

2016

WVHOA Newsletter

FEBRUARY 2016



The Wearin' O' The Green



WEST VALLEY HOMEOWNER ASSOCIATIONS

WVHOA ANNOUNCEMENTS

Upcoming Meetings:

- April 6 - TBD
- May 4 - Legislative Update

Thank you SCG for the use of the Chaparral Center for luncheon meetings!

BOARD OF DIRECTORS:

Colleen Lombard, PCAM, President
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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 ST. PATRICK'S DAY TO OUR WVHOA MEMBERS!

Please join us on March 2 for an early St. Pat's Day luncheon meeting. National Case Law Update is always a popular topic, well presented and well received. Cases can be both humorous and serious, so no chance of boredom setting in! Wear some green, bring your four leaf clovers and let us entertain you!

Best regards,

Colleen Lombard PCAM President

Annual Legal Seminar to Address Pertinent Legal Issues - March 2, 2016

Attorney **Curtis Ekmark**, WVHOA's Vice President, will discuss important legal issues facing homeowners associations by highlighting the HOA cases around the country. Most importantly, he will address your questions at SCOHA's **Annual Legal Seminar on Wednesday, March 2** at noon.

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, February 26, 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 February 2016 Meeting Annual Meetings

Attorney Adrienne Speas was WVHOA's guest speaker for the February 2016 meeting. She presented on the topic of Annual Meetings.

Annual meetings are a requirement for every association. Refer to the Bylaws or Articles of Incorporation to determine if the annual meetings timetable is specified. If it is set out in both, the Articles control. If the documents are silent, according to the Nonprofit Corporation Act, annual meetings must be held at least every 15 months.

Per the Condominium Act and the Planned Community Act, annual meeting notice must be given at least 10 days but not more than 50 days prior to the meeting. Again, check with the association's Bylaws or Articles to see if the notice requirements are specified in those documents.

Whether owners must be members in good standing (meaning dues and assessments are up to date) in order to vote is something that most governing documents address; however, they don't routinely address whether you are required to be a member in good standing to be on the Board. The Nonprofit Corporation Act also addresses whether owners of record as of the day of the meeting are allowed to vote.

The governing documents may state whether a member's voting rights may be suspended. However, if the documents are silent, the association cannot suspend a member's voting rights.

Quorum is needed to conduct the annual meeting. Check your Bylaws for what is considered a quorum, and if your Bylaws do not specify, the Nonprofit Corporation Act specifies 10% of the membership and the Condominium Act specifies 25%.

Your governing documents will specify most, if not all, of the information and requirements regarding annual meetings. If there is a specific question that is not addressed in your documents, then look to the Nonprofit Corporation Act, Condominium Act or Planned Community Act.

There are also requirements as far as absentee ballots, such as each ballot must give the member the opportunity to vote for or against each item, must specify the date and time the ballot must be returned to be valid, and only those items on the absentee ballot may be voted on at the annual meeting.

If an association would like to use electronic voting, that practice must be allowed in the Bylaws. If it is allowed, that practice must comply with laws regarding the use of electronic signatures. The association should allow voting by other methods as well.

Some of the other factors you must consider when planning for your annual meeting include the following:

- Is an agenda required?
- Must the election be held in a certain manner?
- Is a nominating committee required? If so, when must the committee be appointed?

- What are the requirements for board members:
 - How many board members?
 - Must board members be members of the association?
 - How long will the board member serve on the board?
- Audiotaping or videotaping meetings is allowed. The board may adopt reasonable rules governing taping, but they can't preclude it.

Pre-planning is the key to running an effective annual meeting. Put together a timeline by establishing the annual meeting date and moving backwards.

This is just an overview of what is required for annual meetings. Always look to your documents and the applicable state statutes for what is set forth for your association.

Practical Annual Meeting Tips

- Prepare/Anticipate
- Know the governing documents
- Develop an annual meeting checklist
- Document the process
- Distribute the agenda with the meeting notice
- Ensure a quorum for attendance
- Provide adequate handouts
- Streamline the meeting (practice)

Annual Meeting Checklist

Here is a general checklist to follow when planning your annual meeting. To ensure your association is holding its annual meetings effectively and correctly, review your governing documents carefully, as well as the Nonprofit Corporation Act, and the Condominium Act or Planned Community Act (where applicable).

- Does your annual meeting have to be held on a certain date?
- Which members are entitled to notice and/or entitled to vote?
- When must notice of the annual meeting be given?
- Must a member be in good standing to vote?
- What is the quorum requirement for the annual meeting?
- Is cumulative voting required or allowed, and if so, what does that mean?
- What must be on the agenda?
- What matters must be part of the meeting other than the election of directors?
- Must certain documents be included with the notice of the annual meeting?
- Do the governing documents require the election to be held in a certain manner?
- Is a nominating committee required? If so, who appoints the members and when?
- How many members need to be on the board?
- What is the length of term of the board members?
- Does your board have staggered terms?
- If board members have been appointed, when does their term expire?
- Do board members need to be members of the association?
- Do board members need to be members in good standing?
- Are members of the architectural committee elected or appointed, and if elected, who elects them?
- Are nominations from the floor allowed?
- Does there have to be a secret ballot?