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President's Message

2017 CAI Annual Golf Classic

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Fall 2017

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ON THE COVER

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CAI-CAC Growing the Art of Community

By Mark L. Wade, CMCA, AMS, LSM, PCAM

In the gallery of Community Associations Leadership, we find the finest of community tapestries woven by the best leaders in the industry. These leaders are educated in the field of management, Business Partners and volunteer leadership and the golden thread they weave into the tapestry is that of knowledge, experience and finesse. I consider myself blessed to be able to have rubbed shoulders with you in doing our best to lead this dedicated group known as Community Associations Institute Central Arizona Chapter (CAI-CAC). Our Chapter is full of talented caring individuals that strive every day to improve the communities they work in and for. You share your various talents with this Chapter on a regular basis which makes us strong. The picture that is painted by our chapter is as diverse as the types of Communities we represent. We are small or large, gated or not, large amenities or no amenities, tall condos or spread out over 1,000 + acres, age restricted or not and everything in between. We are what is great about America. We contribute to that which we deem is valuable and to us that is our community, this industry and making them both better because we care and are a part.

We have a role to play on the stage of HOA life. As I look around, I see that I'm becoming one of those that have been around for a while. My hair is going grey, that is what is left of it. I've taken my turn at following, then at leading. I encourage those of you who are new to the industry or maybe have been here a while to take your turn. Follow and participate in committees, then step up and lead. You still have a major role to play. CAI-CAC is your stage. Show us what you've got, let us see what picture you will paint with the strength of this wonderful group.

I have been honored to serve as your president for two years. The Board Members that I've served with over the past 5 years have worked hard with nothing but the best interests of CAI in mind. I know that Toni Rudolph and her Board of Directors will serve with a great tenacity for the continued improvement of our organization. May we all support them as we do our part and fill the various roles that are needed not only in our organization but in our industry.

Mark Wade is the General Manager for Sun City Oro Valley. He also serves on the CAI Large Scale Managers Committee, CAI Government Affairs Committee and the Chapter Legislative Action Committee.

Mark L. Wade,
CMCA, AMS, LSM, PCAM
Central Arizona Chapter President

From the Editor...

We published an article in the 2017 Winter edition of The Community Resource entitled, "We're Having What Kind of Meeting?" It recently came to our attention that this article contained a statement that does not match with Arizona law. Therefore, we wished to correct that error.

The paragraph entitled, "Executive Session," contains the following statements: "Executive sessions keep only the discussion private; no votes can be taken. The board must adjourn the executive session and resume the open session before voting on the issue." These statements do not match Arizona law. In Arizona, boards may vote on matters in executive session for which they can meet in executive session. We apologize for any inconvenience for this error.

Kayte Comes, MBA, MNML,
CAI Executive Director,
on behalf of the CAI Central Arizona Magazine Committee

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Community Associations Institute
Central Arizona Chapter

Chapter Executive Director's Letter

By Kayte Comes, Executive Director
CAI – Central Arizona Chapter

Community Associations Institute of Central Arizona – New Mediation Program

Community Associations Institute of Central Arizona (CAI-Central Arizona) and The Leadership Centre are collaborating to provide a much-needed mediation service/resource to members and nonmembers, based on a demand of the state legislators and other community association stakeholders. This new collaboration is a way for us to give back to the community association industry and offer an alternative dispute resolution process.

This new mediation service may be utilized for a number of conflict types, both interpersonal and intergroup, including:

- Landlord/Tenant Issues– including security deposit disputes and rental property maintenance/responsibility
- HOA Board Issues– including internal board relations and board/resident communication
- Animal Issues – including problems with barking dogs, feral cats and horse properties
- Property & Contract Issues – including vendor workmanship, development, easement disputes and maintenance concerns
- Neighborhood Issues – including harassment and the neighborhood "rumor mill"

Fees will range from $25-$250, depending on the scope and complexity of each case. If you are interested in learning more about this service, please visit the CAI website at www.cai-az.org, or contact Kayte Comes at 602.388.1159. Services will be launched December 1, 2017.

Kayte Comes, MBA, MNML
Executive Director
CAI-Central Arizona Chapter

Welcome to the Central Arizona Chapter!

The Central Arizona Chapter proudly presents and welcomes our new members from June, July August and September.

HOMEOWNER/BOARD MEMBERS:

Stacy Aberilla	Copper Ranch Commmunity Association
Angela Ambrosia	Copper Ranch Commmunity Association
Bryan Ludwig	Copper Ranch Commmunity Association
Ashley Roberts	Copper Ranch Commmunity Association
William Warner	Copper Ranch Commmunity Association
Aaron Howell	
Vanessa Anaya	Verrado Community Association

INDIVIDUAL COMMUNITY MANAGERS:

Kari Griffiths	Associa Arizona-Scottsdale
Christopher Campbell	McCormick Ranch Property Owners
Samantha Caldwell	Vision Community Management
Luceen Deberowley	Vision Community Management
Paul Rodrigues	Vision Community Management
Margaret Troyer	AAM
Kaylin Hicks	CCMC
Andrew Olson	CCMC
Chris Shields	Continental Country Club
Angela Howard	FirstService Residential
Veda Jones	Vision Community Management
Nathaly Lopez	Vision Community Management

MANAGEMENT COMPANIES:

Lance Govang	Sharper Management Arizona

BUSINESS PARTNERS:

Doug Carr	Arizona Group
Tracy Snyder	Calvary Paving & Grading, LLC
Aaron Combs	Sonoran Sky Construction
Melissa Coraggio	LandCare
Paul Sundin	Sundin & Fish, PLC

Interested in getting more involved with the chapter?

All of our committees welcome new members.
Contact Kayte Comes at 602-388-1159 or kayte@cai-az.org.

CAI MEMBERSHIP APPLICATION

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Ph: 1-888-224-4321 • Fax: 1-703-970-9558 • Online: www.caionline.org/join

MEMBERSHIP CONTACT: (where materials will be sent)

Name: _____
Title: _____
Assoc./Company: _____
Address: _____
City/State/Zip: _____
Phone: _____
Fax: _____
Email: _____
Select your Chapter: _____ Central Arizona _____
Recruiter Name/Co. Name: _____

TOTAL MEMBERSHIP DUES*

Community Association Leaders & Homeowners

- ❑ Individual Homeowner or Board Member $125
- ❑ 2 Member Board $230
- ❑ 3 Member Board OR MORE $295

For 2-3 Board Member applications, please list the additional individuals who will receive materials. For applications exceeding three, please contact CAI Customer Care at 1-888-224-4321.

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Fax: _____
Email: _____
Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Fax: _____
Email: _____

Individual Managers	$142
Management Companies	$445
Business Partners	$605

- ❑ Accountant
- ❑ Attorney
- ❑ Builder/Developer
- ❑ Insurance
- ❑ Lender/Banker
- ❑ Reserve Study
- ❑ Supplier/Landscaper, etc.

Please Specify: _____

- ❑ Technology Provider

*Membership Dues above include $15 Advocacy Support Fee

PAYMENT METHOD

❑ Check Enclosed ❑ VISA ❑ MasterCard ❑ AMEX

Account #: _____
Name: _____
Signature: _____

IMPORTANT TAX INFORMATION: Under the provisions of section 1070(a) of the Revenue Act passed by Congress in 12/87, please note the following. Contributions or gifts to CAI are not tax-deductible as charitable contributions for federal income tax purposes. However, they may be deductible as ordinary and necessary business expenses subject to restrictions imposed as a result of association lobbying activities.

CAI estimates that the non-deductible portion of your dues is 17%. For specific guidelines concerning your particular tax situation, consult a tax professional. CAI's Federal ID number is 23-7392984. $39 of annual membership dues is for your non-refundable subscription to *Common Ground*.

St. Mary's Food Bank ALLIANCE

SAVE THE DATES!

Volunteer with CAI-CAC to help St. Mary's Food Bank

November 14, 2017	November Educational Luncheon & Annual Turkey Drive
November 21, 2017	St Mary's Food Bank Turkey Distribution at St. Mary's Food Bank
December 13, 2017	St Mary's Food Bank Emergency Food Box Packing Event at St. Mary's Food Bank

Register Today!

Friday

December 15th, 2017

Horizon Park Scottsdale, AZ

$100 per team, up to 10 players!

CAI
Central Arizona Chapter

2017 Kickball Showdown!

Winning team takes home the CAI-CAC Kickball Showdown trophy!

Registration information
www.cai-az.org
602-388-1159

September Luncheon

The Top Five Apps for Community Management Professionals

By Beth Ziesenis, Your Nerdy Best Friend

Community managers are too busy to spend time searching for the best apps to make their lives easier. Check out these top apps to save time, money and hassle.

1. **Communicate with Tenants and Workers: Google Translate**
   Managers frequently are faced with the challenge of having to communicate with tenants or staffers whose native languages are different than their own. The Google Translate app lets managers bridge the communication gaps with instant translations via voice or text clips. In addition, the app's augmented reality capabilities let you look through your camera at printed text to see it magically translated to other languages on your phone. Alternatives: Microsoft Translator, iTranslate.

2. **Improve Your Password Security: LastPass**
   Every community manager should put online security as a top priority. Managers should have a unique, unguessable password for every site and system they use. Try the LastPass password manager system to keep all your passwords in one place. LastPass generates secure passwords and saves them for use on any device. LastPass can also discover weak and duplicate passwords, plus you can share access with others without revealing the actual passwords. Alternatives: 1Password, Dashlane and Roboform.

3. **Say Thanks with Style: Felt App**
   Community managers can relate to the universal problem of having a good intention of writing a thank you note but then never getting around to it. The Felt app lets you send accordion-style greeting cards from your phone for less than the price of going out to find a card and sending it off yourself. Alternatives: Mosaic App, Postagram, TouchNote.

4. **Create Quick Graphics: Canva**
   Community managers are always having to create flyers, posters, postcards and other graphics. Canva's thousands of pre-designed templates let you choose a graphic, personalize it, add your own images and save as a graphic or PDF for online use or printing. Alternatives: Pixlr, Crello.

5. **Make Instant Slideshows: Animoto**
   Whether it's snapping pictures at a tenant event or showcasing a new feature at a property, community managers end up with collections of images that need a home. Animoto lets managers choose a few photos and video clips, choose a theme, pick a song and press a button... minutes later they have a professional-quality video to share on social media or in newsletters. Alternatives: Magisto, Google Photos.

Beth Ziesenis is *Your Nerdy Best Friend. She is the author of several books on technology including The Big Book of Apps: Your Nerdy BFF's Guide to (Almost) Every App in the Universe.*

Managers Forum

Continuing Education Seminar

CAI held their first Community Managers Forum on August 25, 2017. Let me start by saying this was an amazing day. There were four fabulous speakers who spoke on life, how hectic and crazy it can be and provided us with information and skills to appropriately navigate through our days. The event started with Joelle Hadley who is a Culture Coach that taught us about emotional intelligence. She gave us new information about amygdala hijacks (you had to be there, but trust me, it's happened to you!), positive mental hijacks and emotional relearning.

Jane Powers then took the stage, and got the whole group into a quick judgment zone, just to prove a point. The room filled with laughter. She exuded confidence and gave the audience with ways to change our way of thinking. Why me? would simply be turned into Why Not Me? She helped us better understand how to speak with confidence, and sell with authority.

It was finally time for the room to get active. Todd and Marsha Davis aka "The Fun Coaches" took the stage. We stood and each table of about 8 people began tossing around three small stress balls at the same time chanting work obligations, home obligations and free time as a way to demonstrate the difficulties in balancing our life activities. We were then given homework and asked to chart our hours to show how many hours we allocated to each of these areas. Most of us were surprised at the result and vowed to make changes! We were basically told to "Get a Life, and to Have more Fun"!

The last guest speaker provided a special session for Women in Community Management. Christi Wells graced the room with her chipper and outgoing personality. She spoke to the crowd about female empowerment, how women may be viewed differently from their male counterparts in the work environment, how to deal with that and continue to advance our careers. She expressed the importance of embracing who we are and gave the women in the room a good "girl talk" that will have to stay between just those walls!

Many thanks to Caretaker, Mahoney Group, Burg Simpson, Interstate Restoration and Desert Classic Landscaping for sponsoring the day and a raffle. The forum is one of many events produced by CAI to provide continuing education to managers and leadership development. Education is key in self-growth, and being able to provide the best customer service and knowledge to the homeowners and the Board Members in our communities. The Community Managers' Forum was a hit and we hope to see you at next year's event.

Lori Grove, Co-Chair PCAM Committee
Sarah Matson, Community Manager

2017 CAI Annual Golf Classic

This year the 2017 CAI Central Arizona Annual Golf Classic was held at Arizona Grand Resort Phoenix, AZ. This was our second time playing at this course but have not been there in over 8 years.

The shot gun went off at 9:00am without delay and the weather was forecasted to be a sunny & warm 90 degrees for the day. This was the second year the chapter held the golf event in October. It was nice to be able to wear shorts and enjoy the beautiful morning as we registered players and sponsors. Many thanks go out to the volunteers who helped with registration and escorting the sponsors out to their T Boxes; without their support the event would not have run so smoothly.

The presenting sponsor this year was Desert Classic Landscaping. The Chapter cannot thank them enough for being the sponsor. I hope everyone received a gift bag with sunscreen, lip balm, golf tees, divot tool and golf balls with the presenting sponsor's logo and goodies from our event T-Box sponsors. In addition to the presenting sponsor there were breakfast sponsors, a lunch sponsor, moving golf cart sponsors, T-Box sponsors and designated driver sponsor.

The golf classic ended with raffle prizes, grand prize being $500 donated by CAI and an Echo donated by Roofing Southwest. Event awards went towards the men's and women's closest to the pin winners Nick Acosta and Jaime Tucker. The longest drive men's and women's winners Mark Lines and Amanda Brown. The first and second place overall scoring winners were, 1st place - Western State Bank and 2nd place - Calvary Paving & Grading.

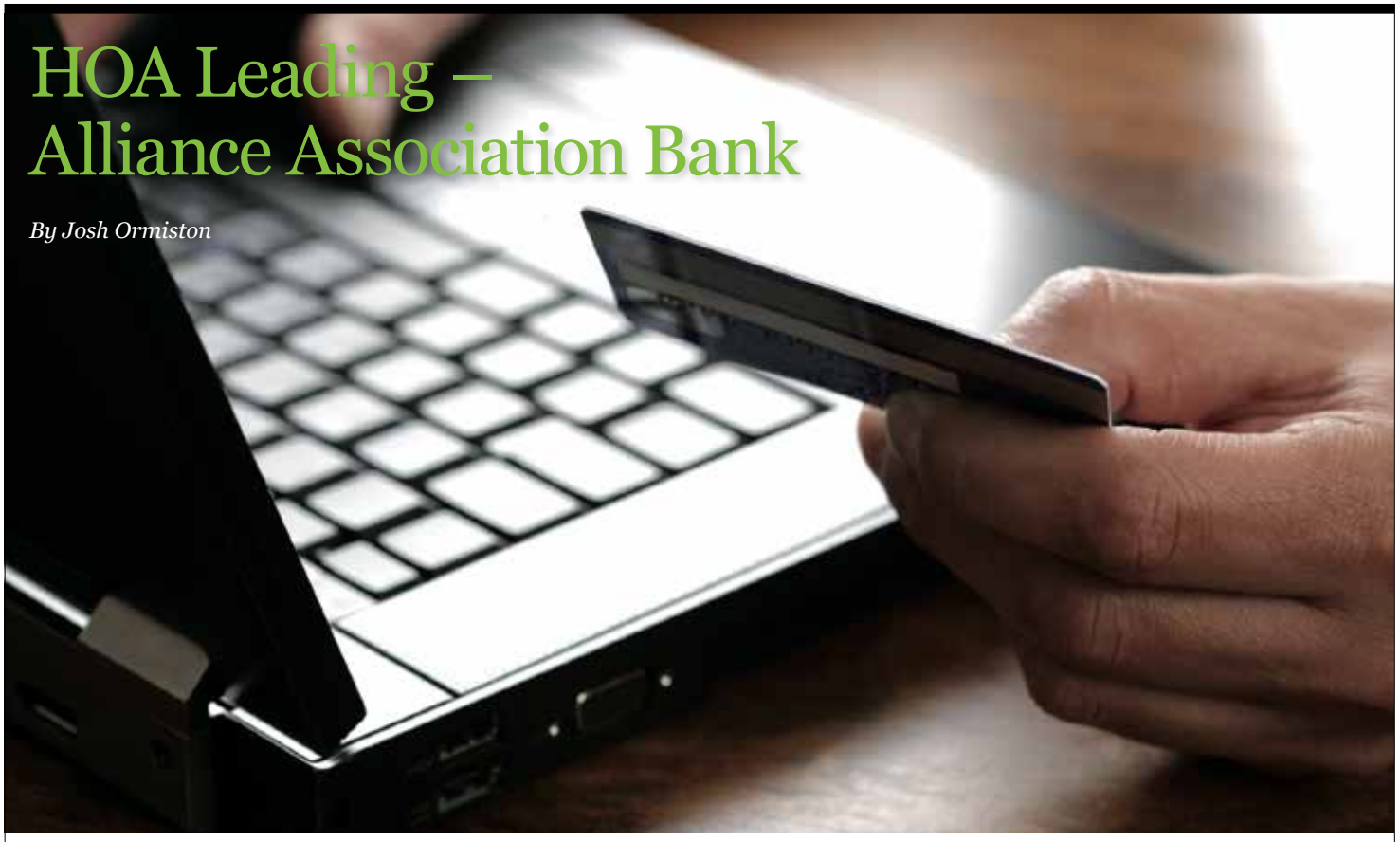
A special thank you to the Golf Committee for their efforts organizing the event and soliciting sponsors, asking managers to register and helping the Chapter office conduct the event.

I sincerely appreciate all our volunteers and sponsors who make our Chapter so successful and most of all FUN!

Kayte Comes
Executive Director
CAI Central Arizona

HOA Leading – Alliance Association Bank

By Josh Ormiston



When faced with large or unexpected capital improvement projects, it is often necessary for an Association to borrow funds in order to move forward. Oftentimes the accumulated reserve funds are not enough to cover the project and a one-time special assessment would be too onerous on the unit owners. However, aside from necessity it may actually be prudent for an Association to borrow funds when contemplating repair or improvement of the common elements. Borrowing is oftentimes considered taboo for organizations, but it may just provide the financial flexibility and reasonable means to distribute the cost of large long term projects to those who benefit from them.

Generally, a large percentage (if not all) of the common elements in an Association will last for longer than the ownership length of the property. According to the Federal Reserve Report on the Economic Well-Being of U.S. Households in 2014, the average tenure of homeowners is 15 years, while the median tenure is 12 years. With the construction materials being used today, structural elements such as roofing and siding can last upwards of 40 years. The common elements of an association can't just be left to deteriorate as the associations have the obligation of maintaining and even enhancing the common elements of their community. In doing so, they provide a positive living environment for their members, but they also protect the financial investment each member has made by choosing to own property. The burden of paying for necessary or desired improvements to the community should not just belong to those who will be in the Association for the entire life of the improvements. However, should a short term owner be paying the entire cost for improvements that last longer than their tenure in the property will exist?

Utilizing financing is a way to spread the cost of common area improvements out over time, and is a way to address the issue of assigning the cost of improvements to those who are benefitting from them. If monthly assessments are increased to cover loan payments, the financial burden is spread out over the length of the loan. In this manner, a homeowner who sells their home a few years after completion of a capital improvement project will only share a portion of the financial burden. The new home owner would pick up where the prior owner left off. Thus the cost of maintaining/enhancing the community is more equitably spread over those community members that are benefitting from the financed project. If an Association felt so inclined, they could even offer members the option to pay their portion of the project cost up-front or to participate in the lending program. In this manner those who considered themselves long-term residents would have the option of avoiding interest costs. If this approach is used, all residents are given options that may make approving a large dollar project more palatable, and getting a loan may actually enhance the association's chance of gaining community support.

Josh started his career in public finance, at Stone & Youngberg (now Stifel Nicolaus) and Piper Jaffray, working with municipalities to issue tax exempt debt. Currently, Josh is the Vice President in charge of Association lending for Alliance Association Bank, a division of Western Alliance Bank. Alliance provides a unique platform of banking services that are tailored to the community association industry and the timeshare industry.

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Mark A. Holmgren, *Construction Defect Attorney*

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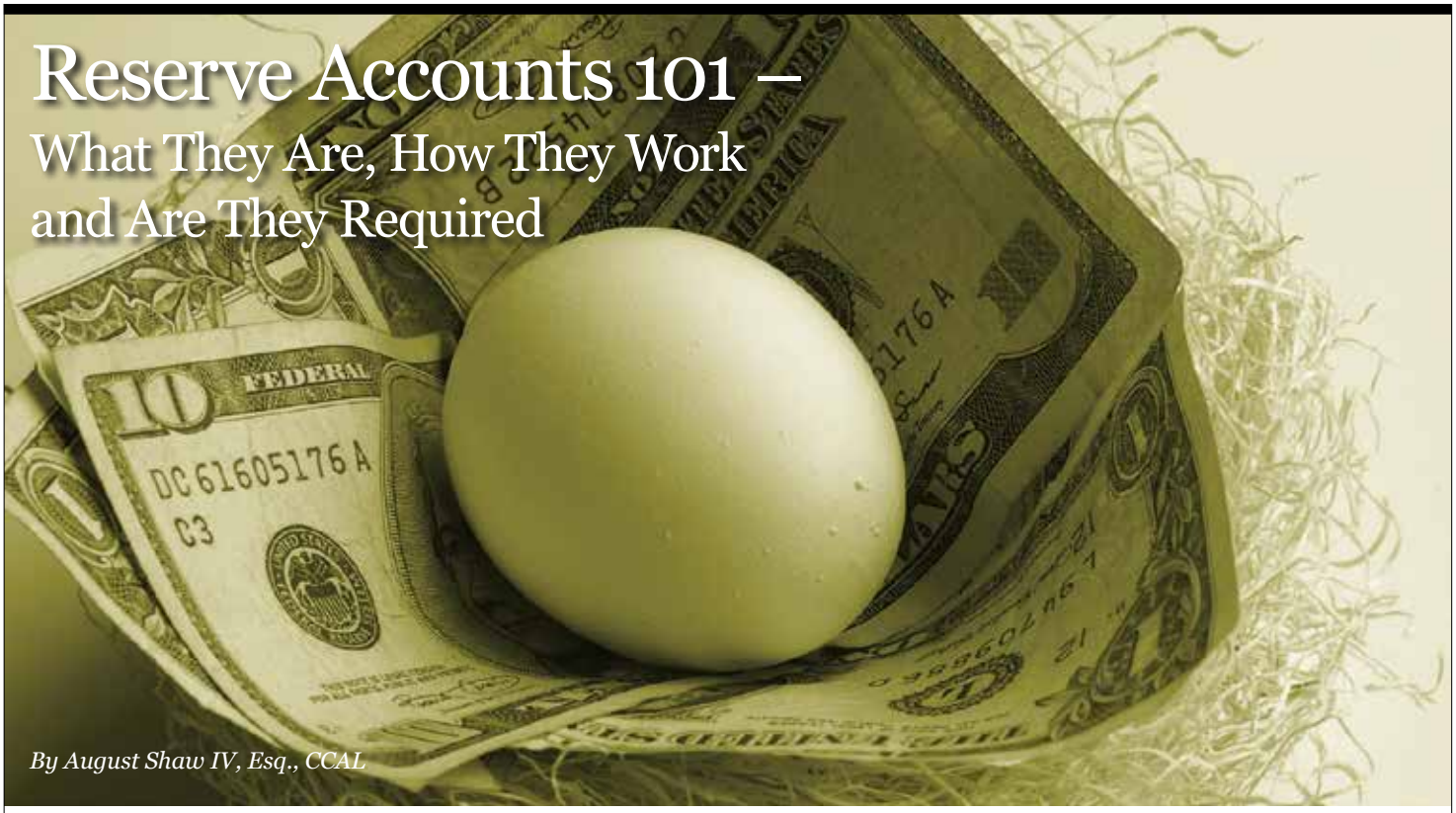
Reserve Accounts 101 – What They Are, How They Work and Are They Required



By August Shaw IV, Esq., CCAL

A reserve account is an account established by a homeowners association ("HOA") to cover the future costs of repair and replacement of common area assets. Many HOAs have common areas that include swimming pools, clubhouses, tot lots, and privately held streets. These common area assets will, in the future, require maintenance and repair. A reserve account, in essence, is a savings account established to provide a funding source for future maintenance or replacement of common area assets.

Reserve accounts are funded by placing a percentage of the normal annual assessment into the reserve account. In order to determine how much money to place into the reserve account, many HOAs have a reserve study performed. A reserve study is a process where the future maintenance and replacement costs for common area assets are determined. This amount is then provided to the HOA so the HOA will know how much it needs to reserve to meet future maintenance or replacement needs.

Regarding whether the Board of Directors is required to establish and fund a reserve account; if a HOA's governing documents require a HOA to establish and fund a reserve account, a reserve account must be established and funded.

Even if a HOA's governing documents do not require or are silent regarding the establishment and funding of a reserve account, a reserve account may nonetheless be required. This requirement is based on a member of a HOA Board of Director's fiduciary duty to the HOA.

Directors of nonprofit corporations, pursuant to A.R.S. § 10-3830 (a provision of the Arizona Non-Profit Act to which HOAs who are non-profit corporations are subject), are required to prosecute their responsibilities as Board members:

1. In good faith;
2. With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
3. In a manner the director reasonably believes to be in the best interests of the corporation.

The Restatement (Third) of Property: Servitudes § 6.13 (2000) (hereafter, the "Restatement") also imposes similar responsibilities. Section 6.13 of the Restatement states:

> The directors and officers of an association have a duty to act in good faith, to act in compliance with the law and governing documents, to deal fairly with the association and its members, and to use ordinary care and prudence in performing their functions.

The Restatement approach was ratified by the Arizona Court of Appeals in the case Tierra Ranchos Homeowners Ass'n v. Kitchukov, 216 Ariz. 195, 165 P.3d 173, (Ariz. App. Div. 1, 2007)

The establishment and funding of a reserve account by the Board of Directors may be seen as individual Board Members prosecuting its duties with ordinary care and prudence. Establishing and funding a reserve account may also be seen as acting in the best interest of the HOA.

Therefore, arguably, under A.R.S. § 10-3830, Tierra Ranchos Homeowners Ass'n v. Kitchukov and under the Restatement, Board Members may have a duty to establish and fund a reserve account on behalf of their HOA because doing so would be in the best interest of the HOA and is a prudent, careful action.

Augustus H. Shaw IV, Esq.*, CCAL is the Founding Partner of Shaw & Lines, LLC. A lecturer for many municipal HOA Academies and continuing legal education seminars, Augustus is a member of the prestigious CAI College of Community Association Lawyers and sits on the CAI College of Community Association Lawyers Board of Governors.*

How Often Should You Update Your Reserve Study

By DJ Vlaming, RS

How often is "proper" or "prudent" Reserve planning? With Reserve contributions making up 15% to 40% of the typical Community Association's budget, this is an important question. So let's look at the issues…

Reserve contributions allow you to offset ongoing deterioration of community assets with appropriately sized Reserve contributions. The more deterioration there has been (i.e. time/age), the larger the association's financial assets should be.

Because the physical condition of the association's assets and the size of the Reserve Fund change on an almost constant basis, Board members need to responsibly know how much to budget for their Reserve contributions and what to tell the owners about how well prepared the Reserve Fund is to deal with upcoming expenses.

Reasons for Annual Reserve Study Updates

From a Board member responsibility (liability) viewpoint, for a budget line item as large as Reserve contributions, it is appropriate to re-evaluate Reserve contributions annually to comply with the "sound business judgment".

Second, most Governing Documents require an "appropriate" amount of Reserves to be collected each year to offset ongoing deterioration of the common areas. That number needs to be adjusted annually in light of the association's natural physical and financial changes.

Third, in August of 1991, the American Institute of Certified Public Accountants (AICPA) issued guidelines (generally accepted accounting principles, or GAAP) stating that Reserve planning is recommended annually as part of the budget planning and financial reporting process.

Finally, approximately 30 different states specifically require Reserve Studies for budget preparation or owner (and prospective owner) disclosure purposes. Some states require this annually updated information to be based on a more diligent on-site inspection every few years.

So…review and adjust each year. Perform a more exhaustive With-Site-Visit update at least every few years, as appropriate due to physical changes at the association or as required by State Law – although, at this time, there is no state law in Arizona requiring Reserve Studies or disclosures.

***DJ Vlaming**, President, Association Reserves – Arizona. DJ holds his Reserve Study Specialist designation through Community Associations Institute and is an active member of the Central Arizona Chapter.*

Budgeting or Bologna!

By Michael Frank

All knowledgeable and well run Community Board of Directors work within established budgets to operate and maintain their respective Communities. Budgets are established to insure fiscal responsibility on behalf the Community's residents to take care of their common elements (Pools, Roofs, Landscape, Roads, etc.). These budgets are reviewed and adjusted periodically based on current conditions, changes in economic conditions, and other factors that impact the ability to manage these components. The question is "where do these budgets come from and how are they derived"? The answer varies; however, the majority of budgeting is obtained from "Reserve Studies" completed by companies that only do Reserve Studies. Wikipedia defines Reserve Studies as "a long-term capital budget planning tool which identifies the current status of the reserve fund and a stable and equitable funding plan to offset ongoing deterioration resulting in sufficient funds when those anticipated major common area expenditures actually occur." The key here to the success of any reserve plan is the key portion of that definition, "stable and equitable funding plan". It has been my experience in the almost 10 years that I have been working with Homeowners Associations that most do not have a "stable and equitable" plan for "anticipated expenditures", more specifically pavement expenditures. What is important to note here is that a "Reserve Study" is a "study" on how to handle capital expenditures. It is not intended to be a document to rely on with regard to determining what those expenditures are. In fact, most (if not all) reserve studies claim as much. They want their clients to know that they are not "technical experts". For example; if a Community's roofs are in need of repair, the reserves will have assigned some cost to addressing roof repair; however, they are not claiming that the cost budgeted is appropriate to repair roofs. That is up to a Roofing Expert.

In our industry (pavement and related infrastructure), no two streets (much less Communities) are the same. It would be inaccurate to address maintenance for them based on averages or generalities. As an expert, we examine each street and each component that impacts pavement life on each street. Within this last year alone, we have identified three Communities where their asphalt degradation cannot be addressed with "normal ongoing" maintenance practices. These issues were more specifically compositional breakdown of the asphalt product as a result of poor oil content or densities or both (something a reserve company is not equipped to address). The cost of this type of remediation can be excessive and appropriate planning is a must. Other items that should be budgeted for maintenance of roads are proper Storm Water Management. Stored water on pavement impacts pavement life. Clean storm water components efficiently producing

storm water assist in minimizing this type of storage. These are only a couple of examples of how "technical evaluation" is integral to proper budgeting.

This, in my opinion, is where most Communities have the most difficulty. They rely on their reserves to be accurate. Therefore, when cost are required to complete "appropriate" common area issues, the Community learns that they are underfunded in their reserves. I do not want to claim that Reserve Companies do not know what they are doing. They are very good at what they do. That being said, the Community needs to understand their limitations and not place sole accountability on maintenance budgets to those companies. It is our recommendation that the Community retain the services of an expert in the field of the maintenance required. They need to obtain information from that professional on what costs are needed to bring their components up to a reasonable industry standard and what ongoing maintenance cost should be anticipated over the next 10 years at least. Once determined, then reach back to the reserve company, provide them this information and have them process it to see where the Community is appropriately funded within their reserves. This should be done before major remediation work is needed so that the Community can address modifying their assessments or dues in a less invasive manner than would be required when major work is needed. We have done this with several Communities regarding their roads and related infrastructure, who thought they were well funded and once learning actual cost to maintain and remediate, were conversely underfunded and able to take appropriate action prior to having to ask for those dreaded words, "Special Assessment". Bottom line here is that the Reserve Study companies play an important role in financial planning for Communities; however, this should be done in conjunction with experts that understand existing conditions and appropriate remediation and maintenance costs to address them.

This was written for publication by Michael Frank Principal/Owner of Frank Civil Consulting. The Pavement, Drainage and Infrastructure Specialist in the industry with 40 years experience.

A Job Analysis Survey Of Global Community Association Managers Finds Stable Job And Workplace Requirements

By John Ganoe, CAE
CAMICB Executive Director

A top priority for The Community Association Managers International Certification Board (CAMICB) is to maintain, update and validate the Certified Manager of Community Associations (CMCA) exam. At CAMICB we take this responsibility seriously and are proud of the work we do to offer an internationally recognized credential that proves a community association manager is knowledgeable, ethical and professional.

The process by which this is done is very thorough and strictly complies with best practices in the credentialing industry. An important element of this process is to conduct a Job Analysis Survey approximately every five years. The survey examines the current state of community association management – the responsibilities of a professional manager and the knowledge and skills required to fulfill those responsibilities – and provides a benchmark for updating the CMCA exam.

The results of a 2016-2017 Job Analysis Survey, conducted in partnership with Human Resources Research Organization (HumRRO), CAMICB's test development partner, tells us the CMCA exam continues to measure important knowledge areas relevant to community association managers and is still doing a good job of testing the pertinent information needed to be a strong community association manager.

Joseph Caramagno, MA, Senior Research Scientist for HumRRO, who led the survey process and analysis, sums up the findings nicely, "The core body of knowledge required for effective performance as an association manager is consistent with prior analyses, which is what we would expect from a program with this level of maturity. Some areas currently tested have declined in importance, while others have become more important. These changes will be reflected in the forthcoming exam blueprint."

> The new exam blueprint will be available at www.camicb.org beginning in the closing quarter of 2017. Candidates will begin testing against the new exam blueprint in January 2018.

Robert Felix, CMCA, LSM, PCAM, RS, Regional Vice President – West for Associa who is the Chair of the CAMICB Exam Development Committee echoes the importance of conducting this type of survey, "The Job Analysis Survey is integral to maintaining and validating the exam as the results guide the development of a new CMCA exam blueprint. This process is vital in assuring that we are testing what we need to be testing."

Passing the CMCA examination and maintaining the standards of the CMCA certification is proof that a manager is knowledgeable, ethical and professional. CMCA-certified managers have the skills to safeguard the assets of homeowners' associations, giving homeowners peace of mind and protecting home values.

In summary, Cat Carmichael, CMCA, PCAM, Vice Chair of the CAMICB Exam Development Committee added, "The CMCA exam has been, and is still measuring important areas of knowledge relevant to community association managers both here in the United States and across the globe."

Job Analysis Survey Background

Respondent Demographics

We had a strong response to the 2016-2017 Job Analysis Survey: the total sample size, including non-U.S. participants, was 24,827. The final analysis sample included data from 1,673 respondents. Respondents tended to be female (64%), employed by a management company (64%), and based in the U.S. (96%). A small percentage reported that they own a management company (11%). Most respondents were older (46 years of age or older; 63%), had been employed as a CAM for 5 or more years (74%), and possessed some college education or a bachelor's degree (76%). Respondents tended to manage association staff sizes of six or fewer (73%). One-third indicated they manage a single association while 59% manage two or more.

Methodology

The 2016-2017 Job Analysis was conducted with the help of CAMICB's Exam Development Committee (EDC). The

Committee is comprised of 22 highly experienced Subject Matter Experts (SMEs), including international SMEs, familiar with the CMCA test development process, test blueprint, and current professional issues. This study was carried out in partnership with HumRRO, a non-profit research and consulting firm dedicated to supporting quality testing and training programs that improve human, occupational, and organizational effectiveness.

The Job Analysis methodology involves collecting and aggregating information and insights from job incumbents and occupational experts to determine the content specifications for the test blueprint. This process is illustrated in the graphic below. A major component of the process is an electronic survey to gather ratings of tasks and knowledge requirements from association management professionals around the world. Results of the survey were reviewed with the EDC to obtain their input and judgments regarding current trends in the profession and the importance of the knowledge for competent performance in the field.

The Community Association Managers International Certification Board (CAMICB) is a 20-year old independent board that sets the standards for community association managers worldwide.

The CMCA credential is accredited by the National Commission for Certifying Agencies (NCCA) which means it complies with NCCA's stringent standards for a professional certification program. NCCA accreditation provides independent validation that the CMCA program meets or exceeds 24 standards concerning various aspects of the certification program including its purpose, structure, governance, psychometric foundation, policies and procedures.

Communities at Risk for Failure

By Kelly Oetinger, Esq

Arizona experienced a building boom in the early to mid 1980's. Many of these condominium and townhouse communities in Arizona are beginning to show signs of failure. These communities have an aging infrastructure and do not have the financial resources to perform necessary maintenance and repairs. There are several factors that contribute to the financial instability of these communities:

1. Many declarations have a cap on assessment increases, leaving the Board unable to increase the assessments to a level that would allow it to address the repairs.

2. Many owners are simply not willing to raise the assessments. These communities have not increased the assessments enough since they were built, and are now unable to keep up with increased expenses. As the communities deteriorate, they attract less affluent Owners not capable of making up the shortfall created over many years.

3. These communities have historically deferred regular maintenance, which makes the costs most expensive in the long run.

4. These communities have not adequately funded the reserves to address items now at the end of their useful life. Additionally, any items between the walls, such as pipes and beams, or underground, such as water and sewer lines are not included in reserve studies. Communities are often unprepared for these maintenance and repair costs.

5. The demographic of the community is often unable to catch up to current needs. The assessments have increased, but the owners cannot afford the assessments and fail to pay.

6. The developer planned additional phases that were never annexed into the association, creating less than anticipated dues payers to service the common elements and amenities.

When a community is failing and does not have the funds to pay the bills, the association may be put into a receivership. Pursuant to the Arizona Nonprofit Corporation Act, A.R.S. §10-11430, a judgment creditor may petition the superior court to dissolve the association. The judgment creditor may petition the court to appoint a receiver. The receiver has exclusive jurisdiction over the association, and has the authority to raise the assessments regardless of any limitations in the declaration. The association must pay the hourly rate of the receiver, his or her attorney, and his or her accountant. Owners may not sell or refinance their homes while the association is in a receivership.

An alternative to a receivership for condominiums is for the owners to vote to terminate the association. A.R.S. §33-1228 provides that condominiums may terminate with the

approval of eighty percent (80%) of the owners. The approved termination agreement may provide that the project is sold to a re-developer. Any proceeds from the sale are distributed to lienholders and the owners, in order of lien priority. Proceeds will be distributed to any first mortgage holders, then the owners.

Planned communities may terminate per the voting requirements in the declaration. There is no provision in the Planned Community Act that provides for the community to be sold to a re-developer. A failed planned community that is a townhouse is more likely to placed into a receivership

Many communities will wish to avoid a receivership or terminating the association. There are five ways in which to address a shortfall, increase reserves, and to avoid failure:

1. Take out a loan to address maintenance and repairs.
2. Pass an amendment to the declaration requiring new buyers on resale to pay an assessment of up to two percent (2%) of the purchase price.
3. Impose a special assessment.
4. Increase regular assessments.
5. Triage repair needs and defer unnecessary maintenance.

Associations that are able to implement one or more of these five options will be less likely to fail.

Kelly Oetinger *is a Partner at Brown|Olcott, PLLC, which represents hundreds of planned communities and condominiums throughout Arizona. She is a graduate of the Sandra Day O'Connor College of Law at Arizona State University.*

Meet Your New Lobbyist

By Gretchen Jacobs, Esq.

Hi everyone! My name is Gretchen Jacobs and I have recently begun the very rewarding work of representing CAI as your advocate at the Arizona Capitol.

Yet, this opportunity nearly didn't happen. I've worked at the Capitol since 1998 and have observed much legislation related to HOA's over the years and thought I knew CAI. It wasn't until I was asked to interview and took the time to research CAI locally and nationally – even learning that CAI is international – that I realized that my perception of CAI's mission was not accurate. Candidly, what I believed about CAI caused me to originally decline representation. This is based on my philosophy that I can't sell something I don't believe in. I sympathize with homeowners in associations who are dealing with unreasonable and unnecessary rules. I didn't want to be what I considered a part of the problem. Yet, the more I learned about CAI, the more I realized that CAI is the solution. Even CAI's name – the Community Association Institute – the use of the word "Institute" aptly describes its critical research and educational role. The CAI website states "Our mission is to inspire professionalism, effective leadership and responsible citizenship—ideals reflected in associations that are preferred places to call home."

And when meeting with local CAI representatives, I was surprised to hear how they describe who they represent. They told me "We represent the homeowners". That means those who volunteer to serve on HOA boards and those who simply own a home in a managed community. Again, as stated on its website, at its core, CAI:

. . . believes homeowner and condominium associations should strive to exceed the expectations of their residents. We work toward this goal by identifying and meeting the evolving needs of the professionals and volunteers who serve associations, by being a trusted forum for the collaborative exchange of knowledge and information, and by helping our members learn, achieve and excel.

In other words, CAI's promotion and education of best practices, when implemented, prevent problems. Some of the incidents portrayed in our local paper are examples of when best practices have not been understood or adopted. And what about those situations? CAI knows that mistakes and life crises happen --things don't always go as planned and communication, patience and understanding are skills that can be supported and enhanced. For example, in Arizona, CAI has just signed a contract for an independent mediation service as a resource available to homeowners and associations who could benefit from perspective from someone not personally invested in a conflict.

Last September, for the first time ever, my family became members of a homeowners' association. Given all of the drama I've observed at the Legislature and in the media, I was a bit nervous. My family's philosophy about property rights doesn't necessarily lend itself to being a good fit to exist in an HOA. And, I admit, security has knocked on our door "as a courtesy". Yet, the request by security came as a relief. It's not easy to tell my cantankerous Uncle Frank that even though the driveway is full, he can't park on the grass. ☐ This actually happened. He was livid and let the security officer know he was "carrying" but begrudgingly moved his car. Unlike my Uncle Frank, I like the feeling of order and the higher standards. I am like the other 1.9 million Arizonans who enjoy their managed community and haven't been featured in a news story.

In sum, I am particularly excited about the opportunity to help for more people to understand the extremely positive influence and role that CAI has in assisting homeowners and their community associations to be responsive and meet the expectations of their community.

Strategically Planning for Reserves

By Jacob Marshall, CMCA, MBA

A core component to Reserve Studies that all Boards of Directors must analyze and choose carefully is a preferred funding method. There are four principal methods for funding reserves: Baseline Funding, Full Funding, Threshold Funding or Statutory Funding. Each funding method has its pros and cons and any method may be right for your community at any particular time.

The first method is Baseline Funding. This main goal of this method is for the reserve cash to never fall below zero, while also never requiring a special assessment. While this method keeps your reserve balance as close to zero as possible, it does pose a higher risk for a special assessment. It is the most aggressive funding model because it limits contributions and balances to only what is necessary. While the goal is to never need a special assessment, this method provides the highest chance that a special assessment may be needed at some point in the future.

Next, is the Full Funding method. The main goal of this method is for your reserve cash balance to always be 100% funded in any given year. This is the most conservative approach to funding reserves. This method will typically carry with it higher reserve contributions and balances, and it is highly unlikely that your community would ever need a special assessment if this method is effectively implemented. While this method may be preferred for conservative Boards, it could also be viewed as too aggressive.

The Threshold Funding method can be interpreted as the middle ground between Baseline Funding and Full Funding. Boards may consider this method to be a more strategic approach and not too aggressive when compared to the Full Funding approach to build reserves. Threshold funding allows for the Board to identify a percent-funded goal or a goal for their reserve balance to always be above a certain cash position. This method allows for moderate reserve contributions – higher than a Baseline Funding amount, but not high enough to constitute Full Funded.

Statutory Funding is exactly what it sounds like. It is regulated by state or local statutes. If you have to use this method, you must have reserve contributions or balances as required by your local statutes. It is important to note that while the state of Arizona does not require Statutory Funding, other states do. Please be sure to research this requirement if you do not serve on a Homeowners' Association Board in Arizona.

The method that is chosen is ultimately the responsibility of the Board of Directors and can be identified by a number of different factors. Each method comes with its pros and cons, and various degrees of risk. Every Board of Directors should rely on a reserve professional to select and implement the best funding method possible for their community. Engaging your tax professional should also be considered when your cash balances surpass a certain level. Please note, reliance on a special assessment should never be part of the funding plan or assumption.

***Jacob Marshall, CMCA, MBA**, is the Village & Finance Manager on-site at Desert Mountain in Scottsdale, AZ. Desert Mountain is professionally managed by CCMC. Jacob has over 10 years experience with CCMC.*

CAI - Central Arizona Chapter

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BURGSIMPSON

Well-funded reserves do more than ensure an association has adequate funds to perform necessary maintenance work. Reserves (when spent appropriately) can also protect an association from liability. A recent decision out of Texas, Lakeside Village Homeowners Association, Inc. v. Belanger, No. 08-15-00214-CV (Tex. App. 2017), found an association violated the CC&Rs by failing to repair common areas that were allowing water to flow to and under a home.

The association maintained a retaining wall located five feet behind the dwelling unit. The association obtained an engineering report indicating that the retaining wall was failing and required replacement. The association attempted to pass a special assessment to pay for the repairs, but the homeowners voted against it. The association could have paid for the repairs out of its reserves, but declined to do so. The problems worsened over time, and the water eventually caused significant damage to the foundation, driveway, walls, and other portions of the dwelling. The jury found that the association violated the CC&Rs by failing to repair and maintain the common elements and by allowing the water to trespass onto and under the unit. The jury awarded a total of nearly $400,000 in damages.

This case begs the question: was the retaining wall defectively built? If so, could the defects have been discovered if the Association had made a timely and appropriate inspection? The case is silent on this issue, but this case reflects what can happen if construction defects are ignored. Contact Mark Holmgren at Burg Simpson if you have questions about potential construction defects and would like to schedule a free, no-obligation inspection.

Carpenter Hazlewood, Delgado & Bolen, PLC

If the Association has not adequately been funding its reserve account, the Association may not have enough money to fund a major repair or improvement project. Oftentimes, that leaves the Association looking at alternate funding options such as implementing a special assessment, and possibly procuring a loan.

If the reserve account has not been adequately funded, the Association could be in the position where a loan is necessary (also, even if the Association has been adequately funding the reserve account, a loan may still be necessary depending on the project).

However, if the Association decides it needs to take out a loan, before the loan can be issued, the Association may need the approval of the membership. Typically, an Association intends to repay a loan by levying a special assessment. While there is no statutory requirement that the membership vote on whether to levy a special assessment, most governing documents require membership approval (with the specific approval amount being set forth in the Declaration).

Additionally, before the bank will issue the loan, the bank will need assurances that the money will be repaid. Typically this is done by the Association assigning the bank the right to the Association's future assessment income (which would be triggered if the Association defaults on the loan).

Assuming the Association has been incorporated as a non-profit corporation, the Arizona Non-Profit Corporation Act provides, in A.R.S. §10-3302, that such corporations, in the absence of contrary language in governing documents, have the general power to make contracts, incur liabilities and borrow money, and to secure these obligations by security agreement, pledge or other encumbrance of any of its property or income. Further, both the Planned Community Act, and the Condominium Act contains a provision that sets forth an Association may assign its right to future income, but only to the "extent" the declaration expressly provides. Given the wording in the Planned Community and Condominium Act, the Association must determine whether the Association's governing documents contain any language to the contrary, or any language that creates a limitation on the power to assign income as collateral. Given these provisions, it is possible that the Association's governing documents require membership approval prior to obtaining a loan.

As you can see, procuring a loan is not an easy task, especially if membership approval is required. If possible, to avoid being in the position of needing a loan, the Association should take steps to make sure the reserve account is adequately funded.

DLC Resources

Since 1989, DLC Resources, Inc., has provided superior landscape management services to communities across greater Phoenix. As an Arizona-based company, we are well-versed in the challenges of keeping plants, trees and turf not only healthy, but flourishing in our desert environment while still being respectful of the important water management concerns of our city and state. Partnership is the basis for how DLC works. We see ourselves as more than just a contractor

who cares for a Community's turf, trees and shrubs. We take pride in being a partner who has our clients' best interests in mind. It takes a personal touch, and that's something we specialize in.

Maxwell & Morgan, PC

All associations should follow the reserve requirements in their governing documents. Even associations that do not have such provisions should have reserve study studies performed and updated every 2-3 years. Most importantly, associations should budget to fund the reserves in accordance with their reserve studies. This will go a long way toward properly maintaining the property and avoiding the necessity of obtaining loans or adopting special assessments to fund such activities.

SealMaster

As a manufacturer of sealcoat maintenance products I have had the chance to visit many Home Owner Associations each year. Many times during these visits the HOAs are reacting to an immediate need that they want addressed, more often than not, the request is for a product that will fix the problems with the asphalt for the cheapest possible price. This process of reacting to problems instead of using funds for preventative maintenance is a costly mistake. Furthermore, because the asphalt has often fallen into a state of disrepair the product selected to fix the asphalt, is often a product that was designed only to maintain asphalt and does not perform well on a surface that needs a more expensive treatment. Because paving maintenance falls out of many of our expertise, I think it is helpful to watch the trends of agencies that maintain large amounts of inventory. In the last twenty years many of these agencies have changed their approach in pavement maintenance from fixing the worst first, to maintaining the new and sometimes not treating asphalt that has had too much damage until after it can be replaced. This approach of preventative maintenance has been proven to be much more cost effective. It is important that your HOA develops a pavement maintenance preventative plan to avoid these pitfalls. Regular maintenance such as crack filling and sealcoat ing can push more expensive treatments off for years to come, and save the community thousands on its most expensive asset.

Vial Fotheringham

A Community Association is the steward and caretaker accountable for the assets of the Association. A financially healthy HOA should have a responsible budget, assessments set at a level appropriate to maintain and improve the amenities of the community, and a reserve account funded to repair and replace components as they reach the end of their useful life. The Association's community manager, attorney, reserve professionals, and accountants can all work together to help make sure the HOA achieves financial health and preserves assets and property values for years to come.

2017-2018 CAI-CAC Event Calendar

NOVEMBER

8 — Board Member Forum
Location: VF Law

14 — CAI –Central Arizona Chapter Educational Lunch & Annual Meeting
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

14 — Chapter Board Meeting
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

16-18 — PMDP M-100 Phoenix, AZ
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

DECEMBER

1 — CMCA Challenge
Location: Desert Ridge Community Association Classroom

15 — 2nd Annual Kickball Showdown
Location: Horizon Park

JANUARY

9 — CAI – Central Arizona Educational Lunch
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

9 — Chapter Board Meeting
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

19 — CAI Joint Chapter Golf Event– LAC Fundraiser
Location: Sun City Oro Valley

25-26 — PMDP Course M-201 Phoenix, AZ
Location: Hilton Phoenix Airport
2435 S. 47th St., Phoenix

31-Feb. 3 — Annual Community Association Law Seminar
Location: Palm Springs, CA

For more information, visit the chapter website at www.cai-az.org or call the office at 602-388-1159. Items in red are CAI National events.

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