

# Community Interests

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**Grassroots Committee**





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# Community Interests

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

MARCH 2013

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## Design and Layout

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## Subscription information

Subscriptions are available for \$36 per year. For more information, or to subscribe call CAI at 888-406-0063, 702-648-8408 or via e-mail at info@cai-nevada.org.

## Magazine Deadline

*Community Interests'* deadline for advertising or editorial submissions is the 5th of every month to be included in the following month's magazine.

## Correspondence

Send business card, ad copy or articles for reprinting to CAI of Nevada, 9171 W. Flamingo Road, Suite 100, Las Vegas, NV 89147, along with payment. The publisher retains the right to edit articles to conform to content and space requirements. Authors are to be clearly identified in each article and the author is responsible for developing the logic of their expressed opinions and for the authenticity of all presented facts in articles. Opinions expressed in *Community Interests* are not necessarily the opinions of CAI, CAI of Nevada, its board members or its staff. Authors are solely responsible for the authenticity, truth and veracity of all presented facts, conclusions and/or opinions expressed in articles. Article submissions should be in Word format or plain text.

Acceptance of advertising in the magazine does not constitute an endorsement by CAI or its officers of the advertised product or service. Advertisers assume personal liability for any claims arising therefrom against the publisher relating to advertising content. The publishers and editors reserve the right to reject advertising that either party deems inappropriate for the publication.

Classified advertising in *Community Interests* gives you a classified ad for \$50 per issue (includes 25 words/.50 each additional word) or \$300/year for members or \$473/year for non-members. Advertising contracts are available from CAI Nevada.

Payment, a signed contract, and your ad sent by e-mail or disk must be received by the 5th of each month prior to publication. Acceptable file formats are Microsoft Word, plain text or in the following high resolution (300 dpi) graphic formats: .jpg, .tif or .eps format. Please send a hard copy of the ad along with contract.

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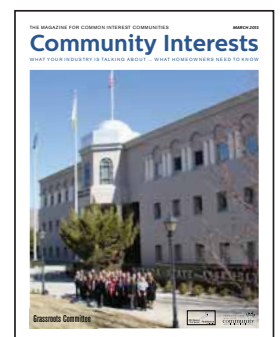
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DONNA TOUSSAINT IS A CAI HOMEOWNER, BOARD MEMBER AND 2013 CAI-NEVADA CHAPTER PRESIDENT

## President's Message

Several weeks ago, I attended a "legislative update seminar" sponsored by a large management company. One of the speakers was a lobbyist who represents the management company.

The most important thing I took away from that seminar was that our legislators need to hear from us, the homeowners. We are the people who are most impacted by ill-advised legislation. We pay our bills on time, all the time and it is us who have to pick up the slack for those who don't pay their assessments or other monies owed to the association. We are voters, and legislators want to hear from us far more than from industry insiders.

So how do we do this and how can we be effective? Many of you have heard about our Grassroots Initiative. The Grassroots Initiative has been holding get-togethers with homeowners all around the state explaining why it is so important that they get involved. We, the homeowners,

*We are the people who are most impacted by ill-advised legislation. We pay our bills on time, all the time and it is us who have to pick up the slack for those who don't pay their assessments or other monies owed to the association.*

need to speak up and be heard either by sending emails, letters or by testifying in front of our legislators. That's where we all come in. If we don't speak up we will accomplish nothing!

Working closely with the CAI Nevada Legislative Action Committee, the Grassroots Committee is providing training and key messages for our grassroots homeowners and preparing them to give these messages to their legislators. It is actually pretty simple.

How do you join the Grassroots Initiative? Just log on to the CAI website [www.cai-nevada.org](http://www.cai-nevada.org) and click on the "grassroots" tab. You can also follow grassroots on Twitter or FaceBook at "Save My Community."

Dates and times of grassroots meetings are updated weekly. Be sure to "like" our page so you can stay up-to-date on key legislation. You will also receive an email blast from CAI regarding dates and times. The Grassroots Initiative is a Nevada-based organization created to help homeowners be heard ... and we do need to be heard.

Patricia Taylor is the Chair of the Grassroots Initiative and Kendall Abbott is the Co-chair. You can contact them if you have any questions. Stand up and be heard! You can make a difference, not only in your community, but also in all our communities.

*Donna Toussaint*

**IF we don't have your E-MAIL ADDRESS You don't get your member benefits!**

CAI wants you to get the most from your membership. Without your e-mail address, we are not able to provide you with the **MANY MEMBER BENEFITS** that are delivered via e-mail:

- + Links to the digital issues of award winning *Common Ground* and *Community Interests* magazines
- + E-newsletters like *Law Reporter*, *Fast Tracks* and *Minutes*
- + News bulletins and legislative updates
- + Announcements of special events and offers for our chapter
- + and MUCH MORE!

NEVADA CHAPTER  
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Just log in with your member ID and password (log in is your email and password is your last name with the first letter a Capital ... or use your member account number) at [www.caionline.org/profile](http://www.caionline.org/profile) and click the "edit" button ... or contact Member Services by phone at (888) 224-4321 Monday through Friday from 9:00 a.m. to 6:30 p.m. Eastern Standard Time.



CHRIS SNOW  
COMMUNICATIONS  
MANAGER

## Chapter Commentary

Greetings and Happy Spring!

Warm weather, sunny days, maybe some wind, but at least the cold weather is behind us!

As we start to thaw, the warm weather brings new activity to the Chapter.

April is our National Conference in San Diego, California, quickly followed in May by the Las Vegas Golf Tournament and monthly events in Northern Nevada throughout the summer. Before you know it, we'll be at the Gala!

All these events represent growth and change. Our Chapter is growing, we are continually re-evaluating and customizing the workings of the committees and our events, adding and changing to accommodate and adapt to new situations.

The dictionary definition of growth is "from a lower or simpler to a higher or more complex form." In the 5 years that Mary and I have been with the Chapter, we have indeed moved from a simple to a more complex organization, from one Chapter Executive Director five years ago to a staff of three.

Community Interests magazine, once called a "newsletter", has evolved into a thought-provoking instrument!

In this issue you will find a new letter to the editor column. With growth comes commentary and constructive criticism. We welcome your comments and hope to learn from them. Your comments will gauge the future content of this publication.

Also showing signs of change is our move from the Hero's Luncheon, which honored many local heroes and first responders. Now our "Ordinary People, Extraordinary Measures" Luncheon honors our own homegrown charities in our State. After ten years, again we were met with suggestions to customize this awards luncheon and assist more unknown and very needy organizations. You can find a nomination form on our website ([www.CAI-Nevada.org](http://www.CAI-Nevada.org)) under the Events Tab, "OPEM".

Enjoy your beautiful communities during this Spring season and please keep in mind that all of you, in some way, have helped to bring our Chapter to a new level.

Onward and upward as they say!

Regards,

*Chris Snow*



**May 3  
Siena  
Golf Club**

# Annual CAI Golf Tournament

**Mark your calendars!** On May 3rd we will be returning to the beautiful Siena Golf Club for the annual CAI Golf Tournament.

We are changing things up a bit this year. Tee off time will be at 7:30 a.m. so those participating can enjoy both breakfast and a BBQ lunch.

Come and enjoy the great company, cigars, photo booth, hole challenges, food, drinks, amazing prizes provided by PING and more!

Great sponsorship opportunities and teams are available now so, to secure your spot, please contact the Golf Committee Chair, Raynie White at [Raynie@ideal-mgmt.com](mailto:Raynie@ideal-mgmt.com) or Mary Rendina at [info@cai-nevada.org](mailto:info@cai-nevada.org) today!

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ANDREA CHESTNUT IS CHAIR OF 'COMMUNITY INTERESTS' MAGAZINE COMMITTEE, NOTED AUTHOR AND A MEMBER OF NATIONAL SPEAKERS ASSOCIATION

## In This Issue

by Andrea Chestnut

Our cover this month is about people ... the sort of people who are willing to stand up and speak on behalf of their communities. They are the voice saying "there are many, many of us who enjoy living in a community association."

It is rapidly approaching time for the CAI Annual Conference in San Diego ... don't let it sneak up on you. There are always informative workshops and experiences to share with the new people you meet.

We welcome your feedback ... and starting this month we have a special spot called "Letters to the Editor." If you did not read last month's article that sparked the feedback, then I invite you to take a look for yourself and you decide.

It is always exciting to see a community come together in a way that really says "community." "A Tiny Community with a Big Plan" shares that idea and takes it to higher levels with the many ways they create community.

"Take Everything With A Grain Of Salt" Always Examine, Research, Question, Decide, Act. This article by Jeff Pope will show you how managers fight challenges that many of us don't even know

are occurring. This is a very informative insightful article!

Northern Nevada has some of the most giving, doing people around. If you are ready to smile and feel good about giving to others, this is the one!

Check out "Ask the Expert" QUESTION ... I am trying to convince the Board to have an annual audit, but they say that they sign all the checks and there is nothing to worry about. Can you give me some ammunition? Now that you know the question read the answer inside ... who knows, it might surprise you.

How prepared is your community in case of an emergency? Get the answers in this issue. You can never be over prepared.

"Credit Where It Is Due" will make you take notice. We are looking for more stories of communities that have made changes from the inside out.

What does "WINDEX" have to do with your HOA? A lot, according to Donald Schaeffer. This article is an intriguing look at need for transparency within every community. ●

## Letters to the Editor

Good afternoon,

I just finished reading "Tales from the Ombudsman's Office/A Division of NRED" authored by Christian Diamandis. If you could please pass on my compliments to him and the entire magazine committee for this article. This is one of the best articles I have ever read in Community Interests. I relish the fact that this article challenges the Divisions recent activities as well as the ombudsman's office. It bothers me to no end that there is no one, that I am aware of at least, working at the ombudsman's office that has ever worked in our industry and yet they have

the ability to govern us. I thought it was odd the NRED released the advisory opinion in December regarding the Higher Ground case...wonder what motivated them to do such a thing. Anyway...I thought it was a great article and want to thank anyone that was involved with it.

Thanks,

Dustin Marshall  
Supervising Community Manager



VICKI NIGGEMEYER  
IS CO-CHAIR OF  
THE DISASTER  
PREPAREDNESS  
COMMITTEE AT SAGE  
HILLS COMMUNITY  
ASSOCIATION

## A Tiny Community with a Big Plan

by Vicki Niggemeyer

Disaster preparedness is being promoted all across America due to a spate of recent natural catastrophes. Common Interest Communities have a built in advantage when it comes to planning for a disaster, as there is already a Homeowners Association system in place with leaders who care about their neighborhoods. HOA president, Chuck Niggemeyer, DCAL was fully supportive when his 90-home community of Sage Hills formed a committee and solidified a disaster preparedness plan.

The tiny community, located in Summerlin, recently held an in-house demonstration promoting practical ideas for being prepared in case of a manmade or natural disaster. No water coming from those spigots! Use the water you have stored in containers for just such a situation. No power! Use solar lights, flashlights and candles. No gas! Cook on a camp stove, a charcoal grill, or the chiminea in your back yard. No telephone! Communicate with one another with walkie-talkies.

Co-chairs of the Disaster Preparedness Committee, Howard Jenkins and Vicki Niggemeyer, initiated the community plan in 2010. The first priority was to pass out skills surveys within the community establishing those homeowners with specific skills and willing to volunteer for the program. Research on the Internet, talking to other community leaders, and attending emergency training seminars fueled the committee with energy and ideas for a plan.

The detailed plan includes four primary functions: a medical team, search and rescue, fire suppression and security, and a communications team. Team members are organized by skills. All members of the medical team have professional medical qualifications and experience. The leader of the security team has prior police and security experience. Additionally, five community homeowners and team members are CERT (Community Emergency Response Team) trained. At the recent evening meeting 22 others signed up for the training.

When Hurricane Sandy hit the East Coast, leaving millions of people stranded for weeks,

the Sage Hills Disaster Preparedness Committee felt strongly that our plan needed to be updated and promoted again within our community. The idea of a presentation to our community members in conjunction with a quarterly HOA meeting seemed to be the answer.

Team members went door to door letting our community know about the planned event. Refreshments were served, all of which could be found on the list of foods to stockpile in case of emergency. Noodles were cooked and served with butter buds. Spam was fried on the camp stove and served with mustard and ketchup. Crackers with peanut butter, granola bars, and applesauce cups made up the remainder of the "meal." Bottles of water were available with flavored packets of drink mix for those who wanted more than just a bottle of water.

Emergency equipment, foods, and first aid supplies were displayed at the meeting. Copies of the community plan with pertinent information regarding emergency supplies and courses of action were distributed. Discussion and questions followed. Homeowners appeared to be enthusiastic about the opportunity to be more informed and, consequently, more prepared. As one resident was leaving, she said, "I have a huge bin in my garage that sits there empty. I am going to go home and fill it!" ●

*"Preparation through education is less costly than learning through tragedy."*

—Max Mayfield, Director National Hurricane Center

*"It wasn't raining when Noah built the ark."*

—Howard Ruff



JEFF POPE IS A PROVISIONAL COMMUNITY MANAGER WITH LEVEL PROPERTY MANAGEMENT.

## Take Everything With A Grain Of Salt *Always Examine, Research, Question, Decide, Act*

by Jeff Pope

The habit of believing all is well, or at least better than the rest, is a common practice in America. The assumption that if it isn't wrong, it must be right is the trick that authoritarians use to lull citizens into that habit. Such habits become ruts and if we're not attentive, we can be buried in those ruts by those who led us to create them.

I find myself mired in such a rut with the sound of wheels inching closer.

In January, I received a letter from an auditor of the Real Estate Division requesting many documents for a condo association I manage. It said the auditor would come by on a specific day and time to review governing documents, financials and general files belonging to the association.

It caused some confusion and questions in my office. Ultimately, we determined there was nothing unusual about the request, except for one thing that was missing from the letter – it didn't state there was a complaint.

On the appointed day and time, I asked the auditor why the division wanted to see the files. This community had never had any complaints filed in its 8-year history. Despite a high number of delinquencies, the board made sound financial decisions and kept the community in the black, fully funding the reserves while keeping assessments relatively low.

So why the audit?

It was a random selection, she said. She was responsible for auditing all the HOAs in Nevada. All 3,000 of them? Yes.



Community Association Underwriters (CAU) is once again pleased to be a promoter of Community Associations Institute's CIRMS Designation in 2013. A CIRMS Designation identifies individuals in the insurance industry that have demonstrated the highest level of competence in community association insurance and risk management. Specialization, knowledge, ethical standards, and involvement are some of the characteristics of your typical CIRMS Designee. For community leaders this designation becomes a great assist in identifying talented individuals in the community association insurance and risk management field. As of December 12, 2012 CAU Employees represent 19 of the 92 designees nationwide. They are proudly listed below.

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To read the article "The Community Association Specialist: Insurance and Risk Management" please visit our website at [www.cauinsure.com](http://www.cauinsure.com). This article explains the benefits to community associations when working with a CIRMS Designee.



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She left with an armful of documents and a request for more, some of which we would need to get from the bank. She gave me 30 days. A few days later she called and said her superiors were aghast at that and shortened the time to a week. Why the rush? What's the concern?

To this day, I haven't received a complaint or a response and it seems to me to be a fishing expedition.

I searched Nevada statutes for some legal standing the Division would have to investigate associations with no complaints being filed or if they were filed, withhold them from us.

I am by no means an expert on law but I am literate and reasonable enough to understand the English language. I just can't manipulate statute with the skill of those who oppose us.

In retrospect I get it. The Division shook me down. There was no complaint, no warrant and – I'm sure the facts will show – no reason for what I now consider to be an illegal search of private documents. The initial letter was addressed to me, not the board. Although I take my direction from the board, they don't have licenses that could be revoked or suspended.

On February 15, I learned I was not alone. Several managers at a large management company were going to be grilled on their knowledge of the super-priority lien, their supervising manager told a crowd at a Nevada Association of Community Managers meeting. Again, based on what complaint? The SuperCam believes the Division is trying to see if the managers will enforce the super-priority advisory opinion.

When the Division issued its OPINION 13-01 in December stating its slant on the meaning of the super-priority lien (116.310313), I, like many I'm sure, treated it as utter nonsense. "Thanks for your unsolicited opinion, but we understand how to advise our boards."

If you check the webpage for the Nevada Real Estate Division, you will see that the OPINION was unsigned. Are we to assume the Administrator of the Real Estate Division wrote this OPINION? An anonymous opinion is as meaningful as an apology from the executioner. Anyone who makes a declaration of his or her opinions should be bold enough to attach their name to it, right, John Hancock?

SB 314 created the Ombudsman's Office in 1997. Nothing in the bill says the Ombudsman can audit records of an association. He or she is merely there to assist owners and boards in understanding HOAs and assist in processing arbitration or mediation claims.

Nor could I find anything in chapters 232 or 116 stating the Division can order an audit.

But, 116.790 states the CIC Commission can order an audit of an association's records after notice and hearing.

I never received a notice of a violation or a hearing. Yet, if I didn't turn over the requested documents, I'm positive I would receive a notice of obstruction.

We have the right and the responsibility to call into question the means and rights by which the Division has usurped its authority and trampled on that of the CIC Commission.

I call on all members of CAI and everyone in the industry to speak your mind. We've heard the opinions of those who seek to persecute us. Many a volume has been said in our defense but those words ricocheted off closed minds.

Please share your story in the pages of this magazine. No one is an island in the industry. It's not in numbers but in unity that our great strength rests. ●

*Editor's note: CAI is dedicated to openness, fairness, truth in Journalism and presentation of facts. Comments or opposing opinions are appreciated.*



TONYA BATES,  
CMCA, AMS, PCAM,  
SUPERVISING  
COMMUNITY  
MANAGER WITH EQUUS  
MANAGEMENT GROUP  
AND BECKIE A. RICHTER,  
COMMUNITY MANAGER  
WITH KENYON AND  
ASSOCIATES, INC.

## Giving Back to the Community We Serve

by Tonya Bates, CMCA, AMS, PCAM and Beckie A. Richter, Community Manager

In the middle of 2012, the Northern Nevada Community Outreach Team looked for additional charities in the area that need our support.

The Committee continues to partner with the Virginia Palmer Elementary School, and now is also partnering with the Food Bank of Northern Nevada.

As a team, the Northern Nevada Committee has organized four events at the Food Bank. Our 13 to 27 regular volunteers have already donated a total 179.5 man-hours! Our CAI volunteers categorize items and check for expiration dates, sort and bag fresh produce and breads, and stuff boxes for distribution to service organizations. The time spent doing this volunteer work is a team building exercise amongst Northern Nevada's Board Members, Community Managers, Business Partners and their families.

In addition to donating hours, the Committee recently donated Thanksgiving dinners.

Four business days before Thanksgiving, the Community Outreach Team received a distress call from Virginia Palmer Elementary School. There were several families that signed up for Thanksgiving dinner, but not enough volunteers provided food. With a blast email, CAI and the areas' Business Partners were able to provide 3 additional meals to meet the needs of the school.

Another event occurs every December when the Community Outreach Committee meets to purchase gifts for the Virginia Palmer Elementary School Angel Tree Program.

2012 was no exception! Business Partners, Community Managers and their children met at the Kohl's store to complete the shopping and gift wrapping for our selected angels, while Valerie Hand scoured the town for the perfect toys to go with the gifts.

The Committee also assists in reading to the students at The Virginia Palmer Elementary School for Literacy Week, in addition to volunteering to help judge science fair projects and be guest speakers during Career Week.



It's a great feeling knowing that we are accomplishing something positive for others in our community, that our talents and efforts are appreciated, and that we truly make a difference!

The Northern Nevada Committee would like to thank the Business Partners, Community Managers and family members that continue to "Make Hunger History" and support the families in need in our local community.

A.P.S.

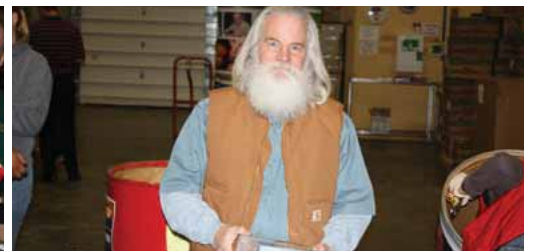
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RANDOM THOUGHT

*"To know even one life has breathed easier because you have lived. This is to have succeeded."*

—Ralph Waldo Emerson



# Upcoming Events

## Southern Nevada Upcoming Events

MARCH	3/12	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	3/19	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
	3/16	<b>Las Vegas Homeowner Seminar</b>	CAI Training Center	9:00 a.m.
APRIL	4/9	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	4/9	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	4/17-20	<b>CAI National Conference</b>	San Diego, Ca	
	4/30	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
	4/27	<b>Las Vegas Homeowner Seminar</b>	CAI Training Center	9:00 a.m.
MAY	5/3	<b>Golf Las Vegas</b>	Siena	6:00 a.m.
	5/14	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	5/14	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	5/18	<b>Las Vegas Homeowner Seminar Essentials</b>	CAI Training Center	8:00 a.m.
	5/21	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
JUNE	6/11	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	6/11	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	6/29	<b>Las Vegas Homeowner Seminar</b>	CAI Training Center	9:00 a.m.
	6/25	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.

## Northern Nevada Upcoming Events

MARCH	3/20	<b>Northern Nevada Quarterly Breakfast</b>	Peppermill Hotel	7:30 a.m.
	3/21	<b>Northern Nevada Homeowner Seminar</b>	Peppermill Hotel	6:00 p.m.
	3/21	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
APRIL	4/17-20	<b>CAI National Conference</b>	San Diego, Ca	
	4/25	<b>Northern Nevada Homeowner Seminar</b>	Peppermill Hotel	6:00 p.m.
	4/25	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
MAY	5/16	<b>Northern Nevada Homeowner Seminar</b>	Peppermill	6:00 p.m.
JUNE	6/13	<b>Northern Nevada Manager Breakfast</b>	Peppermill	9:00 a.m.
	6/15	<b>Northern Nevada HO Seminar Essentials</b>	Peppermill Hotel	8:00 a.m.-4 p.m.
	6/21	<b>Northern Nevada Bowling</b>	Grand Sierra Lanes	3:00 p.m.

*All Dates and Events are subject to change or cancellation.*

# Wine and Canvas Night!

March 22, 6-8pm

## Event Structure

The CAI social committee is having a wine and canvas night to bring together the members of CAI. This event will be a great way to bring homeowners, managers and vendors together for a night of socializing and painting a picture that they will be able to keep as a reminder of how much fun they had at a CAI event.

## Costs

The price for CAI members is \$40. The non-member price is \$50. This includes the art supplies, instructor, and wine tasting.

Contact Name

E-mail

Phone

Credit Card

Expiration

Ticket Quantity

Amount charged

*RSVP is mandatory. No walk-ins will be allowed. Payment is due with reservation. Payment is not available at the door.*

## **Registration is required!**

**Class is limited to 50 people!**

RSVP to Katie at  
admin@cai-nevada.org or fax to  
702-240-9690 by March 22nd.



MONTE KANE, CPA, PFS, IS MANAGING DIRECTOR OF KANE AND COMPANY.

## Ask The Expert

by Monte Kane, CPA, PFS

**QUESTION** ... I am trying to convince the Board to have an annual audit, but they say that they sign all the checks and there is nothing to worry about. Can you give me some ammunition?

**ANSWER:** An audit is not a guarantee, nor insurance, but rather it is a set of analytical procedures and verification of documentation, that when completed in accordance with Generally Accepted Auditing Standards, enables the auditor to render an opinion as to whether the financial statements are prepared in accordance with generally accepted accounting principles.

Here are just a few of the questions that the CPA seeks answers to when performing the audit:

- a. Are the Association's financial statements presented fairly in conformity with generally accepted accounting principles?
- b. How good is the financial position of the Association and were the actual results of operations better or worse than the budget?
- c. Are the reserves balances adequate to meet the requirements established by the independent reserve specialist?
- d. Does the Board examine all supporting documents prior to signing the checks?
- e. Does the Board of directors know all the vendors used by the Association and have the invoice terms been compared to proposal or contract amounts?
- f. Are mathematical extensions on actual invoices recomputed prior to presenting to the Board member with the check for signing?

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g. If a Board member signs payroll checks, does the Board member know each employee personally and is there supporting documentation showing the number of hours worked and pay rates?

**QUESTION** ... I am the Treasurer of the Homeowners Association board and every year the CPAs ask me to sign over 20 representations including "In my opinion the financial statements are prepared in conformity with generally accepted accounting principles." Please explain why I have to sign this form. I thought the auditors were hired to make that determination?

**ANSWER:** The auditors rely on the Board of Directors to sign these representations since it is the Board of Directors' fiduciary responsibility that the statements are correct in content and form.

Because the financial statements that are being audited belong to the Association, and not the CPA, and because of the requirements under generally accepted auditing standards, a member of the Board of Directors is requested to sign certain representations.

All Board members should read the financial statements and the representation letter very carefully to determine that financial statement disclosures are accurate in content. ●

## 2013 Gala Committee

by Barbara Westhoff

Already?! Yes, it's time for the Gala Committee to begin work on the 2013 Gala. President Donna Toussaint wants us to take it over the top – the glitzier the better! If you have not yet signed up to be on the Gala Committee, we still have room for those who want to work hard in planning another great celebration to recognize and honor those Managers, Board members, Associations, Management Companies and professionals in the HOA industry who work tirelessly year round to better the communities in which we live, work and play.

Gala Committee meetings are on the Tuesday following the CAI luncheon – 3rd Tuesday of the month at 9 a.m. at the CAI office. Our first meeting will be on April 16th. We will meet monthly at first, then more frequently as we get closer to the Gala date. If you would like to be on the committee, please contact me by phone at 862-8844 or by email to [bwesthoff@cauinsure.com](mailto:bwesthoff@cauinsure.com).

We're looking forward to another great event and would love to have you join us. ●

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## Get Your Garden Geared Up to Grow

by the Southern Nevada Water Authority

The cold of winter has begun to subside and nature is getting ready to bloom anew with full force. The Southern Nevada Water Authority (SNWA) has some tips to help prepare your yard and garden for its springtime awakening.

Spring is a perfect time to select new plants for your yard, and careful planning can help it look its best.

First, think about how you'd like to use those plants. Are they used for recreation, shade, and border or entry areas or purely for decoration? How much sun, shade and wind do these areas receive? Keep in mind the size your new plants will grow when mature to avoid placing them too close together. Also, group plants with similar watering needs together in your design to make your water use more efficient and effective for plant health.

Lastly, select plants that do well in our desert climate. Although nurseries offer a wide variety of plants, you'll have the greatest long-term success and bang for your buck by focusing on hardy, low-water-use plants. Find a wide variety of low maintenance and native plants using our Plant Search tool on [snwa.com](http://snwa.com) and create a list of plants you can take to the local nursery on your next visit.

A perfect time to visit the Spring Preserve is during any one of these great upcoming events:

### Easter EggStravaganza

Join the Easter Bunny and celebrate the arrival of spring as the Springs Preserve hosts the family-friendly EggStravaganza celebration, Saturday, March 30, from 10 a.m. – 3 p.m.

### Springs Plant Sale

Water-efficient, desert-adapted plants will be among those offered for sale as the Springs Preserve hosts its annual Spring Plant Sale on Saturday, April 6, from 8 a.m. – 2 p.m. The sale will feature about 5,000 native and drought-tolerant plant species. Springs Preserve garden staff experts will be on hand to answer customers' questions. ●



## The 2013/2014 CAI Nevada Directory

Make sure your listing information is correct on CAI National's website at [www.caionline.org](http://www.caionline.org).

Your Directory listing will reflect the information that CAI National has on file.

**Ads are still available!**  
If you wish to advertise in the 2013/214 Directory, contact CAI at **702-648-8408** or e-mail [marketing@cai-nevada.org](mailto:marketing@cai-nevada.org)







SHEILA VAN DUYN ROMERO, ESQ. IS AN ASSOCIATE WITH WOLF RIFKIN SHAPIRO SCHULMAN & RABKIN, LLP.

## Attendees at Northern Nevada Quarterly Breakfast Learn About Neighborhood Mediation Center

by Sheila Van Duyne Romero, Esq.

The Northern Nevada quarterly breakfast, sponsored by Wolf Rifkin Shapiro Schulman and Rabkin, LLP, was held on January 16, 2013 at the Peppermill Hotel in Reno.

Attendees learned a great deal about the Neighborhood Mediation Center from Executive Director Lance Allen's presentation. This nonprofit organization has an excellent team of trained mediators who assist with dispute resolution. Though the office is located in Reno, the center will accept out of area parties/ disputes so long as the mediation sessions are held in Reno.

With a very high success rate, the Center offers a valuable service and we should all keep this fact in mind when faced with a neighbor/ neighbor or a homeowner/board dispute.

If any party is interested in this service, simply contact the Neighborhood Mediation Center at 775-788-2127 and the Center representatives will work with the "other side" to encourage them to agree to participate in a mediation process.

Having personally served as a mediator/ arbitrator and for the Courts and the State Bar, I personally know how important it is for parties to attempt to avoid the costs of and time wasted by prolonged litigation. ●

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## Legislative Day 2013

by Norm Rosensteel, PCAM

What a day! The first Legislative Day held by CAI on February 22, 2013 in Carson City was a great success!

Approximately 40 attendees were present for breakfast and to hear several of our legislators speak about Common Interest Communities.

A huge 'thank you' to Senator Greg Brower, Senate District 15, and to Assemblywoman Ellen Spiegel, Assembly District 20 for taking time out of their busy day to share some time with us. Both legislators live in associations and Assemblywoman Spiegel is a CAI member. Both are also members of their respective Judiciary Committees, which hear bills relating to Common Interest Communities.

Thanks also to our lobbyist, Gary Milliken, for assisting with the speakers and helping to arrange the event.

Dawn Bauman CAE, Senior Vice President of Government and Public Affairs for CAI National, attended and spoke with legislators and provided information packets for all to share with their legislators. Many of those present had set up appointments to speak with their legislators. This is the first time in my memory (which isn't always so good anymore!) that such a large group of positive homeowners has attended a hearing affecting legislation.

CAI was in opposition to AB 34 and, thanks to the efforts of our Grassroots Committee and Participants, well over 100 emails were sent to legislators opposing this bill. Andy Maiden coordinated the email effort. Andy consistently

amazes me with his talents in the technical arts and social media.

The Assembly had also scheduled a hearing on Assembly Bill 34 at 8:00 am during our event. Homeowners and managers flooded the hearing room wearing our dark blue "Grassroots Initiative" T-shirts. There were so many homeowners present that, in order to fit everyone, some had to be seated in an overflow room. All the Assembly Committee members were commenting on the large number of homeowners attending.

The message we are trying to get across is that the vast majority of people who live in associations are happy living there and do not appreciate all the new laws that are based on the problems of a small minority of people. These unnecessary laws make operations more costly and difficult.

Many thanks also to all of our homeowners who participated, and to the business partners and management companies who attended and brought owners from the communities they manage. Terra West brought a small busload of people. Also represented were Associa Sierra North, RMI, Equus Management, Valerie Hand of Gaston Wilkerson, and Mike Veatch of Valley Realty and Management.

A special thanks also goes to Kimberley Victoria of Angius and Terry Law firm; Rachel Sanchez, the Ferraro Group, CAI's Public Relations Firm; Lorrie Olson from Caughlin Ranch; Tom Dudley from Nigro Construction; members of CAI Nevada LAC Randy Walker, Don Schafer, Byron



Goetting, Paul Terry Esq., John Leach, Esq. and the many others who worked tirelessly behind the scenes to make this event a success.

However, this was only the beginning! In order to “Save Our Communities” from harmful legislation, we need to continue to voice our opinions to our legislators

If you’re not part of the grassroots effort yet, get involved, and do it now! Communicate with your legislators and let them know how you feel. This is the only way to get back to sensible, solid legislation that benefits and protects the majority rather than protecting the rule breakers. ●



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PRESIDENT OF NEVADA  
ASSOCIATION SERVICES,  
INC. AND EXECUTIVE OF  
HOMEOWNER TALK TV

## How Prepared Are You For An Emergency?

by Andrea Behrens, DCAL

While our climate in Nevada isn't prone to certain types of natural disasters like some other areas, we face our share of emergency situations, such as wildfires, flooding and drought.

We all need to think seriously about how we as individuals and also as communities are prepared for any crisis. There are a number of resources available online to assist you in developing emergency plans. Check insurance company websites as well as CAL.

Whether an association is self-managed or managed by a community manager, it is important to discuss the following questions (and come up with answers) so you're prepared for anything.

1. Who will be the primary and secondary contact during emergency situations?
2. How will information be disseminated to board members and residents?
3. Who maintains a 'disaster preparation notebook' with email addresses and all phone numbers of board members and residents?
4. Who will be the designated spokesperson if questioned by members of the news media in an emergency situation? Who can go on camera?
5. Who will verify and maintain copies of insurance policies?
6. Where are the closest hospitals, 24-hour medical centers and pharmacies?
7. Where are the closest police and fire substations? (Maintaining an ongoing relationship with fire departments and law enforcement agencies is also important.)



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Along with asking questions, information should be maintained and updated for any emergency situation. Consider utilizing flash drives with community email addresses and contact information (these can easily be kept on a key chain), and leverage technology like websites and Facebook pages to keep the lines of communication open. It's also a good idea to have paper copies of contact information in the event of power outages as well as phone landlines and cell numbers for relevant contacts.

Here are potential situations that will need to be handled if they happen to your community:

**Flood and Fire:** Have the Red Cross and FEMA emergency information and guidelines handy if one or more families need to be relocated. Also create and maintain a list of your preferred vendors available for estimates for repairs to common areas.

**Power Outage:** Flashlights should be kept on hand in a central location. There are also apps for Smart Phones with a built in flashlight.

**Crime:** Decide how to handle reports of crimes either in the development or surrounding neighborhood. Neighborhood watches are a fantastic way to combat crime. Also, consider having a meeting with the local police precinct. If necessary, discuss including outside security in the budget. Decide how to communicate reports of crime to the HOA so that residents can be aware and take extra precautions if necessary. In some cases, it's as simple as sending email blasts communicating what steps are taken in the event of crimes in the community.

**Evacuation:** Evacuation might be necessary due to a fire, flood, hostage situation or terrorist threat. During an

emergency, board members may evacuate to different locations.

**Be informed** - Learn more about different threats that could affect your community and appropriate responses to them.

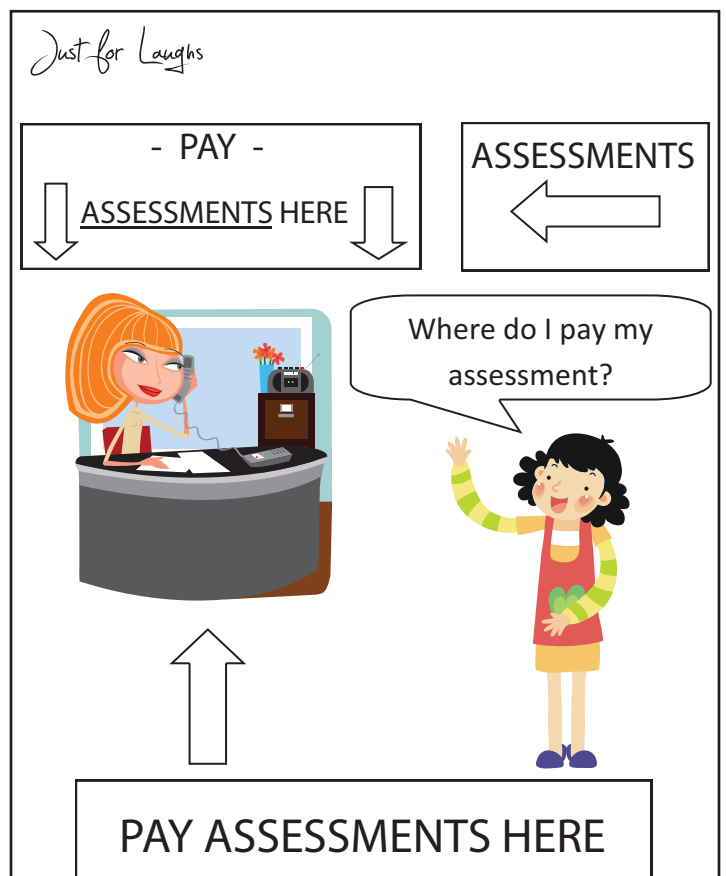
**Get Involved** - After preparing yourself and your communities for possible emergencies, take the next step: get training in first aid and emergency response and get involved in preparing the community at large.

Finally, rehearse your plan with a dry run. It might look good on paper, but is it effective?

According to the CAI National website, National Preparedness Month is a nationwide coordinated effort held to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, communities and schools.

CAI urges all members to take some simple steps to become better prepared for emergencies including: Get a Kit of emergency supplies that will allow you and your communities to survive for at least three days in the event an emergency happens.

Additional information can be found at [www.ready.gov](http://www.ready.gov) and [www.redcross.org/prepare](http://www.redcross.org/prepare). ●





CHRISTIAN DIAMANDIS,  
CMCA, CM IS WITH  
ASSOCIA MANAGEMENT  
SOUTH.

## Around The Block

Around the Block is an idea for a new regular segment in the monthly magazine that presents articles relating human-interest stories from our family of communities. If you have a story to relate, be it a tale about competition, coffee clutches, sewing circles, hobbyists, book clubs, community activities, and/or people or groups who deserve recognition, this is the place to tell it. We are looking for humor, ideas and upbeat examples of what makes your community a great place to live in 600 words or less. The magazine committee looks forward to hearing from you and thanks you for your contributions.

## Credit Where It Is Due

by Christian Diamandis CMCA, CM

Any of you who have been reading my articles know I focus a lot on rental restrictions. Politically correct or not, the rental restriction in the community I manage has made the community a better and safer place to live over the past 5 years. There are a lot of people who deserve credit for this accomplishment: the Boards of Directors, the security team and those willing homeowners who tacitly influenced a change for the better in the

community. It is just such a person I wish to recognize.

The President of the Association and I were out to lunch the other day and I heard a familiar voice. His voice is deep and gravelly and very distinct.

"Don't I know you? You used to live in the Association, no?" I asked.

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He answered: "Yeah, I thought I recognized you two. You know you guys did a great job cleaning that place up, enforcing the rental restriction and getting a lot of bad apples out of that community. It is like night and day! Where there used to be gangs of young thugs taking over the common area, now I see young mothers and little kids playing in a healthy, safe environment. You would never see that in the old days."

We were flattered, of course, by his words. Then he went on to relate the following and I paraphrase:

"You guys probably are not aware of this, but, there were transplant gangs from LA trying to move into the neighborhood back in the day. Before you did a better job restricting gate access, all the gang bangers would come in and hang out. They were mostly kids, but headed in the wrong direction. I tell you now that we scared most of those kids straight.

"I have been teaching in the 'Scared Straight' program for years along with a buddy who did 15 years for capping a rival gang member when he was still a kid himself. Those fledgling gang bangers were hanging out at the dog park one night and we came by to give them a lesson. My friend gave them the speech to scare them: the true story of how his life changed forever over one stupid action he took thinking he was THE man, he had the power, and he had the gun. He related how the senseless killing he did still haunts him everyday. He described his 15 years in the hell of prison.

"Some of the kids were into guns, so we showed them how wrong they were thinking a gun would give them anything but a ticket to jail or an early grave. We told them that they were just pansy-asses compared to real gang members in LA. To prove it to them, we walked to the trunk of our car and pulled out heavy arms, automatic weapons with 30 round clips. We basically showed them that someone else will always have more firepower and that gun violence just leads to greater violence and personal ruin.

"Yeah, those kids left scared to death. I do not know if they ever came back."

The president and I thanked him for what he did and wished him well. Ironically, he had left LA to get away from the gangs and was renting a home in the neighborhood at the time all this took place.

I often wondered why the gang activity dropped so suddenly in the community: I think now I know! ●



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## CAI is Working for You!

Researched by Robert Rothwell, PhD, DCAL

CAI is your link to legislatures, regulatory bodies, and the courts. CAI's Government & Public Affairs Department promotes the organizations' public policies and represents the interests of community association residents and professionals before the United States Congress, federal agencies and a multitude of other policy setting bodies.

Additionally, as state and local governments grow more active, your staff works in close coordination with CAI's state Legislative Action Committees (LACs) and local chapters to protect members' interests closer to home.

CAI is also very active in preparing *amicus curiae* (friend of the court) briefs in federal and state cases that address issues of significant importance in community association law. This aspect of CAI's overall government and public affairs program is vital to preserve the legal

rights of community associations and their homeowners.

This is the first in a monthly series providing you with accepted CAI Public Policies.

### ALTERNATIVE DISPUTE RESOLUTION

CAI recognizes the need for and supports the use of alternative dispute resolution mechanisms to resolve disputes arising in community associations in appropriate cases.

#### Policy

Alternative Dispute Resolution (ADR) is statutorily required in many states. Even where ADR is not required by law, Community Associations Institute (CAI) advocates that communities adopt policy resolutions to offer ADR for housing-related disputes between individual unit owners as well as between owners and the Association.

## We help set the standards



As a community manager or board member, your position can be difficult and complex. Let us make it easy for you. Our legal team helped draft the standards for the common interest development (CID) industry. We continue to be leaders in refining guidelines, including meeting with legislators and participation in drafting CID legislation. When you have legal concerns, come to the experts with real world experience. Come to...



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Alternative Dispute Resolution (ADR) is viewed as a preferable option to litigation for the settling of housing-related disputes within a community. Subject to jurisdictional differences, qualified housing disputes may constitute everything from interpretation and enforcement of the governing documents and rules, allegations of improper maintenance or infringement of owners' rights. Communities may choose to exempt from ADR those arguments between owners/and or residents that are wholly unrelated to the property or its administration. Frequently, ADR is also not required in connection with collection of delinquent assessments or general interpretation of governing documents where a complainant owner is suffering no particular, individualized harm.

There are several different procedures that fall under the definition of ADR, from mediation to court-mandated, binding arbitration. Even where statutes generally require ADR and/or governing documents establish some form of ADR, most boards of directors ("boards") have wide discretion to choose precisely how to implement the ADR within their particular community. Some boards choose mediation or arbitration and





others have committees that conduct a hearing process. Some communities rely on programs offered through the municipality or through a private entity, such as the Better Business Bureau. Determining the method of ADR may depend on the issues or parties involved or in the resources readily available to a particular community.

#### **RECOMMENDATION**

Recognizing that no one community is the same and with a genuine interest in making the ADR procedure accessible to all owners, CAI encourages community association board members to design ADR procedures

most appropriate for the particular community's needs towards resolving disputes, subject only to the law of the state and requirements contained within the community's governing documents.

CAI advocates that communities adopt policy resolutions pertaining to ADR. Boards may craft resolutions that further elaborate on those ADR procedures already established by statute or the governing documents to lend further guidance and transparency to the ADR process. Several methods of ADR may be offered, such as mediation or binding or non-binding arbitration. Communities are encouraged to establish ADR committees that are independent from the board and utilize only neutral parties for conducting mediation or arbitration. Always mindful of due process considerations, the policies should provide for a reasonable period of time within which to resolve disputes and for ADR sessions to be held in mutually convenient locations for all parties. If the method of ADR selected requires payment of a fee, the resolution should address how the costs will be allocated between the parties and in all cases, the costs should not be prohibitive for owners to meaningfully participate in the procedure. Finally, CAI recommends that resolutions clearly distinguish any matters that typically would not be considered for ADR.

Adopted by the Board of Trustees, March, 2011 ●



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DAVID STONE IS PRESIDENT OF NEVADA ASSOCIATION SERVICES AND CO-HOST OF HOMEOWNER TALK TV

## Community Awareness Leads to Safer, Vibrant Neighborhoods

by David Stone

Millions of crimes are committed every year across our nation, and the number continues to grow. Obviously, there cannot be a law enforcement officer on every corner, so citizen involvement becomes essential to help prevent crime and build stronger, safer neighborhoods. Community leaders should encourage involvement by building a solid foundation of awareness and camaraderie.

Here are six tips to help get you started:

### SMALL THINGS MAKE A BIG IMPACT

Kind, small gestures can make a big impact. Take the initiative to make a positive difference in your neighborhood. Say hello to others when out walking, bring fresh baked cookies to the new neighbors, or help out an elderly neighbor

with their yard work. While these things might not seem like a big deal at the time, one positive gesture encourages another and this helps build a well-connected community.

### MAXIMIZE TECHNOLOGY

In today's world we have the benefit of using e-mail and social media to efficiently communicate relevant information to everyone. If you are a homeowner, do not hesitate to provide your e-mail address to the community management, and if you are an association manager, make every effort to have e-mail on file for every homeowner.

### MAKE IT EASY TO REPORT

If you are responsible for a community association, set-up a free, user-friendly

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.....  
**Obviously, there cannot be a law enforcement officer on every corner, so citizen involvement becomes essential to help prevent crime and build stronger, safer neighborhoods.**  
.....

reporting service, such as Alert I.D. If you are a resident and your community does not have a reporting system in place, encourage management to implement one. Programs like Alert I.D. make it quick and easy for residents to report suspicious activity, fires or other emergency situations via their cell phone or computer. According to Lorrie Olson, PCAM, Community Manager at Caughlin Ranch HOA in Reno, "We have been using Alert I.D. for the past couple of years, and it has greatly improved the communication and safety in our community." The program has been proven to reduce crime while improving safety and security for families.

#### **GET INVOLVED**

The homeowners association's board of directors is made-up of your own neighbors who want the best for your community. A good way to familiarize yourself with the rules and players is to get involved. Even if you do not actually serve on the board, you can attend meetings, vote in annual elections, and participate in community functions.

#### **JOIN OR START A NEIGHBORHOOD WATCH PROGRAM**

Neighborhood watch signs posted throughout a community have been known to reduce crime. Plus, a neighborhood watch group is a great way to meet your neighbors and stay informed. If your neighborhood does not have an existing group, start one. For more information check with your local Police Department and/or visit the National Crime Prevention Council online at [www.ncpc.org](http://www.ncpc.org).

#### **HAVE SOME FUN! THROW A NEIGHBORHOOD PARTY**

In an effort to encourage a sense of community, offer to host or help plan a neighborhood gathering. When kids get to know other children and adults who live around them, it builds a feeling of safety and belonging. Additionally, studies have shown that when kids have a sense of community, they tend to participate in fewer bad behaviors and have fewer mental health problems.

It all boils down to being aware of your surroundings, friendly to your neighbors, and observant of changes in your area. The majority of residents want to do their part to help keep a community safe. However, they need to be encouraged by leaders and other neighbors. So, let's work together to continue to build stronger, safer, more vibrant communities throughout Nevada. ●

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## How Transparent Is Your Community?

by Donald Schaefer, DCAL

Are you tired of endless Board meetings? Do you find that more homeowners are taking time for what seems like hours of moaning and groaning to discuss issues that do nothing but cause frustration for you and your Board? If this sounds familiar, maybe you need to use some WINDEX to get your Board meeting back to being just that ... a Board meeting.

**W:** This is nothing more than creating a WIN/WIN situation so homeowners feel they have input to the issues and projects that the Board has to take action on. Hold a workshop, which like a Board meeting is noticed and an agenda is prepared. But unlike a Board meeting, no minutes are taken and the Board takes no action. This forum gives both the Board and homeowners the opportunity to listen and ask questions. Homeowners can feel they are now part of the solution and not outsiders. It is an opportunity for the Board to listen and openly

discuss (not argue) and for the Board to better understand what is happening in the community.

**I:** Keep owners **INFORMED.** Communication is vital. Keep residents informed with a community newsletter, or an online 'log on' system for owners, or a place to post notices. The more they are able to hear or read, the more they feel a part of the process.



### March Lunch Program

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**N:** What are the real **NEEDS** of the community? This is critical for not only the Board to understand, but it will greatly improve how people feel about living in your HOA. Owners are a sounding board for the elected Board. Yes, the Board makes the decisions, but they need to be in the best interests of the community ... no hidden agenda, just understanding the real needs and working to see how they can be fulfilled.

**D: DELEGATE** some of the process to owners. Every community, big or small, should have committees. The Board appoints these committees and each committee has one Board member who is a voting member of the committee. Committees may include Finance, Property and Grounds, Lifestyle, Covenants, Communications and Architectural Review. Let owners know the time and place of these meeting and encourage them to attend. It keeps the lines of communication open and while the committee has no decision making power, they give feed back to the Board - those charged with making the final decisions.

**E: EDUCATION** of the Board and owners can make life easy. You hear the argument that Board members are volunteers. They don't have time for classes. Well, let me tell you, unless you are educated and, more importantly, unless you are able to impart some of the knowledge to owners, you will find that being a Board member is thankless and a headache. Why did you volunteer for the Board? It wasn't for the money; it wasn't for fame; it wasn't because you had a personal hidden agenda to solve (if it was you should resign). As an owner, you volunteered and were elected to represent the homeowners. You now have a fiduciary responsibility to the Association and its owners to make decisions on behalf of the community. You need to make sound business judgments. To do this, you must be educated. You would never fly a jet plane without first being trained. Why is being a Board member any different?

Education is generally obtained by taking formal classes; but if you don't have time (a lame excuse) then take 10 to 15 minutes at each Board meeting and have your community manager give you this education. He/she can tell you about changes in the law; discuss how to run a meeting; give both you and the community information on various aspects of your governing documents. This is education for both the Board and owners.

**X:** X-FACTOR is nothing more than you creating **TRANSPARENCY** in the community. There is no one thing that will solve every issue, but being transparent in every aspect of running the association as an elected Board member will go a long way to making Board Meetings what they should be.

You need to create the WIN/WIN opportunities! You need to keep yourself and the community **INFORMED!** You need to know the **NEEDS** of the community! You need to **DELEGATE** and get others involved! You need to be **EDUCATED** and educate others.



You and only you will then be the X-FACTOR that makes your association a place where owners have pride in their community and realize they made the right choice when they elected you to the Board. ●

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## January Northern Nevada DCAL Class

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