THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER OF COMMUNITY ASSOCIATIONS INSTITUT<u>E</u> THE MAGAZINE FOR COMMON INTEREST COMMUNITIES



WHAT OUR INDUSTRY IS TALKING ABOUT

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WHAT HOMEOWNERS NEED TO KNOW

AUGUST 2017



# LEGISLATIVE GAVEL HAS DROPPED DECISIONS IN 2017



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# in this issue :

# Columns

- **4** President's Message
- **5** Editorial Exclamations
- 12 Grassroots 2017 Legislative Voices... You Have Been AWARE! AMAZING! and AWESOME!

# Articles

- 6 Another Legislative Session Behind Us -It's a Wrap!
- 9 2017 A Success Story for CAI's Grassroots Initiative in Carson City
- Las Vegas Luncheon Gallery
- 10 Rooftop Solar Episode III -Revenge of the Citizens
- 13 CAI What's Happening on the National and International Scene: Never Static ... Always Making it Better!

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#### 2017 Committees

14 Your Community... Through the Looking-Glass: The Winding Path from Apathy

22 Northern Nevada Charity Bowling Gallery

24 Aging in Place is a Positive for Communities

to Participation

26 Did You Know?

**16** To Reserve or Not to Reserve 18 Evacuation Management in a

20 Budget Time. Are You Ready?

High-rise Residential 19 Budgeting Resource

The Marketplace

27 Classified Advertisements

**Awards Gala** Jennifer Ballew, CMCA, AMS, PCAM, Chair Marlina Short, CMCA, AMS, PCAM, Co-Chair CA Day Kat Apell, CMCA, AMS, Chair Education Karen Koch, Co-Chair Greg Toussaint, DCAL, Co-Chair **Events** Sharon Bolinger, CMCA, AMS, PCAM, Chair **Events / SubCommittee Social** Shani Fazzi, CMCA, Chair Goli Ken Coats, NVEBP, Chair Gita Lowell, NVEBP, Co-Chair

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# **President's Message**

# **Finding the Positives**



April Parsons, CMCA, 2017 CAI Board of Directors President

Can you believe it is August? Our legislative session this year is already over! Time flies when you are having fun, right?

This legislative session was a great one, in my opinion. There are a couple of bills that were passed that will cause new policies and procedures to be updated. Most new laws will become effective in October 2017; however, be aware of

a few that are immediately effective or effective July 1, 2017. Some of the new laws and changes to existing laws are in reference to collection procedures for military homeowners, the acclimation process (it's shortened), the appointment of vacancies of board positions, and D&O insurance requirements just to name a few.

Again, I feel that this was a great legislative year! Thank you to our HOA attorneys who helped make a difference this session, our lobbyist, LAC, PAC, and Grassroots.

The Gala was in June, but I didn't get a chance to thank everyone for their attendance at the Smith Center. It was an exciting evening and a beautiful event. A special thank you to Mindy Martinez, past president, for sharing her Gala year with me as the date was changed to mid-year. To the Gala committee and staff, kudos to all of you; this was an amazing event that will not be forgotten. To all of the award presenters, nominees, and award recipients, you are all an example of what great people we have in our industry. Congratulations to all of you.

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Next month, if not already, many managers and boards will begin the budget process for associations that have a fiscal year that starts in January. The fiscal responsibility of budgeting is important to our associations. Review the history of the expenses and how many owners are delinquent as that may affect income to the associations. The reserve study should be reviewed in detail to ensure that the major common maintenance items are included for the next year, or get bids for an updated study if needed so that you have accurate numbers to prepare the association's budget.

I am looking forward to our luncheons and events for the remainder of the year. I hope to see you there.

Visit www.cai-nevada.org for a calendar of events that are coming up.

April Parsons, CMCA



**Editorial Exclamations** 

# The Gavel has Dropped.



he 2017 legislative session ended on June 5, and surprisingly, the session held little drama for our HOA communities. But it certainly ended with a climactic BANG! With very few days remaining in the session, our lobbyist, LAC members, and Grassroots participants were put to the test; and they all walked away as heroes!

Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

During the 120-day session, there were 1,143 bills introduced to the Legislative body. Many bills died with little or

no action. More than 500 were passed. Governor Brian Sandoval vetoed just over 40.

On May 19, Chuck & I were privileged to spend a full day in Carson City. It was a memorable experience, and gave us both an inside peek at the mechanics of making our laws and the personalities who hold such sway over our everyday lives here in Nevada. Such as: a bill was passed that now makes it unlawful to drive below the speed limit in the farleft lane of a multiple lane highway; minimum wage was not increased from \$11 to \$12; ESAs did not pass; but we now have two new state parks: Walker River State Recreation Area in Lyon County and Tule Springs State Park in North Las Vegas. Plus, we can now all smoke pot – legally!

There's much more about the 2017 legislative session in the following pages of this month's Community Interests. Start with Donna Zanetti's *Another Legislative Session Behind Us - It's a Wrap!* for a full look at the machinations of the session and the bills that directly affect our HOA communities. This article is definitely the place to start!

Other articles directly pertaining to the legislative session include: Marilyn Brainard's, *A Success Story for CAI's Grassroots Initiative in Carson City*; and Mark Leon's clever update, *Rooftop Solar Episode III – Revenge of the Citizens.* Chuck Niggemeyer presents a brief but heartfelt wrap-up of the Grassroots effort in *Grassroots 2017 Legislative* 

# Voices...You Have Been AWARE! AMAZING! and AWESOME!

Now that the Nevada legislative session is behind us, many of us are thinking budgets! Phil Bateman reminds us that the season is here in, *Budget Time. Are You Ready?* Of course, reserves are a big part of the budget season also, be sure to read Robert Browning's, *To Reserve or Not to Reserve.* 

No one is prepared for a fire. And if you live in a high-rise it must be an especially frightening possibility. The recent, tragic fire in London spurred Stanley Monsef to share some insights into fire safety in a high-rise complex. Even for those of us who live in individual homes or low-rise condominiums, it is interesting to know the process of *Evacuation Management in High-rise a Residential*.

Last but not least, I received a request at the June Gala to rerun the 2016 Article of the Year. Cary Brackett and his wife Mary wrote the award-winning article, *Your Community ... Through the Looking-Glass: The Winding Path from Apathy to Participation.* I distinctly remember talking about apathy in our staff meeting and we all agreed that apathy is a very difficult topic to tackle. Cary and Mary did a fantastic job addressing the issue. Even if you read it when it first ran in the May 2016 issue, it's worth a second read.

Stay cool!

Vicki Niggemeyer, DCAL



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# Another Legislative Session Behind Us - It's a Wrap!



The Nevada legislature adjourned *sine die* (without appointing a day on which to assemble again) on June 5 bringing another 120-day session to a close. For the most part, this session marked a high point of productivity, collegiality, and respect for HOA interests.

However, in the last week of the session, a procedural maneuver redirected an innocuous HOA bill, SB 258, to conference committee for the purpose of tacking on amendments aimed at reversing certain HOA laws passed in 2015. Of greatest concern to the Nevada Legislative Action Committee (LAC) was a proposed amendment that would have made an association liable if a unit did not sell for a commercially reasonable amount at the HOA's foreclosure sale. Since HOAs cannot credit bid for more than the amount owed and have no control over how much someone is willing to bid for a unit, there would have been no practical way to guarantee that a unit would sell for the 20-40 percent of its fair market value. How many HOAs would be willing to "roll the dice" and foreclose under these conditions if this amendment which protected delinquents at the expense of all the homeowners became law?

As you know, legislators must introduce bills early in the session; to become law, the bill must survive public hearings and committee votes in both the Assembly and the Senate and then pass both houses. But when a bill is sent to conference committee, anything can happen. The



six conferees are not limited to resolving differences in language on the original bill. They can tack on almost any amendment, without public comment and financial vetting. If the conferees agree, the amendment is added to the committee report, adopted by the Assembly and Senate, and sent off to the Governor for signature. In short, lots of mischief can occur in a conference committee. Many people believe that the subject matter of the amendment and the bill must be related. However, that is only true in the most general sense. The one amendment that was added in conference committee applied to a single subdivision in Henderson (not an HOA) which wanted to utilize Henderson's neighborhood improvement district program to beautify a landscape strip along a public street.

LAC's lobbyist learned about the proposed amendment, called the "Nevada Homeowner Equity Protection Act," early in the final week of the legislative session. LAC called upon its Grassroots members who responded with hundreds of calls and emails to the conference committee members. The volume was so high on Friday that it threatened to disrupt IT operations at the legislature. By 3 p.m. on that last Friday, the conference committee agreed to not propose the amendment.

CAI members may recall that the closing week of the 2015 session included similar drama when Assemblyman David Gardner, with the support of the banking lobby, hollowed out an existing HOA bill and replaced it with language that would have repealed the highly negotiated super priority lien protections of SB 306 (2015), which the Governor had just signed into law. With a push from Senator Hammond, it passed the Assembly but failed to reach the Senate before the gavel fell closing the session.

However, this year's legislative session wasn't all about last minute monkey business. In contrast to past sessions, LAC was able to pass some common sense legislation with the support of Senator Becky Harris and even find common ground with both the bankers and the realtors in some areas. For the first time in a long time, LAC was able to be proactive rather than reactive. Therefore, most of the story about this year's session is about the bad legislation that did not happen. Not as dramatic as the last weeks of 2015 and 2017, but much more satisfactory in its way.

So what accounts for this change in tone? LAC attributes it to two important factors: (1) the clear message from the Democratic leadership, now in control of both houses, that the legislature was not going to spend 2017 re-fighting the super priority lien battle of 2015; and (2) the growing reputation of the LAC as a respected resource for all things HOA.

After years of reacting to legislation, LAC's primary goal in 2017 was to sponsor and support some long needed common sense amendments to NRS 116. To that end, we partnered with NACM, a professional association for community managers which is active in Las Vegas, and the State Bar on two bills sponsored by Senator Becky Harris. We also worked with the Governor's office on the state version of the federal Servicemember's Civil Relief Act, a bill which Governor Sandoval considered central to his goal of making Nevada one of the most military friendly states in America. We worked with the realtors on a bill that permits electronic communication of certain notices (a change that will save HOAs money) and with the bankers on a bill which, for the first time, will entitle HOAs to receive excess proceeds from tax sales.

While federal legislators seem to have forgotten how to compromise, political give and take is still working in Nevada where unanimous committee and floor votes are commonplace. Therefore, when a bill seemed likely to pass, LAC tried to work with legislators on amendments to make the bill better for community associations. As an example, Senator Gustavson proposed a bill to require that any courtesy notice an association delivers include a photograph of the alleged violation, a practice already in place at most HOAs. He was very open to amendments which accomplished his goal, but clarified that courtesy notices are not mandatory and may be delivered to the same persons as a hearing notice. (It was Senator Gustavson's bill that was hijacked and sent to the conference committee but ultimately emerged unscathed with the amendments that LAC had recommended).

There were times when LAC took a hardline in opposition to a bill. Once again, former Senator Schneider actively supported a bill to move the Ombudsman and the Ombudsman's investigative staff from the Nevada Real Estate Division ("NRED") to the Attorney General's ("AG") Office. Senator Schneider appeared in Carson City to testify before the Senate Finance Committee on the mendacity of community associations which could only be controlled by putting the AG's Office in control. Both NRED and the AG estimated a significant negative fiscal impact from such a move. NRED predicted that per door and CAM fees would rise as a result. The AG testified that its focus was not compatible with the Ombudsman's role. LAC testified against this bill, not only for its adverse fiscal impact on homeowners and managers, but for the poor message it sent to the thousands of caring volunteer board members that the Ombudsman, whose primary responsibility is to resolve conflicts, should be under the supervision of an office whose primary responsibility is prosecution and enforcement.

This type of advocacy requires a great deal of time and effort and would not be possible at all without the

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services of our paid professional lobbyist. Ninety-four percent of LAC's annual budget goes to pay its lobbyist. The remaining six percent goes to pay for bookkeeping services to ensure that the donations which constitute 100 percent of LAC's income are properly accounted for and expenses properly tracked. LAC members receive no compensation. We appreciate each and every association which has contributed to the LAC dollar-a-door campaign and each business partner who has made a donation to LAC and to the PAC. The legislative session has adjourned, but LAC's work does not stop in the off years. Please renew your commitment to LAC and make a donation to keep our advocacy moving forward in 2018.

Below please find a summary of the primary 2017 bills passed and signed into law affecting community associations. CAI is sponsoring continuing education classes on the new legislation on September 14 in Reno and on October 20 in Las Vegas where you may obtain a more detailed analysis of all the bills affecting community associations. Each board should also consult its corporate counsel for how this legislation will affect their association.

- SB33 is the state version of the federal Servicemembers Civil Relief Act (SCRA) which prohibits lenders and HOAs from foreclosing on active duty servicemembers under most circumstances. Since the law imposes penalties on violators, LAC lobbied for language that would require owners seeking the protection of the state SCRA to provide the HOA with personal identifying information sufficient to allow the HOA to verify service through the free database maintained by the federal government.
- SB195 fixes the election by acclamation provisions in NRS 116.31034 so that if the number of candidates is equal to or less than the number of seats to be filled, the nominated candidates are deemed elected (no more extra notices which made the process as expensive as sending out ballots) and any remaining vacancies may be filled by the board. It also aligns the board election with the association's annual meeting. With regard to developer controlled properties that are transferred by foreclosure or other involuntary sale, the purchaser will automatically acquire declarant's rights and responsibilities unless the purchaser opts-out. The bill will also allow an association to forego noticing executive session meetings of the board in certain circumstances. Currently, the association is required to provide notice of executive session meetings even though owners cannot attend. Directors and officers insurance has been added to the list of insurance required under NRS 116.3113. Finally, the bill clarifies the ability of an association to impose a fine for a violation of rules which reasonably restricts parking of recreational vehicles, watercraft, trailers, or commercial vehicles in a community association with public streets to the extent authorized by law.

- SB239 clarifies that an association may enter into a condominium unit to abate a water or sewer leak and any resulting mold. The cost of such abatement may be added to the owner's assessment account, and, if not paid, collectable as part of the association's super priority lien in the event of a lender foreclosure. The association is required to notify holders of recorded security interests in some circumstances.
- SB255 provides that an association no longer need deliver hard copies of changes to the governing documents, but may instead deliver this information in the manner provided by NRS 116.31068, which includes an electronic delivery option.
- SB258 requires that if an association sends an alleged violator a courtesy or any other pre-hearing notice, the notice include a photograph of the alleged violation if it is a physical condition or act or omission for which it is possible to obtain a photograph.
- SB281 adds associations to the list of entities which can receive excess proceeds from a county tax sale. However, if an association receives excess proceeds on a residential unit from this source, it cannot recover through a lawsuit or otherwise collect any deficiency remaining due from the owner.
- SB320 imposes certain restrictions on towing unregistered vehicles in associations which have common parking lots. If the vehicle belongs to a resident, the association may not tow the vehicle from its parking lot until the vehicle's registration has been expired for more than 60 days unless the unregistered vehicle is blocking a fire hydrant, fire lane, or handicapped parking space, or it poses an imminent threat of causing a substantial adverse effect on the health, safety, and welfare of the residents. The towing sticker an association affixes to a vehicle which may be towed must specify the date and time, not less than 48 hours after the sticker has been affixed, after which the vehicle may be towed. Therefore, if the vehicle is stickered on Monday, July 24 at 8 p.m., the sticker must specify that the vehicle may be towed Wednesday, July 26 after 8 p.m.
- SB476 requires that homeowner members of the Commission for Common-Interest Communities and Condominium Hotels must reside in a unit within this state.
- SB490 revives the Foreclosure Mediation Program which was supposed to sunset June 30, 2017, and makes it permanent. The bill relocates the program administration from the Nevada Supreme Court to Home Means Nevada, Inc.



Donna A. Zanetti, Esq., Co-Chair, Nevada LAC

# 2017 2017 – A Success Story for CAI's Grassroots Initiative in Carson City

By Marilyn Brainard, DCAL

Community Associations Institute's Nevada Legislative Action Committee proved that elected representatives do respond when citizens contact them in large numbers. A call was put out on May 30 to Grassroots participants when a proposed amendment called *The Nevada Homeowner Equity Protection Act* was attached to a friendly bill sponsored by our State Senator, Don Gustavson. It had nothing to do with his bill, but everything to do with attacking the equity of homeowners in community associations who pay their assessments, like the vast majority of us. Not only was it an "end-run," but no legislator would put his or her name to it! The Grassroots members responded immediately, resulting in the amendment being rescinded because the high volume of emails to legislators jammed the IT system in the legislative building.

While this kind of drama often occurs, the way this attempted coup was orchestrated is an example of why many folks have a negative opinion of the political process.

Overall, the session was positive for our community associations in Nevada. Especially by continuing the agreements reached in last session's SB 306 by all parties involved in lending or real estate matters that affect our financial well-being.



Visit our Facebook page for more photos! Search CAI Nevada.

# Las Vegas Luncheon Gallery



**Rooftop Solar Episode III –** Revenge of the Citizens

By Mark Leon, DCAL

n June 15, 2017, the Governor of Nevada signed into law AB405, a bill passed in the 2017 legislative session that restores favorable conditions for residential rooftop solar. To understand the impact of AB405, we must first recap the two previous episodes of the rooftop solar saga:

# Episode I – The Leasing Menace (2015)

Turmoil has engulfed the Nevada Republic. A tipping point was reached where it became a good investment for third parties to finance the installation of rooftop solar arrays, triggering the solar lease boom. While the legislators of the State endlessly debate this alarming chain of events, the Public Utilities Commission of Nevada (PUCN) has put into motion a plan to settle the conflict....

# Episode II - Attack of the PUCN (2016)

There is unrest in the citizenry. Seventeen thousand existing rooftop solar systems have been affected by a draconian rule created by the PUCN. New residential rooftop solar installations are now unfeasible. A citizen's movement is underway to make it difficult for lawmakers to ignore the critical issue of creating legislation to overturn the PUCN...

Episode III opens with Nevada's utilities and the PUCN beginning to smell what the citizenry is cooking. Late in 2016 the PUCN reversed its horrible decision in part by grandfathering in all existing and currently approved rooftop solar systems to the previous net metering agreements; but the future of Nevada residential rooftop solar remained very much in doubt. The 2017 legislative session, which ran February 6 to June 5, saw the introduction of numerous bills related to solar energy. Following hours of hearings and testimony, lawmakers hammered out AB405, a comprehensive bill first introduced by Assembly

Democrats but passing in both houses with large bipartisan support.

The primary issue surrounding residential rooftop solar is the question of whether it is a net benefit or detriment to non-solar utility customers in its present form. To date, conflicting studies have been submitted to the PUCN. A study sponsored by the utility claims a 36 million dollar per year loss to non-solar ratepayers, while analyses sponsored by the solar industry find that rooftop solar provides a net benefit of seven million dollars to nonsolar customers annually. AB405 recognizes the need to settle these disputed findings, and includes language to establish a methodology for determining the true effect of net metering on all utility customers. In the intervening time, the bill sets a percentage of credit for any excess energy a rooftop solar system generates during the day. The credit is initially 95 percent, but diminishes as statewide solar capacity increases. The bill additionally includes language defining and regulating rooftop solar system lease programs, known as "power purchase agreements," and some forward-thinking language regarding energy storage systems, which have the potential to change the way we use energy.

So how does AB405 affect association homeowners? Those of us living in common interest communities know that our governing documents likely prevent us from drilling a well in the back yard to tap our own water, or frack to harvest our own natural gas. But we can install solar

panels on the roof to generate our own electricity, empowering us to permanently reduce, or virtually eliminate, a sizeable monthly household expense. AB405 improves the cost versus benefit equation making rooftop solar a practical home improvement for many homeowners. The question is, is it better to lease a system, or purchase it outright? Below are some variables that affect the equation.

# Longevity in the Home

The lease versus purchase decision depends largely on your future plans. In general, if you intend to stay in your home for ten years or more, an outright purchase of a rooftop solar system makes the best sense, financially. Solar panel prices have





dropped appreciably the last few years, and now that AB405 is law, solar installation companies will come roaring back to Nevada, all desperate to compete for your business. While purchase does require a significant amount of money up front, your longevity in the home ensures that the return on your investment will be reached and you can continue to reap the benefit of your system for years on end. If you sell your home before the return on your investment is realized, you'll have to hope that the added value of the solar system will bolster the home's selling price enough to make you whole.

# **Cash Position**

The cost of a typical rooftop solar system is in the range of twenty thousand dollars. Most of us don't have that lying around. You could finance the system with a home equity loan, but the interest expense increases the time for return on investment. Leasing is an attractive alternative because there is no money up front, and your power bill will see immediate reduction. But be aware that the leasing company is merely selling you the power that panels generate at a reduced rate. They will profit on the difference, every single month. Also be aware that the lease is an encumbrance on the equipment attached to the home. If you sell your home within the lease period, you will likely have to convince the new buyer to assume the lease, otherwise you may have to pay for the equipment out of the proceeds from the sale.

# **Federal Tax Credit**

If you purchase your system, the federal government allows you a 30 percent credit toward the reduction of your personal income tax. But note there is currently talk in Washington, D.C., about a sweeping tax reform that would eliminate all current deductions, save for the standard deduction and charitable giving. If the 30 percent tax credit disappears, it doesn't mean rooftop solar becomes a bad deal; it just means the time for the system to pay for itself gets longer – perhaps 30 percent longer. If you lease your system, the leasing company gets the 30 percent tax credit.

# **Utility Rebate**

There is a Nevada rebate program that was put into place years ago to incentivize the purchase of rooftop solar systems. But the rebate, designed to diminish over time, is now a paltry 14 cents per kilowatt, which translates to about \$700 for the average rooftop system. The disadvantage is that by accepting the rebate, you forever assign your Portfolio Energy Credits (PECS) to the utility. PECS are earned as your solar array generates power. The value of PECS are currently speculative, but if United States energy policy shifts, PECS could become a precious commodity. That possibility convinces the majority of homeowners to forego the current utility rebate. If you lease your system, the leasing company gets the rebate, or more likely, foregoes the rebate and retains the PECS.

Residential rooftop solar is coming back to Nevada. I can't wait for the TV ads to start up again. It's an exciting time to be alive.



# Legislative

# Grassroots 2017 Legislative Voices... You Have Been AWARE! AMAZING! and AWESOME!

By Chuck Niggemeyer, DCAL



2016, and maintained a continual watchful eye on the Nevada Legislative process until the Legislature adjourned on June 5, 2017. Everyone's participation throughout this legislative period was truly AMAZING. By making your voices heard in Carson City, the culmination of your efforts occurred on Friday, June 2, when a piece of unacceptable legislation was about to be added via Conference Committee Amendment. The proposed amendment was titled: "The Nevada Homeowner Equity Protection Act." Grassroots sprang into action exercising our collective "voter voice" telling the amendment sponsor(s) just how devastating the amendment would be to homeowners. Our voices were heard. The amendment was never introduced. AWESOME!

he title says it all. The 2017 CAI Grassroots community started an AWARE-ness campaign in the fall of

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

Grassroots sent out over 17,000 emails during the 2017 Nevada Legislative Session. Weekly updates were provided from LAC and sent to the Grassroots community. When you were called to action, you responded. Pat yourselves on the back! You deserve it. A word of

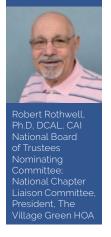
caution is appropriate; don't let down your guard. The 2019

Nevada Legislative session will be here in the blink of an eye. Please continue to spread the word about Grassroots to your neighbors and friends. Ask them to join Grassroots and add to the voices heard in Carson City.

A heartfelt "THANK YOU" to everyone in Grassroots. You were AWARE, AMAZING, and AWESOME!!!  $\textcircled{\sc op}$ 



# CAI – What's Happening on the National and International Scene



Making it Better! By Robert Rothwell, Ph.D., DCAL

Al is proud to announce the formation of a new CAI Chapter headquartered in Dubai, UAE. Known officially as CAI Middle East, the chapter is the region's first and only professional association representing homeowner associations, and has customized and improved the internationally respected "Community Association Manager" education courses offered by the Dubai Real Estate Institute required for all managers within their jurisdiction.

Another new chapter, CAI Canada, also joins the global network of 60 chapters who benefit from membership in CAI. Through this new chapter, community managers and homeowners, as well as business partners in Canada, will have unparalleled educational and networking possibilities. In establishing this new chapter, CAI will also provide community managers in Canada with access to industry credentials and professional designations that are recognized throughout the world.

Never Static ... Always

Illinois, Maryland, and Hawaii have become the latest to join the ever-increasing list of those states who are at the forefront of requiring education for members of community association boards of directors.

Following the example of colleges and universities in other states, the "Essentials of Community Association Management" curriculum, developed exclusively by CAI, is being offered for credit at Montclair State University in New Jersey. The Dean and faculty of the University's Business Administration Program chose to offer the course because "community association management is an excellent career path with tremendous opportunities."

In an effort to dispel "Myths and Misconceptions," CAI National has launched an on-going campaign to encourage the general public to separate "fact from fiction." For example, many disputes over the American flag have nothing at all to do with the flag itself; rather the issue usually involves the placement of permanent flagpoles. Another example, many think that association boards have unlimited power when, in fact, they are restricted by the governing documents.

Another "fact" is tied to the establishment of community associations. Community associations exist mainly because cash-strapped cities require new developments to take responsibility for many of the services once provided by the government, e.g. street lighting, trash pickup, road maintenance, etc. Making builders and developers responsible for common elements required the establishment of an entity to manage these services. That entity is the community association.



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# CAI Nevada Chapter, 2016 Article of the Year Award Winner!

# Your Community... Through the Looking-Glass:



Cary Brackett, CMCA, AMS, PCAM General Manager, Desert Shores Community Association

By Cary Brackett CMCA, AMS, PCAM; and Mary Brackett

The Winding Path from

Apathy to Participation

e all deal with apathy – a lack of interest, of concern or of passion – in our communities. There are various aspects of our lives that grab our attention and our interest such as family, church, hobbies, careers and so on. Sometimes these things are fulfilling in and of themselves, but other times we find our time and attention held hostage, while we are left unfulfilled and craving something beyond, something bigger than ourselves and our immediate sphere of existence.

This is exactly how Alice must have felt in Lewis Carroll's *Through the Looking-Glass, and What Alice Found There.* Her story opens in winter and the girl is alone in the house, busy doing next to nothing at all, while the boys busy themselves building a bonfire. In that moment, we feel Alice's longing to be a part of something, to participate in something bigger than herself. We can give our time working at a soup kitchen or give our resources to a charity that captivates our hearts, but sometimes we just desire something closer to home. Most often we lack the confidence to take that first monumental step and follow Alice through the looking-glass.

"Oh, Kitty, how nice it would be if we could only get through into Looking-glass House! I'm sure it's got, oh!



Such beautiful things in it!" she tells Kitty, after getting bored with their game of chess, a few other games of pretend and upon catching the reflection in the mirror above the fireplace1. She describes what she sees and what she expects may be beyond the view in the mirror in great detail before climbing upon the mantle, but let us imagine for a moment what would happen if Alice only saw her reflection and decided not to climb through into Looking-glass House.

Lewis Carroll's story would have ended right there and a form of apathy would set in. But this isn't how the story goes, instead Alice takes that first step, she participates and learns more about herself during her story than she ever does about the world around her. Alice's adventure is much more beneficial to her than it is to those she meets, just as our participation in something bigger than ourselves can benefit us in a greater way than it ever does the community. Like the chessboard world Alice discovers beyond the Looking-glass House we can discover the reflection that we see can be amazingly different than what we expected when we exchange our apathy for passion and participate in something beyond imagination.

# Getting Past the Apathy and Into the Looking

Our reasons for wanting to participate in something may be a thousand-fold, but they generally boil down to three very basic concepts: we want to improve our surroundings, we want to improve the lives of others or we want to improve our own lives. Very often our participation becomes a combination of these, especially as our own lives invariably improve as we improve the lives of others and our surroundings. Imagine, however, never taking that first step.

What would our lives be like if we never learned to walk? To ride a bicycle? To drive a car? Our sphere of existence narrows and our ability to move around in that sphere becomes limited. It's Alice locked in that single room, unable to find her way outside. "There's no use trying," she said: "one can't believe impossible things!"<sup>1</sup> We have a bad habit of telling ourselves stories as we live in the day-to-day – we're too busy, there's no time, we're not capable, we lack the resources or the money or the skill. Basically, we tell ourselves "I can't." End of story and we lock the door.

So how did we get past the fear of taking that first step as a child? Of finally riding that bicycle or driving down the road? How do we unlock the door and join Alice on her adventures? Even Alice doubts herself during her travels. It's the White Queen who convinces her that even impossible things are possible if you believe, just as we had someone important to us - a parent, a sibling, a close friend - guiding us towards that first step, that first bicycle ride with no one holding on. We CAN do the impossible if we believe and have the encouragement of others.

This is why we need Community Leaders. They are the voices that should be encouraging those we recruit so that they CAN make a difference. They need to seek out those with hidden talents and a desire to do the impossible, no matter how strange their ideas, and help them find the balance to make it all work.

# Laying Out the Chessboard -The Bigger Picture

When Alice first enters Looking-glass House she comes across the chess pieces who can't seem to see her because she is so much bigger than them. In the day-today operation of our communities, we can also become so focused on our own small piece that we completely lose the bigger picture.

To have participation we need to be able to communicate the big picture and how each individual's participation fits into it, just as each piece of the chessboard fits intricately into the playing field. Both short and long term goals should also be communicated to the community members involved, with larger projects broken into smaller steps, just as the chessboard is broken into smaller squares. For example, a large landscaping project should be laid out fully with the end result clearly communicated along with each step needed to reach it.

With such a project broken down into smaller steps and a written plan or charter, it is easier to see the needed jobs that can be brought together and the different passions that can come together to build a winning strategy. As each piece of a chessboard moves and interacts with its counterparts in specific and interactive ways, each community member involved in a project can use his or her passions and skills to create a successful project. For example, the lady down the street with a knack for creating beautiful flower gardens, the gentleman across the street that loves to organize, the person who loves design. All of these individuals can be brought together to create a winning team.

# Seeking Participation - Creating the Game Plan and Choosing the Players

There are two ways to seek out participants for community projects: either we can sit back and wait for them to knock on our door, or we can seek the pieces to fill the board, those community members that have a recognizable interest, passion or talent that fits into the big picture and can help to build it. We then need to feed the individual interests and build them into a passion for the project at hand, through encouragement and support, by removing obstacles and opening doors.

Alice cries, "I never saw such a house for getting in the way!"1 when she finds herself unable to get away from the house down the corkscrew path. What house stands in your way? Don't have the time? Okay. How much can you give? Maybe there is someone else that shares a similar interest or skill and can share the workload. What about a shorter time frame for participation? How can the community accommodate what can be provided? No job should be too small, no interest should be considered too little and no passion too insignificant that it cannot be built into something greater. Just as Alice has to go in the opposite direction in order to go forward, sometimes we need to take a step back and take a different direction to meet our participants where they are. Not only will this foster participation in our current projects, but it sets up a standard that will grow participation for the future.

# **Keeping the Passion Going**

Chess games, stories, everything must have a proper ending. Alice reaches the end of the chessboard and finds herself unexpectedly wearing a crown, having become a Queen, then finally returns home. Show your appreciation for a job well done. Your community members are volunteers and nothing feeds the passion and sense of accomplishment of a volunteer more than a heartfelt "thank you." Then, let them go home.

Sometimes we hold on too tightly to those who participate, especially those with the enthusiasm and eagerness to participate well. This leads to the burning out of those that have served well and can eventually drive them into apathy. Those not yet participating see this and become fearful of taking their first step towards participation, because we have shown them that participation will be never-ending.

We need to help our community members find the "other side of the board" through encouragement, support, the removal of obstacles, and by showing them the vision. Help them become interested, even passionate, about the big picture. Turn them into cheerleaders instead of naysayers. The cheerleaders will grow into major players, and the players will in turn become the Kings and Queens of community participation and the community leaders of the future.

## References:

<sup>1.</sup> Carroll, Lewis. Through the Looking-Glass, and What Alice Found There. The Annotated Alice. 2000:128-274.

# **To Reserve or Not to Reserve**

by Robert W. Browning, PCAM, RS



Robert Browning, PCAM, RS, Browning Reserve Group, past president of the CAI CA North Chapter, served on CAI's Board of Trustees and President of the Foundation for Community Association

That is the question. Although I share a name with a literary genius, it ends there. I am certainly no Shakespeare! But this line from the famous soliloquy, adapted for my purposes, does help highlight an emerging topic in Nevada among community association professionals...from an association's inception, how expansive should the major component list be?

Should the reserve component list include all major items that will be replaced during the life of the community?

Should the list include only those items that have a useful life of 30 years or less?

# What is a Reserve Component?

In order for a component to be included in the reserve study, the CAI national standards postulate a four-step test:

- 1. Association responsibility;
- 2. Limited useful life expectancies;
- 3. Predictable remaining life expectancies;
- 4. Above a minimum threshold cost.

In Nevada, the following provisions apply:

# NRS 116.31152

"An identification of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore which have a remaining useful life of less than 30 years..."

# NAC 116.425

A 30-year schedule which shows, among other things, "the projected expenditures from the reserve fund."



# Developing the Major Component List

When the Reserve Specialist (RS) develops the major component list, there are several resources that aid in the development of a sound list.

- The RS will read the governing documents to determine the legal organization of the association. Depending if the association is a condominium, planned development, or other type, will guide the list's creation. The RS will also look for odd provisions, or component exclusions in the governing documents.
- The RS will also look at previous reserve studies, documents, and maps from the developer, and talk with management, board members, and association staff.
- Finally, during the physical inspection, the RS will note any obvious missing reserve components, depending on the maintenance responsibilities outlined in the documents.

# **Component Creep**

As the association ages, things can get a bit complicated. The component list must evolve and expand as the association matures and the physical plant ages; I call this "Component Creep." For example, a component with a Remaining Useful Life (RUL) of 50 years, may not be included in the early reserve studies. But that same component, with a 50-year Useful Life, should be added to the component list on the association's twentieth anniversary. That is because this component's RUL now falls within the 30-year study window.

As these components get added to the study and the RUL falls into the 30-year window, other experts in addition to the RS may need to be consulted. This is because many of the components with serviceable lives of 30 years plus are latent, not easily inspected by the RS, and often exceed the expertise of the RS.

As an example, in a high rise, there are many systems that have a useful life in excess of 30 years. Examples of such components include elevator systems, domestic water distribution, emergency power, HVAC systems and ducting, fire and life safety, and a myriad of other components. As the association and physical plant ages, the association may need to retain other experts to augment the reserve study to ensure there are adequate reserves to fund these long-life components.

# **An Interesting Question**

Recently, I was asked if I thought it was plausible to adopt a requirement mandating that the association's initial component list include every major component the association will be responsible for during its entire life (i.e. a requirement to fund every conceivable major component from day one.)

I expressed my concern that funding every possible expense from the association's inception would be difficult. Also, who knows what technology will be around in 50-100 years? And how would the RS inspect and inventory every component that may fail in the next 100 plus years?

A better approach may be to ensure reserve studies are following existing Nevada law by expanding the major component list as long-life components enter their final 30 years of serviceable life. Alternatively, establishing a new requirement whereby developers provide a list of every major component at transition could be added to the study as a disclosure. This may be a good way to deal with avoiding surprises.

Finally, let's look at the question from another viewpoint. All buildings are susceptible to the following principles: "Highest and best use," and "functional and economic obsolescence." How can anyone know now when, and if, any of the three principles that affect all real estate will impact the community association? There are already examples of associations built in the 1970s that have been repurposed into other uses - and they were less than 50 years old!

These are interesting issues. Agree? Disagree? See you at the Bar(d)!

To see the recently revised CAI National Reserve Study Standards, please go online to https://www.caionline.org/ LearningCenter/credentials/Pages/RS.aspx



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# Evacuation Management in a High-rise Residential

By Stanley Monsef, Ph.D.

Since the appearance of high-rise buildings in Las Vegas, there has been a transformation of building design and construction culminating in glass, steel, and concrete structures. These structures are for use as office buildings, hotels, and residential buildings. The residential buildings comprise high-rise apartments, condominiums, mixed-use condominiums, and condominium hotels.

The massive fire disaster of June 2017 in a London high-rise residential, causing deaths and destruction, brings with it the necessity of reviewing management and evacuation programs for high-rise residents and other occupants.

Evacuation of occupants of the high-rise residential, highrise condominium and condo hotel must be made part of every full-service, total fire safety and emergency program. Furthermore, the roll of resource allocation during an emergency situation in a high-rise environment is crucial in a successful emergency evacuation.

High-rise safety and health care facilities always support the first emergency responders - fire departments and inhouse emergency services. Fires and hazards are caused by the acts of commission and omission of people, which may result in panic and needless loss of lives and injuries. Therefore, at some point, the community manager and authorities must deal with such difficult and complex tasks as evacuating and transferring the injured occupants from the affected area to a safer location, within or outside the building.

In accordance with NFPA (Uniform Fire Code and Nevada Fire Protection Code and Rules and Regulations), all highrise residential buildings need to have a plan in place to be able to respond to internal and external emergencies. This plan is usually devised and activated by the community/ facility manager.

An important task before the manager is the allocation and assignment of available fixed and dynamic resources, such as designated emergency staff, elevators, stairways, and egress routes. The responsibility and decision-making task of the manager becomes crucial when several floors are in danger and all occupants need to be evacuated to safety zones.

Because of limited human resources to the affected floor, and because some of the floors will have handicapped occupants, the need for assignment of more dynamic and fixed resources (such as wheel chair, smoke mask, and cloth covering) becomes necessary to these floors to make the evacuation process safer, faster, and more efficient.

A further problem of evacuation in high-rise condominiums is, in essence, what has been experienced as queuing problem, defined as crowding of residents in exit areas and elevators in an attempt to move to a safer location.

Evacuation planning and management is certainly a very complex problem where risks are too high and interactions are too many to be fully considered. One such interaction could happen when the same hallway is used by small children, handicapped, or elderly people from





various floors. Also sharing of elevators to move injured and handicapped is another source of complex interaction between units of floors in a high-rise condominium. Under those conditions, residents not receiving services in the first round of evacuation must wait until dynamic and fixed resources become available by return of respondents from the safe locations. This situation can cause panic and uncontrollable conduct of residents. Thus timeliness, efficiency, and safe movements of residents add more complexity to the evacuation process.

The objective of evacuation planning is to minimize the evacuation time and to maximize the number of evacuees. To that end, the community/property manager must consider the following basic principles: resource management, fixed resource capacity, dynamic resource capability, resource allocation, communication, consultation and regular inspection.

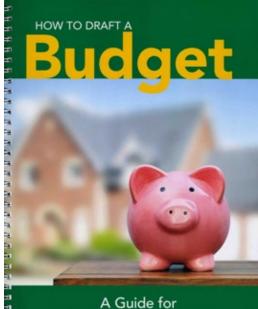
- Adoption of evacuation organization, including education and training programs;
- Evacuation policy, plans, and procedures;
- Fixed resource capacity (such as hallways, stairways, elevators, fire detection, and protection equipment) vs. the number of floors and structural design of the building FR (fixed resource) vs. NF (number of floors);

- Dynamic resources capability (such as on-site staff, fire warden, technicians, and other available respondents) vs. number of residents DR (dynamic resources) vs. NR (number of residents);
- Resource allocation vs. minimizing evacuation time and maximizing evacuees;
- Communication and coordination of evacuation movements;
- Consultation with relevant authorities for suggestions and recommendations relating to evacuation of a particular high-rise building;
- Request for fire department assistance for evacuation
   of handicapped residents;
- Regular inspection of evacuation passages and exits.

Preparation and implementation of an Evacuation Preparedness Checklist by the community/facility manager is important for prevention of fatalities.

# **Budgeting Resource**

Vicki Niggemeyer, DCAL



Community Associations

here's no such thing as too much information when it comes to preparing the HOA annual budget. CAI Nevada Chapter has plenty of business professionals who generously share their wisdom with homeowners, board members, and managers. But, if you are looking for something to hold in



your hand and place in your office for recurring easy access, think about purchasing a copy of CAI's "How to Draft a Budget, A Guide for Community Associations."

This 50-page booklet explicitly details the steps from the preliminary phase of setting budgetary goals to the ratification of the new budget by homeowners. Chapters include: Getting Started, The Operating Budget, Reserves, Revenues, Balancing the Budget, and Presenting the Budget to Homeowners.

You can buy your copy for just \$14.95 (CAI members) by going online: caionline.org.

# **Budget Time.** Are You Ready?

By: Philip C. Bateman

Philip C. Bateman, CPA, CFE: Shareholder Hilburn & Lein, CPAs

t is hard to believe we are half way through 2017! Before you know it, 2018 will be on our doorstep. Long before 2018 starts, we have many preparations – one of which is the association budget. Many hear the word budget and think, "why start now." However, many experienced managers and large-scale community managers know summer is the time to start budget planning.

Remember, budgets need to be created and approved for all association funding. Attention always seems to be focused on the operating budget. However, the reserve budget and other fund budgets are just as important and need to proceed through the same ratification process. For the reserve fund, a separate budget, like the operating budget, must be prepared, including revenue (assessments from the operating fund) AND the anticipated expenses. The expense part of the reserve budget is not as difficult as you may think. Rely upon the approved reserve study to give the guidance. Items budgeted or scheduled for the current year that are not happening should be rolled to next year.

If the reserve study needs updating, now is the time – before the budget process starts. Using the "best" reserve information is critical to developing a good reserve budget.

NAC 116.415 addresses the components of the reserve budget, which include an estimate of the amount of reserve funds necessary in the projected fiscal year. If the projected balance on the reserve account at budgeted year end is less than the amount required to adequately fund the reserves on a reasonable basis, as determined by the study, the reason for the difference and HOW the difference is proposed to be resolved by the board is also required to be disclosed.

Another aspect often forgotten about is that of a reserve assessment. NRS 116.115(2)(b) provides for the board approving a reserve assessment, to adequately fund the reserves, not subject to the special assessment provisions in most community documents. While never popular, the reserve assessment provides a mechanism for



communities that are severely under-funded to get back on track.

Another aspect I cannot emphasize enough, is that of having the manager, accountant, and board (or financial committee) act as a team in preparing the budget. Each member of the team has a critical role in the budgeting process. Too many times I see the accounting staff preparing the budget (copy and paste of last year) and running through the process. Board members (especially those onsite) and the manager have critical perspectives on the community that need to be addressed in the budgeting process.

Last, the association should address any surplus operating funds in the budget process. The premise behind the operating fund in an association is to breakeven. The annual assessment should be set to equal the amount of annual expenses the association expects to incur. NRS 116.3114 states an association can establish a "provision for common expenses" before determining the association has a surplus. An association should maintain adequate working capital to timely pay vendors and fund the reserves, without having to rely upon the collection of assessments.

To determine if an association has excess operating funds, or a "surplus," look to the current financial statement. On the Balance Sheet, which lists all association assets, liabilities, and equity as of a specific date, look for the operating fund balance or operating equity. This number includes any prior year excess or deficit, plus the current year operating fund net income or loss. This figure is the starting point. From the current operating fund balance, deduct an amount for the association to maintain as working capital. Any remaining number, if a positive number, could be considered excess or surplus operating funds. Factors specific to the association may dictate differences to the above model.

Once a surplus is identified, first, look to the reserve fund. Are the reserves adequately or fully funded? If not, these surplus operating funds can be contributed to the reserve fund. You never want to over-fund the reserves. After addressing any additional reserve funding, the remaining excess should be built into future budgets, starting with the upcoming 2018 budget. The association can budget more expenses than income, which will be funded by this operating fund surplus. The association may be able to reduce the assessment, or "vacation" the association could also incur additional, one-time association expenses.

As we budget for 2018, be sure to put adequate preparation into all funds, ensuring you and your communities will have a successful year.



Visit our Facebook page for more photos! Search CAI Nevada. NN Charity Bowling Gallery

Ahoy matees, the pirate themed Northern Nevada Bowling event was recently held at the High Sierra Lanes. CAI welcomed all pirates for swashbuckling fun and no one walked the plank! Thank you to our sponsors and bowlers.





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"Ask the LAC" and Ombudsman Panel Discussion 2017 Legislative Update Class & Boxed Lunch Trade Show **Grand Prize Drawing** 





# Aging in Place is a **Positive for Communities**

Bv Curt Kiriu

he phrase "aging in place" may be a current phrase, but the concept of aging in place is nothing new. Similar to our parents, grandparents, and prior generations, we all plan to live in our homes for the rest of our lives. No one thinks about moving into a nursing home or institutional care facility as they get older. So, aging in place, or planning to live in one's home for your lifetime, has always been the intention for many; but sadly, the majority of families have not been proactive in planning for this eventuality.

Many factors have increased the need for aging in place. The Baby Boomer generation (born between 1946 & 1964) is the reason most commonly heard; but another factor is that the population as a whole is living longer and results in many people facing the reality of aging illnesses such as Alzheimer (one type of Dementia), Parkinson's, ALS (Lou Gehrig's Disease), etc. Many of their adult children are moving back home to be caregivers for their parents.

The economy has been another factor. Adult children are moving back into their parents' homes with their own families because they cannot afford, or qualify, to purchase their own homes. These and other familyspecific factors have changed the characteristics of the family structure, which has resulted in an increase of multigenerational homes. It allows the opportunity to build and maintain that solid family structure base that we once had a few decades ago. The opportunities for our children and grandchildren to communicate and learn from their parents and grandparents is increased, rather than "learning" from the internet. A strong family structure is good for all communities, whether it is an HOA or not.

The trend of aging in place is affecting communities everywhere, including our own HOA neighborhoods. In order to maintain quality in an HOA, it is equally important to assure the quality of life for residents. If you have healthy active residents, then the HOA thrives as a whole. On the other hand, if a number of residents have health issues, then the HOA as a whole does not thrive and is not attractive to future residents.

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The aging in place concept has a significant impact on HOAs. When residents can make their own homes safe, accessible, and comfortable, then the risks of falling and injury are reduced. Being safe and healthy allows them to continue with their daily activities, to stay active and productive, volunteering, and being an active member of their HOA community. It may also reduce their medical costs, providing more discretionary funds for an active lifestyle.

As shown above, aging in place is absolutely a positive for residents in every community. The trend has also created an industry of its own: a specialized segment of professionals who address this increasing demographic of our population. These professionals are called Certified Aging in Place Specialists (CAPS), and are qualified after a certification process through the National Association of Home Builders (NAHB). CAPS are made up of contractors, architects, interior designers, physicians, occupational therapists, physical therapists, realtors, government employees, etc. In other words, any professional who is interested in learning more about making an aging in place home for their clients, family, and friends can be a CAPS.

Of course, it has been especially pertinent to the construction industry. As we all know, the bulk of the industry has been in a down slump since 2007, but many in the remodeling industry have been steady with work because of the aging in place market. Many people cannot afford a new home; and with the rise in multigenerational families, many have opted to remodel or modify their current homes to address their multigenerational needs.

If aging in place sounds like a viable option for you, and you choose to remodel your home instead of building new, there are some important questions to ask and think about before starting.

- Is the contractor currently licensed? (Ask the potential contractor for a copy of the license.)
- Is the contractor insured? (Ask the potential contractor for a copy of current insurance.)
- Can anyone install a grab-bar? Yes, but the important thing to think of is: can they install it in the correct location and be securely fastened? I have inspected many grab-bars, and sadly, there are many that I could move with two fingers, which is not supposed to happen. It is important to have someone who is experienced in performing this task.
- Do I have to follow the ADA (American Disabilities Act) law when I modify my home: No. The ADA law is the civil rights law and has nothing to do with your own private residential home. The ADAAG and ADASAD are good guidelines to follow, but not required.



- When remodeling, it is imperative that you follow your local city and county building codes and regulations. For information regarding a contractor, check with your local county Business License Department.
- What can I do if I want to age in place, but don't want my house to look like a hospital? Contact a NAHB (National Association of Home Builders) or CAPS (Certified Aging-in-Place Specialist) who has taken the courses and has the experience to assist you through the process of modifying your home, utilizing the Aging in Place methods and Universal Design concepts taught. You can go to NAHB.org, to search for a CAPS professional, nationwide.

If you would like more information on becoming a CAPS yourself, go to NAHB.org. Search for CAPS courses which are held nationwide. You can also contact SNHBA (Southern Nevada Home Builders Association) for more information on upcoming courses. Link: www.SNHBA.org. Office:702-794-0117.

# **Did You Know?**

By Gene Cimorelli



o you ever walk around your community and notice tree stakes still attached to the trees year after year? This is a major problem in many communities. These stakes are called "transfer stakes" and support the tree trunk for transport from the nurseries. When installing new trees on a property,

the installer should remove the transfer stakes and replace them with wooden lodge poles or steel stakes 12 or more inches on both sides to help support your newly planted tree. The lodge poles or steel stakes should support the tree for 6 to 12 months, or until the tree is stable and has established its roots. You may also consult with a professional arborist.



**Girdled trunks**, also called "ring-barking," is the complete removal of a strip of bark (affecting the phloem, cambium, and sometimes going into the xylem) from around the entire circumference of either a branch

or trunk of a woody plant. Girdling can be caused by improper staking of a tree.



**Girdling roots** are usually lateral roots at or slightly below the soil line that cut into at least one side of the main trunk. These roots restrict water and nutrients, which may be translocated to the leaves. This will promote

stress and it may result in failure of the tree.

# **Common Tree Installation Problems:**

- Planted too deep suffocates roots, may cause basal rot;
- Planted too shallow roots may dry out;
- Hole too narrow root system struggles, roots start to girdle;
- Straps left on trunk trunk will girdle;
- Stake placed against trunk may cause sun scald on the bark, girdle roots;
- Improper irrigation emitter only on one side of the root ball.

It is important to not only protect your trees on your property, but also your community trees. Contact your HOA if you observe any of these issues in your community. Be proactive and help protect your neighborhood trees.

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