground? It's a combination of variables such as thrust, speed, weight, lift, and drag all working together to ultimately lift the jet off the ground and into the stratosphere. This is much like a leader's team. It takes the right combination of several variables for a team to successfully lift off and remain flying under the leader's guidance.

How much energy will be required to keep your team flying high once you are off the ground? Guidance, counseling, mentorship and clear expectations may be needed to keep the team flying high and on course. The \$100,000 question is, "Who helps keep the *leader* flying high?" Who's providing guidance and critical reminders to the leader? Is there a chance for the leader to "crash and burn" from expending excessive amounts of energy to keep the team in the air? Absolutely!

Effective leaders are conscious of what it takes to manage the day-to-day activities as well as strategic initiatives. They balance work and life in such a way to avoid crashing and burning themselves while striking the right balance for the team. These leaders are masters of healthy selfcare philosophies. What is self-care? Self-care is the focus of taking time to care for your individual needs by making it your number one priority. This is important for obvious reasons, which Eleanor Brown sums up nicely in her quote, "Rest and selfcare are important. When you take the time to replenish your spirit, it allows you to serve others from the overflow. You cannot serve from an empty vessel."

The contrasting alternative to a healthy self-care routine is neglecting your own needs as a leader. A constant focus on the team without the opportunity for you to recharge is a recipe for disaster. Have you noticed...

- A decline in your mental, physical and spiritual health?
- A pessimistic outlook of life and/or work?
- Chronic fatigue?
- · Lack of motivation?



If you answered yes to any of these questions, you may be heading towards a potential "crash and burn" situation. These four signs are key indicators that the stressors of life may be impacting your work and your life in a negative manner. Your immediate attention to these indicators is necessary if you do not want to become a victim of leadership burnout. Ignoring the warning signs won't be good for you, your team or your organization.

Why is a solid self-care routine important? Routine self-care will:

- Improve physical, mental, and spiritual health;
- Produce positive feelings and improve self-confidence and self-esteem;
- Reduce the negative effects of stress;
- Promote a healthy relationship with yourself;
- · Allow you to recharge depleted batteries.

Here are five strategies to help you create better self-care habits.

- 1. Avoid unnecessary stressors by learning to say "no" to non-essential requests, avoid people who cause you stress, and learn how to take control of your environment.
- 2. Learn to accept the things we cannot change. Find the upside and/or the silver lining in challenging situations and learn to forgive. Stop spinning your wheels on things you cannot control. Become accepting of these situations and watch how quickly you begin to feel better.
- 3. Get moving!
 - Implement thirty minutes of physical activity each day such as walking, jogging, running, or dancing.
 - Take the stairs instead of the elevator. Increase your cardiovascular health by getting the heart rate up.
 - Participate in exercises such as yoga, weightlifting, Pilates, swimming, etc.
- 4. Adopt healthier eating and sleeping habits. Proper eating and sleeping habits are the foundation of a healthy self-care routine. If you are not getting enough R.E.M. sleep or aren't eating a balanced diet daily, this is a great place to start. Continue with reducing caffeine and sugar intake and avoid alcohol, cigarettes, and other recreational drugs which are usually associated with a "crash."



- 5. Manage your stress by making time for fun and relaxation routinely.
 - Take time off. Take your vacation time even if you aren't going on vacation. It's your time, so don't lose it. Taking a long weekend, three to four days once a month, is a great alternative to taking two weeks off consecutively if you are worried about workload, etc.
 - Incorporate relaxation techniques into your routine such as massages, relaxing baths, breathing, and meditation.
 - Make time to do what recharges your batteries and reinvigorates your spirit. It may be listening to music, going to a movie, reading a good book, getting a pet, or learning to laugh and laugh often. Whatever you choose, taking time for yourself is essential to a healthy self-care routine.

By taking time for yourself routinely, you will begin creating better self-care habits. These habits, compounded over time, will not only keep you and your team flying high, but it will produce results that will pay dividends in your personal and professional lives for years to come.



Maurice Talley, Corporate Trainer, FirstService Residential

You've Heard it Before ... You'll Hear it Again ...

YOU SNOOZE ... YOU LOSE!

By the Gala Committee

hose four words affect everything you do in life ... whether personal, business, or social. This axiom has lots of variations: 'the early bird catches the worm' ... 'success comes to those who prepare well and bust their butt' ... 'early to bed, early to rise, makes a man healthy, wealthy, and wise' ... and on and on!

What they are all referring to is ... YOU MAKE THINGS HAPPEN! Don't kid yourself. Very few have everything handed to them on the proverbial 'silver platter.' It takes continual effort ... putting your 'nose to the grind' ... always looking forward, never looking back.

Where are we going with this? We encourage you, every one of you, to continually 'better yourself' AND get recognition for all the good things you have accomplished. A sincere 'pat on the back' gives you that needed push to become even better.

Now, it is CAIs turn to 'pat you on the back' ... to recognize YOU for all the good things you have done ... for yourself, for others, your career, and CAI. We do this every year at the CAI 'Gala'; a spectacular event meant to single out those who stand 'head and shoulders' above the others. You think you're good enough? You think you're a model for others to imitate? Do you know others who may be an inspiration to 'be the best you can be'?

Then NOMINATE ... yourself or others ... for an award in any of the many categories showing you are the best in our industry.

This year, the Gala Committee has made it even easier to complete the nomination forms for the different categories. No more long essays ... no more 'racking your brain' to put all your accomplishments in words that show how much you have accomplished for yourself, for others, and for CAI. Just answer the very specific questions about your

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accomplishments and your participation in CAI. Couldn't be easier! A point system will be used, so the more points you accumulate showing your personal improvement, your positive influence on others, and your participation in CAI, the more likely you will get that special 'pat on the back' and be recognized as 'the best of the best.'

The Gala will be held on Friday, March 27, 2020, at the spectacular Red Rock Resort, recipient of the coveted 'Forbes Four Diamond Award.' Nominations opened on October 1. Watch your email for all the details about the Gala Awards nominations and the Gala event.

Don't wait ... participate! 'Seize the opportunity ... to the victor belongs the spoils.'







Making Leaders Stronger with DCAL

By Rich Salvatore, Advanced DCAL

herever you look there are leaders! You can find leaders in every profession, field, trade, organization, and association. Being a leader takes determination and commitment, but it also takes training and more training to stay on top of changes in your respective field.

Let's focus on association leaders. Whether you are a novice or knowledgeable board member, committee member, or a homeowner interested in becoming more involved in your community, you have shown your dedication and commitment to your association by becoming involved. Now, the question is, do you want to just go with the flow or be a leader who takes the extra step to improve your skills as a homeowner leader through the DCAL program?

"Leaders aren't born, they are made. And they are made just like anything else, through hard work. And that's the price we'll have to pay to achieve that goal or any goal." — Vince Lombardi

Our CAI Nevada Chapter is also a leader! A leader in providing quality education opportunities for homeowners through the CAI-Nevada Chapter DCAL (**D**edicated **C**ommunity **A**ssociation **L**eader) program. Before the



DCAL program, homeowner education was provided by CAI National through the Board Leadership and Development Workshop.

During 2006, with a continued increase in the number of associations being created, our Nevada Chapter saw the need for additional homeowner education. The chapter's Education Committee had the task to develop a series of classes in order for homeowners to have a better understanding of association operations and to achieve the ultimate goal of having a successful association. The DCAL classes were developed to reinforce the need for having the most up-to-date information, which include the important role their governing documents play and the adherence to our state statutes and regulations.

The DCAL program consists of seven classes based around and expanding on the Board Leadership and Development Workshop which is the only class homeowners must pay for. The rest of the classes are included with your annual membership fee. Additional topics are: Finances in the CIC, Building Community, Ethics in the CIC, Meetings & Elections, Risk Management & Insurance, and Rules Creation & Enforcement.

To date, since the DCAL program roll-out in 2007, 151 DCAL recognitions have been awarded to homeowners throughout the state. Included in that number are managers who elected to complete the program, some who are board members in their own communities and others to see what the board members are learning. Many managers have found that after a board member completes the classes, they did have a better understanding of the association operation, which made it easier for them also.

Now, there are other organizations that provide some form of homeowner education; however, with the DCAL program, you can be confident that the information you receive is all part of a quality homeowner education program. All of the DCAL program classes are reviewed and updated on a regular basis by the chapter's Education Committee to ensure the information you receive is the most accurate and up-to-date material available.

Think about this for a moment! Have you ever asked your community manager a question and the answer you received was somewhat puzzling? I know I have been in this situation, but after completing the DCAL program,



I found the answers to make more sense. This a perfect example that the DCAL program should be a "must take" for every homeowner board member.

Once you have completed the DCAL program, it is important that you continue your homeowner training in order to keep up-to-date with the changes within the Common Interest Community industry, along with all of the Nevada legislative changes which seem to happen during each legislative session. This continuing education you receive will allow you to receive an Advanced DCAL recognition, which began in 2018. To date, there have been 14 Advanced DCAL recognitions awarded.

With the success of the Nevada Chapter's DCAL program, it has become a model for other state CAI Chapters throughout the country for their homeowner education programs.

Earning your DCAL recognition will not only give you a great sense of accomplishment but will also show the homeowners within your community, as an educated homeowner leader, your dedication and commitment to their needs and interests when it comes to community association living.

So, take the next step and enroll in the DCAL program TODAY! It is easy. After you receive the email with the monthly events, you can register online and you are all set. You will be glad you did!

To use a line from CAI National, take your association *"From GOOD to GREAT"* with the Nevada Chapter DCAL Program. For additional information about the DCAL Program, you can call the chapter office at 702 648-8408, or look at the chapter website at www.cai-nevada.org.



Richard Salvatore, Advanced DCAL, President of Kensington at Providence HOA, Nevada Chapter Board of Directors



Leadership in Communications, Captain and Crew

By Lynda Towers, DCAL

am the chairman, "captain," of the Sun City Aliante Homeowner's Association Communications Committee "crew." We replaced our association's website.

Communications Committee Crew

Leadership, the action of leading people, ensures our success. Our volunteer committee members are passionate about giving, interested in challenging themselves, willing to take chances to improve their community, continuously learning, sharpening their soft skills, and building a trusted network. These characteristics make effective leaders.

"Ultimately, leadership is not about glorious crowning acts. It's about keeping your team focused on a goal and motivated to do their best to achieve it, especially when the stakes are high and the consequences really matter. It is about laying the groundwork for others' success, and then standing back and letting them shine." — Chris Hadfield.

Like most HOA Communications Committees, we essentially inform our community. Specifically, we maintain our HOA website, support new resident orientations, and assist our residents and management staff. Monthly, I lead a formal meeting and minutes are distributed to our board and community manager. Our agenda and roles/responsibilities are standardized and reviewed monthly. Typically following our monthly meeting, I facilitate a workshop to identify, discuss, and resolve concerns collectively. Everyone participates in refining our comprehension, ideas, and processes.

Last year our community manager and Board of Directors were notified by letter that our web host was no longer hosting our HOA website. Our fee will increase substantially and require a new version of the website. I placed this topic on our next meeting agenda to solicit ideas. Our committee seized the opportunity for another host and new website. Our project plan was formulated. We developed a rough design criteria/specification that first week.

The committee collectively decided to meet twice a week until our website was up and running. There were daily conversations. Part of our plan was to search for a userfriendly and technically current host and website platform. Our newest member shared her very positive experience with a HOA website in another state. The committee took a look, studied, and contacted the web host. The web host was very interested, flexible, and accommodating.

Our proposal and plan was approved by our board. We committed to focused training for all committee members. Each member brought a question and the committee worked and solved the issue until the committee member was satisfied. We capitalized on each member's skill set. One member who is an expert on videos, trained and shared his methods with our committee so that every committee member could work videos. While agreements were being modified and established, we were deeply involved with the website needs of our community today and in the future, managing information from our existing website, and bringing up a new and improved HOA website. The cut over went well without a down day since.

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CALL or EMAIL TODAY 702.531.3394 • customerservice@absolute-collection.com www.absolute-collection.com LAS VEGAS • RENO • SPARKS • WASHOE Our board's liaison participates with committee activities and was instrumental in each step of the project. Our HOA community manager attended all scheduled meeting in support of our key projects. Due to the participation of our board liaison and HOA community manager, resources and project decisions were facilitated to resolution.

We use a participative process in acquiring new members. Essential skills have been identified for a successful committee member, like a position description. When we have a vacancy, we identify our requirements with management and post internally. We ask all candidates to have computer skills and knowledge, and hopefully web experience. We explained our current project and the commitment we would need. The candidate completes a Committee Interest Form and submits it to management, who in turn notifies me and provides the candidate's form. I contact the candidate, answer any questions, and invite them to a meeting.

During our meeting, I introduce the candidate to our committee and ask for questions. If I have not heard from the candidate, I will contact them and ask if they remain interested. If they are, I'll ask for a motion in regards to the candidate joining. I share the decision of our committee with the candidate and staff.

I believe this experience has made this committee stronger because of our shared knowledge and commitment to this project. Each crew member is a leader and has the knowledge to maintain and develop this website. We are only as successful as the people around us! I'll leave you with this last thought:

"Leadership is having a compelling vision, a comprehensive plan, relentless implementation, and talented people working together," — Alan Mulally.



Lynda Towers, DCAL, Chairperson, Sun City Aliante Communications Committee

Tell me and I forget, Teach me and I remember, Involve me and I learn. — anon

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

Q: Hi Harry. Our association recently held Director Elections for one open seat. At the Directors meeting after the election, this new board member, who is also a new owner, came in and demanded previous financials, invoices, and requested an audit. Is the board obligated to provide this information? — Signed, Suspicious Susan

A: Hello Susan, thanks for your question. Association financials are usually books and records that homeowners are entitled to view by written request. So, a unit owner would be entitled to those regardless of their status as a board member. NSR 116.31175 outlines what the board can and cannot make available to a homeowner for review.

As a new board member, he/she would be entitled to view other items that have been excluded from a homeowner, such as privacy information, litigation, and contracts. Check with your attorney on what other items may also be excluded to homeowners. So, a new board member is probably entitled to view those items.



As for requesting an audit, no one board member can ask for an audit to be done. You could inform this board member that they can review the last annual financial review, done by the HOA's CPA. Otherwise, a new review would need a vote of the board. The board member would need to make a motion for the board to commission an audit, which would then be subject to the regular procedure (second, discussion, possible amendment, and then vote).

By the way, NRS 116.31144 outlines the time frame for conducting financial reviews, depending on the amount of your annual budget.

Q: Hi Harry. Can you answer a question of the ages for me? Our board has been having issues with our community manager about who is responsible for running our association? Our manager tells us not to worry, she is running the show! So, which is it? Depending on who we ask about this, some say the manager, while others say the board? — Signed, Looking for an Answer

A: Hi Looking for an Answer. You are not alone. There is a wide misconception of who is responsible for the association. There is no short answer for this but hopefully I can shed some light to help you.

The fact is, the Board of Directors has the responsibility for the operation of the association as duly elected trustees by the members (homeowners/unit owners) of the association. In other words, the board has the ultimate decision-making authority. The manager should be a guide to help lead the board in the correct direction; however, there is some responsibility of the manager based on how the contract between the two parties reads.

A community manager, here in Nevada, is a licensed professional who may or may not work for a management company, but, regardless, has entered into an agreement or contract to provide management services to the association. In short, they are a vendor handling the day-to-day operation, record-keeping, and other tasks under the direction of the board. The manager also serves as an advisor to the board on issues pertaining to the operation of the association.

I hope this clears things up a little.

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