

2016

WVHOA Newsletter

FEBRUARY 2016



WEST VALLEY HOMEOWNER ASSOCIATIONS

WVHOA ANNOUNCEMENTS

At the February 2016 WVHOA meeting, **City of Surprise Mayor Sharon Wolcott** will join us. She will speak briefly regarding the Grand Avenue-Bell Road interchange.

BOARD OF DIRECTORS:

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Meetings are held in the Apache Room of the Chaparral Center, 19781 N. Remington Drive in Sun City Grand. Sun City Grand is located on the west side of Grand Avenue, about five miles past the Bell Road intersection. Turn west onto Sunrise and take it to the second intersection, which is Remington. The Chaparral Center is located about .2 of a mile on the right side of Remington Drive adjacent to the Sonoran Plaza.



HAPPY VALENTINE'S DAY!



We wish our dedicated West Valley members perfume, flowers, and a box of chocolates on Valentines Day! A commitment to community service is born out of gratitude and love for the abundance we have been blessed with. We thank each and every member for helping WVHOA grow its membership and for taking the time to attend our monthly luncheon meetings. Without you, there would be no "we".

Best regards,

Colleen Lombard, PCAM

February Luncheon Meeting: Annual Meetings

The next West Valley Homeowner Associations luncheon meeting will be on February 3, 2016. Attorney **Adrienne Speas** will present on **Annual Meetings** and give tips and tools for navigating them, as well as time for a question and answer session.

Please join us in the Apache Room, Chaparral Center in Sun City Grand, 19781 N. Remington Drive in Surprise. Cost for the luncheon is \$10.

Please arrive at 11:30 a.m.. Lunch will be served beginning at 11:45 and the program will start promptly at noon.



In order to provide plenty of food for the luncheons, it would be sincerely appreciated if reservations are made with Rocky Roccanova at rockyscg@yahoo.com or 623-293-8222. Reservations must be received by 5:00 p.m. on Friday, January 29, 2016.

Payment for the luncheon may be made by cash or check (personal or business check) at the door only. We are not able to accept "pre-payment" for the luncheon meetings.

Summary of January 2016 Meeting

Dealing With Difficult People

During the first WVHOA meeting for 2016, attorney Adrienne Speas outlined how to manage dealing with difficult people.

The presentation began by detailing what an association's rights and obligations are regarding dealing with difficult members. Mrs. Speas pointed out that an association does not have an obligation to answer every question posed to it by a member. An association can decide if and when to answer certain questions if they so choose. The association must, however, make records requests available for review when requested.

We were then introduced us to the first type of difficult person; the bully. This person dominates meetings and tries to control all discussions, often interrupting and speaking for too long in the process. To combat the bully, Adrienne recommended first and foremost, to be as professional as possible. Another tip was to not allow The Bully to go over the allotted time. Each community member should have the same rules as the next community member, even for speaking times. Finally, she recommended that it is helpful to save the open forum portion of meetings until the end, to ensure you get through your entire agenda.

Additional tips for surviving board meetings to combat dealing with difficult people included the location of the meeting, the room set up, providing a copy of an agenda, setting a time limit for each speaker (and upholding that limit for all speakers), setting up to have the meeting recorded by either video or audio, or having security or police present at your meeting.

Another type of difficult person that was covered was the member who won't take "no" for an answer. This type of person refuses to stop calling or e-mailing the board, even when the problem they originally had may have already been decided or resolved. With this person, sometimes you may have to remind him or her that the question has been "asked and answered". Also helpful to reduce misunderstandings between you, the community member, and all other community members, is to have them put everything in writing. This way, words cannot be taken out of context or be twisted around to mean something they did not intend.

The next thing Mrs. Speas discussed was the concept of agency, in a legal sense. Agency is a fiduciary relationship that arises when one person assents to another person acting on the principal's behalf and the agent agrees to do so. This means that a director or committee member can be an agent of the association if given authority by the board.

Apparent authority also exists when the principal's conduct leads a third party to reasonably believe the principal has authorized the agent to take action or make representations. Apparent authority could exist if the board's conduct leads an owner or resident to reasonably believe that the board has authorized the director or committee member to take action on behalf of the association. It is important to be careful who you give authority to, and to be especially careful when it comes to contracts. Training sessions are also helpful tools for board members or committee members.

Next, Adrienne moved to discussing issues with difficult people within the board itself. The first type of person discussed was a director "going off the deep end". This person could be acting intensely or erratically towards one person or group. If this starts occurring within your board, the association should be concerned, should get involved, and needs to consider their options of how to move forward.

Another type of problematic board situation is when there is a divided board. In this type, a person could be in disagreement with a decision that the board made and is voicing this dissent throughout the community. It could even go as far as this divided board member leaking legal opinions, letters, and information that is attorney client privileged to the other homeowners.

Another type of difficult person on the board was the design "consultant". Mrs. Speas gave an example of a redesign being done in a community and the chairperson of the committee making recommendations to the renovations as they are being completed. This could end up costing the Association, as the extra cost of any changes will get charged to the Association, even if just one person was making the decisions to make edits. To monitor this type of problem, Mrs. Speas suggested having specific language in the contract with a contractor stating that all changes must be submitted in writing to the Association.

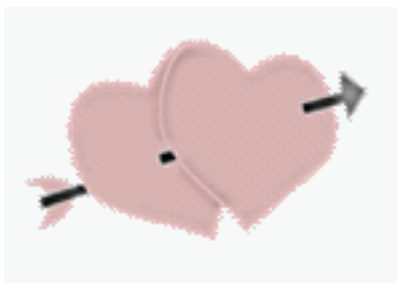
In order to help keep each board member in the appropriate state of mind, she thought it was important to remind board members of their responsibilities. Board members have a legal obligation to act in the best interest of the entire community and association, not for them. Also, directors should treat all homeowners fairly and equally. Each director should only act under the authority that the Board granted him or her.

Another tip recommended was to institute a Code of Conduct for the board. While there is no legal requirement for a board to have one, they can be helpful to help set expectations and serve as a frame of reference. It is also important to remember that codes of conduct are not binding unless compliance is required by the articles or bylaws.

Finally, Adrienne discussed what steps are important in neutralizing a rogue board member. She expressed that communication and direction to the director to stop the offensive act was the best first step. Communication with affected members and third parties to explain the limitations of the director's actions was also important. In extreme instances, removing the director from his or her office and/or committee positions or director recall would be necessary.

Upcoming Meetings:

- March 2 - National Case Law Update
- April 6 - Online Defamation
- May 4 - Legislative Update



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