

2017

WVHOA Newsletter

February 2017



WEST VALLEY HOMEOWNER ASSOCIATIONS

We wish our members a healthy and happy New Year. See you in February 2017!



*Best wishes
Colleen, Curtis, and
Karen*



WVHOA ANNOUNCEMENTS

Our group has been blessed with the use of the Apache Room at Sun City Grand.

THANK YOU SCG Board members.
You and your staff are very
much appreciated!

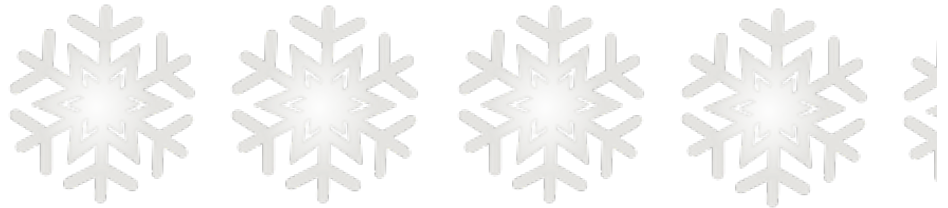
BOARD OF DIRECTORS:

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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.



February Luncheon Meeting: Contracts -February 1

The next meeting of the West Valley Homeowner Associations will be **February 1, 2017**. Our guest speaker will be **Matt Metz**, who will discuss **Contracts**. Mr. Metz will cover the specifics of writing good landscaping contracts and contracts in general, as they can be confusing and tricky to navigate. There will also be time to address any questions you may have on the topic.

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 Colleen Lombard at calombard@cox.net or 602-689-1686. Reservations must be received by 5:00 p.m. on Friday, January 27, 2017.

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 the November 2016 Meeting

Litigation Issues

At the November 2016 meeting, our speaker was Curtis Ekmark. He spoke to the group about Litigation Issues and the things he has learned over the past year.

Curtis began his presentation by detailing his transition from managing an office full of attorneys and staff to joining forces with Carpenter Hazlewood Delgado & Bolen. He said the transition has been going well and that, contrary to popular belief, he is not sick or dying. In fact, he has been able to slow down and focus on the parts of practicing law he enjoys most, as well as traveling and enjoying more time with family.

Curtis thought a quote by basketball coach John Wooden applied to his newfound legal world. Wooden said "It's what you learn after you know it all that counts". Over this past year, Curtis has learned to keep evolving and learning, and that being able to practice more in litigation has made him a stronger attorney.

Another thing Curtis has realized is the concept to "speak softly and carry a big stick; you will go far". If you as a board are acting in a reasonable manner, things will go more smoothly for you and your community. This way, you are able to stand in front of a judge, should a situation arise, and explain how your decisions were reasonable and good for the community. It is important to remember to slow down and be careful in any decision making the board is doing. And make sure that your insurance covers fair housing claims - just in case!

Curtis also explained the importance of not doing the "crime" if you can't do the time. Within this point, he expressed the fact that the board needs to make sure that they are compliant with all rules. For example, it is important to follow the open meeting laws because this is something that could really come back to bite you if you do not follow them. Similarly, it is best to focus as a board on the process and not the result. If you ensure that you are playing by the book with the certain processes, you should not have any problems should issues arise. One example of this was a case in which a disabled man in a golf community requested a handicap accessible golf cart, but wanted one for each course within the community. The board was able to follow processes they had in place to sit down with the man and discuss the options and pricing and come to a conclusion that worked for each party. In another example from Texas, the board of a community tried to take action against a resident, and the resident's defense was that the board did not follow the appropriate methods in their election, and that the board members were not properly elected. The resident was successful in this defense because the board did not appropriately follow the guidelines that they had set in place.

Next, Curtis described how on our boards, we should try and be the superhero or wear the white hat. We need to focus on who we are helping and how what we are doing as a board is helping the community. For this, Curtis explained a case he was working on this year. The issue was that a condominium building downtown was built and a billboard was installed alongside one of the walls on the condo building before the new board obtained control. The new board of the condo tried to request that the billboard company remove the sign, as it was on their common elements, however the company sued the Association, citing a very particular phrase in the Condominium Act, and saying they wanted to leave the billboard up long-term.

After an intense battle in the courtroom, the judge eventually decided that it was not fair to the people living in the condo who had the billboard installed without allowing them to vote on it. The billboard company's actions were not helpful to the community.

Another example that Curtis discussed stemmed from a Ben Stiller movie, "Meet the Parents". In this particular scene, a flight attendant will not let Stiller's character board the plane before all boarding groups are called, but the airport is completely empty and he is the only one waiting to board. On this example, Curtis emphasized that it is important to not over-do it as a board. Sometimes it is just not worth enforcing every single rule to a tee if it makes sense to ease up on the rule, as long as it is not harming anyone.

Curtis also discussed the point of having proof of your meetings. Young kids often request pictures to show proof of their fun times, and for boards, it is important to have records of your meetings through taking down minutes. Curtis explained that often times, board will say that they discussed certain decisions in the meeting, but when he requests the meeting minutes to show that they discussed it, they explain that they do not have them, which is especially problematic in litigation. For minutes, the board just needs to record *what happened*, not *what was said* word for word, so it is an easy step that is important to follow.

The next thing that Curtis explained is that you cannot put toothpaste back in the tube. Similar to the meeting minutes situation, it is hard to make up for things that are already done that could hurt the board. Do not check with your attorneys/insurance companies/etc. AFTER you have done something and an issue has come up. It is always better to plan ahead and be prepared. Similarly, he also discussed how often he sees things that are "too little, too late". If the board waits too long to read their insurance policy or read the contract with the vendors, it could be detrimental. Do not wait until there is a problem to make sure you read and understand everything.

Curtis also discussed his time at the Wisconsin Supreme Court. He said that within the walls of the Supreme Court building it was super contentious, but he appreciated their attitudes. They always said they could fight and disagree as much as they wanted inside the building, but once they are in public, they need to keep it civil, less they lose face with the community. The same concept applies to the boards in our communities, it is important to be civil so the community does not lose faith in the board.

Next, Curtis discussed the idea of being "old-school". He says he tells his younger associate attorney's that technology is good and helps us communicate, but it they should not over looked the quality of picking up the phone and calling clients to communicate with them, or meeting up with them face to face. It is important to be clear in communicating, but it also creates a deeper connection with people when you can see or hear them.

Finally, Curtis talked about his son Andrew and his college experience at Stanford. Curtis said that everyone was so happy to be there on the college campus because it is such an accomplishment and not everyone can do it. Curtis says that it is important to have a good attitude while serving on the boards as well, and do not overlook the importance of trying to recruit good, quality people to the communities boards. If you recruit the best your community has to offer, you will have a great board with great attitudes who want to be there.

Upcoming Spring Meetings:

- **March 1 - National Case Law Update**
- **April 5 - T.B.D.**
- **May 3 - Legislative Update**

