

2016

WVHOA Newsletter

May 2016



WEST VALLEY HOMEOWNER ASSOCIATIONS

WVHOA ANNOUNCEMENTS

Enjoy your Summer break! We look forward to seeing you all back in the Fall!

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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.

Greetings Members,

This is the final WVHOA Newsletter before we break for the summer. Some of you will be leaving for "home" in other parts of the country, and others are planning weekend and longer "getaways". Whatever your plans are, we wish you all a safe and adventurous summer, and look forward to meeting with you in October.

Our friend and WVHOA Board Member, Michelle Phillips, will be leaving Arizona and relocating out of state. The May meeting will be her last. We wish Michelle all the best and extend a heartfelt thank you for her participation this year.



Have a wonderful summer,
Colleen Lombard



Legislative Update May 4, 2016

The next meeting of the West Valley Homeowner Associations will be May 4, 2016. WVHOA's Vice President, Curtis Ekmark, will present his Legislative Update and will review the changes to the HOA laws in detail.

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 Michelle Phillips at happytrails@htresort.com or 623-584-0066 x 2114. Reservations must be received by 5:00 p.m. on Friday, April 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 April 2016 Meeting

What Would You Do?

At the April WVHOA meeting, attorney Chad Miesen played host to a gameshow style event called What Would You Do. In this interactive feature, we were able to play along with a poll-the-audience type of format.

The first scenario Mr. Miesen posed was regarding open meetings. In a situation where you were the manager, you were asked by the board to schedule a closed "work session", because no decisions were going to be made. In this scenario, the most popular answer was to schedule the meeting, but express concerns about the open meeting requirements. This question was a bit tricky because we need more information that the scenario allows in order to make the best decision for the Association. Probably the best course of action would be to find out the topic of the meeting – what the board plans to discuss. If they are not getting legal advice or discussing pending litigation, for example, then it could be a violation of the open meeting requirements.

In the next scenario, Mr. Miesen discussed the issue of monetary penalties. For this instance, you were asked to think in the mindset of a board member. The association attorney advises that a "huge" fine is the best way to deal with a violation, and suggests a \$50,000 fine for a garage extension. Amongst options that included imposing the fine as suggested, and urging a bigger or smaller fine, the most popular option was to urge "injunctive relief". This means that if a garage extension was built, you would take the homeowners to court and seek a court order that requires them to remove the extension. This would not be a bad option, but Mr. Miesen pointed out that for a garage extension, the \$50,000 fine may not be large enough, as the homeowners might just pay it after spending more than that to build the extension, just so they can keep it. So if reasonable, an even larger fine might be a better deterrent to homeowners in this instance.

Harassment was the topic of the next scenario. In this example, you were asked to think like a board president. The manager (a direct employee of the association) reports to you a "quid pro quo" harassment from the treasurer of the board. The options of this situation included telling the manager it was between the two involved parties, to talk to the other directors about what to do, to put it on the agenda for the next meeting, or to do nothing. The most popular answer was to talk to the other directors about what to do, and Mr. Miesen pointed out that this course of action could be good and helpful, since you can get different opinions on the matter. Other good ideas of how to handle the situation were to seek legal advice right out of the gate, and not consult with others just in case the claim turned into a larger problem. Additionally, confidentiality was important to the participants, and some opted to not share with anyone else besides the parties involved and the attorneys, so a proper investigation could go through without further issues.

The next set-up Mr. Miesen gave us was involving what he called excessive stuff. This instance required you to think like a board member, and a neighbor in your community has reported excessive items in the rear yard of another neighbor. There is no smell coming from the yard, and the excessive items just go to the upper "plane" of the fence line. The options here were to urge the board to do nothing, to vote to investigate the matter further, to vote to have management send a letter, or to urge City or County involvement. This situation was pretty even amongst participants as to what to do. Of the most popular options were to investigate, to send a letter, or to urge City or County involvement. Other ideas



also included to check your association documents and see what the policy is regarding items being in the yard. In this example as well, it is important to be reasonable towards your neighbor and to keep in mind that this person could possibly be dealing with mental or physical health issues.

In the subsequent scenario, Mr. Miesen described an issue with a “bad dog”. Here, you were to think like a board member, and an owner’s pit bull has attacked another owner’s small dog while on a walk. Now the owner of the injured dog wants their medical bills paid by the association. Some of the options included urging the involvement of the HOA’s insurance, denying the claim, paying the claim just to be done with the situation, or pay the claim and seek indemnity-to have the pit bull’s owner reimburse you for the insurance payment. This scenario was also fairly even across the board. Many people would prefer to urge involving the insurance to investigate further, or to pay the claim and seek indemnity from the owner of the pit bull. Other options that were suggested were to involve the county to have them handle the issue between the aggressive pit bull and the injured pet.

A big delinquency by a homeowner was the topic of the following situation. In this scenario, you were asked to have the mindset of a board member, and an owner in the community has not paid their dues in 7 years and owes \$11,000. Boards that came prior to you did nothing regarding the delinquency. The options of action in this situation were to urge a lawsuit against the owner personally, to urge a foreclosure lawsuit, to urge a lawsuit against the former directors, or to urge a write off of the delinquent amount. The most popular choice of these options was to urge a foreclosure lawsuit. This was a good choice, and other good options were to look at the history of the homeowner and make sure a collections policy can be put in place to try and collect.

For the ensuing situation, Mr. Miesen discussed having a married couple on the board. Here, you were to think like a manager, and after three years of serving together on the board, you learn that the President and Treasurer are married to each other (and each own a couple of units, all rentals). The options here were to ignore the situation, to check the governing documents for eligibility requirements, ask the married directors for their thoughts on what to do, or to ask other directors for advice. The best and most popular choices were to check the governing documents for the requirements or restrictions, if any are stated, and to ask other directors for advice, as it is always good to get some other opinions.

Finally, in the last scenario, Mr. Miesen posed a situation in which you are the manager. You know the president owns part of the association’s landscaping company, but the other directors do not know. You found out that the president owns the company over a glass of wine after a board meeting. The possible options included staying out of it since it is a board/association issue, informing the other directors at the next meeting, asking your supervisor or mentor for advice, or tell the president that if she doesn’t admit it, you will disclose. The most popular option was to tell the president that if she doesn’t admit it, you’ll disclose. It was good to give her a fair option to tell the board and be open about the matter, without causing extra drama right away within the board.

