

# 2016

# WVHOA Newsletter

November 2016



WEST VALLEY HOMEOWNER ASSOCIATIONS

## WVHOA ANNOUNCEMENTS

The November meeting will mark the end of the 2016 WVHOA monthly luncheon series. We will not meet in December but look forward to seeing you in January 2017.

### BOARD OF DIRECTORS:

Colleen Lombard, PCAM, President  
602-689-1686; calombard@cox.net

Curtis Ekmark, Vice President  
480-427-2882;  
curtis.ekmark@carpenterhazlewood.com

Karen Jones, Member At Large  
623-561-0099;  
KarenJ@WestbrookVillage.org

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 Thanksgiving!

A sincere "thank you" to our members and friends, for your service to your individual communities as well as your support of West Valley Homeowner Associations. The essence of the volunteer spirit, giving of your time and talents, is a valuable contribution toward the goal of "building community". We extend our warmest wishes for a happy and healthy holiday season.

- Colleen, Curtis, and Karen



## November Luncheon Meeting: Litigation Update November 2

The next meeting of the West Valley Homeowner Associations will be **November 2, 2016**. **Curtis Ekmark**, of Carpenter Hazlewood Delgado & Bolen, will inform members of the newest laws that have been passed that are relevant to us in his **Litigation Update**. This is always one of the most popular presentations. Please make your reservations early.

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, October 28, 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 October 2016 Meeting

### Association Insurance

At the October 2016 meeting, our guest speaker was Paul Davis of The Arizona Group. He spoke to the group about Association Insurance.

The first thing Mr. Davis discussed was that everything begins with the board of directors, and that it is important that you, as a board, to do your homework. You must understand your duties and obligations as a board member first and foremost. It is also good to know your bylaws, or your association's operating manual. Make sure that your association's bylaws are up-to-date and that the way the association handles issues does not conflict with the bylaws. Mr. Davis also pointed out that it is crucial to know our covenants, conditions, and restrictions, or CC&Rs. CC&Rs are the rules that the board is charged with enforcing. As a board, you should also make sure your employees are doing their job. For instance, if an association is professionally managed, it is the board's job to make sure that the community manager is doing his or her job. Also, be sure to deal with employment and contract issues properly, sometimes in coordination with your legal counsel, if necessary. Be sure that the board is conducting meetings professionally as well. A clear and concise method for conducting meetings should be adopted. Minutes should be taken seriously, and finances should be handled carefully.

The next topic Mr. Davis covered was that of Community Association Risk Management. He stated that at the core, a community association is essentially the same, no matter if it is a condominium, single family HOA, etc. If the community association is properly formed, it can then manage its risk, which is "shared common interest of the association members". The board of directors is the Risk Manager, and the 2 assets for which risk managers must protect are the "lifestyle" of the association (as set forth in the governing documents) and the physical assets of the community association common interest. The risk management team includes the community association manager, any professionals, and volunteers. Mr. Davis pointed out that community association common interest risk exposures usually involve wear and tear and unexpected perils. The keystone to the wear and tear exposure is a properly completed reserve study. The reserve study, when done properly, is the blueprint of the wear and tear portion of the risk management program. In summary, Mr. Davis says that the board's duty is to place the interest of the association above its own in order to protect the assets of the association.

Finally, Mr. Davis covered what he considers the 4 C's of a successful community association. Those 4 C's are (1) Communication (2) Civility (3) Continuity and (4) Certainty. The more a community association sticks to these concepts, the fewer claims, disputes, drama and stress there will be in the community.

# HOA TIP

The Association has an affirmative duty to enforce its governing documents as written.

Pursuant to *Johnson v. The Pointe Community Association*, 205 Ariz. 485, 73 P.3d 616 (App. 2003), when the Association's governing documents create affirmative obligations for the owners (e.g., owners shall maintain their lots, or owners must obtain approval from the Architectural Review Committee) or impose a prohibition on certain conduct or conditions (e.g., no street parking, no pets), the Association must enforce the restriction as written. If the Association does not want to enforce the restriction, the Association's only option is to amend the restrictions and modify the provision at issue. -- Kelly Callahan, Esq.

Questions or concerns? Call Carpenter Hazlewood Delgado & Bolen at 480-427-2800.



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