



SCOTTSDALE COUNCIL OF HOMEOWNERS ASSOCIATIONS
SCOHA NEWSLETTER

IN OUR 40th YEAR

JANUARY 2014

*non-profit corporation organized
under the laws of Arizona*

SCOHA ANNOUNCEMENTS

FUTURE MEETING DATES AND TOPICS:

Feb. 25 Annual Legal Seminar
May 20 Legislative Update

SCOHA's WEB SITE:

Don't forget to check our web site!

SCOHA's web site address is
www.scottsdalehoa.com.

You can enter the member section by typing hoamember for the password.

CC&R Enforcement - Guidance Through the Process

Navigating through the CC&R enforcement process can be a challenge. At SCOHA's January 28 meeting, attorney Adrienne Speas with Ekmark & Ekmark, LLC, will guide us through this process and focus on the challenges with trying to obtain compliance.

We hope you can join us on January 28 at 11:45.

Reservations must be made in advance, so please make your reservations by calling Nancy Fagan at 480-945-7098 by noon on Friday, January 24 or sending an e-mail to jeanne@ekmarklaw.com and provide your name and association.

**SCOHA
DATA TO
REMEMBER:**

**Tuesday,
January
28th
11:45 a.m.**

**Lakeview Room
McCormick Ranch Golf
Club
7505 McCormick Pkwy**

**\$15.00
Reservations
Required**

**Call Nancy Fagan at
480-945-7098 by
Friday, January 24**

480-922-9292

jeanne@ekmarklaw.com • www.scottsdalehoa.com

Issues Facing Associations

Summary of the November 19, 2013 Meeting

Curtis Ekmark, SCOHA's President, was the guest speaker.

He focused on the 20 HOA lessons learned from the past 20 years of representing associations.

1. The Goal is to Make the Community a Better Place.
 2. Just Because it is Legal Does Not Mean it is Right.
 3. Understand the Contract **Before** Signing it.
 4. Know the Difference Between the Annual Assessment and the Maximum Annual Assessment.
 5. Budget For: Reserves, Enforcement, Bad Debt.
 6. Get Appropriate Insurance and Understand the Difference Between Insurance Coverage and Maintenance Responsibility.
 7. Know Whether Your Rules are Enforceable.
 8. Understand Who is Responsible to Repair Damage **Before** it Happens.
 9. Build Community: Use the Annual Meeting to Celebrate the Accomplishments.
 10. Know the Association Documents Inside and Out.
 11. Know When the Association Documents are Trumped.
 12. Don't Blow the Statute of Limitations on Construction Defect Claims.
 13. Hire and Rely Upon Appropriate Experts and Professionals.
 14. Tell Your Lawyer the Whole Story: The Good, The Bad, and The Ugly.
 15. Know the Dangers of Self-Help.
 16. Know the Dangers of E-Mail.
 17. Know How to Notice and Conduct Board Meetings.
 18. Know the Amendment Process Before Starting.
 19. Get Involved at the Legislature.
 20. Mediocre is Not Good Enough Any More.
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Things to Consider When Holding the Annual Meeting

The annual meeting is a crucial event. This may be your only contact with many members of the community. From a practical perspective, you can build a sense of pride within the community by making this event a community celebration. From a legal perspective, you must know the answers to the following questions before holding an annual meeting:

- 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?

Do you receive the SCOHA meeting announcements and newsletter by e-mail?

If not, e-mail Jeanne Malys, SCOHA Recording Secretary, at jeanne@ekmarklaw.com and let her know you would like to be added to the e-mailing list.

2014 Legislative Session Began January 13

It looks like it's going to be another tough battle at the State Legislature in 2014. SCOHA members need to continue to be active by putting our legislators on notice that we'll be watching them closely this session. To that end, please contact your legislators to let them know you exist.

Here are some suggested topics to include in your message:

1. Tell them to stop passing laws that hurt homeowners associations and boards of directors.
2. Tell them you heard Curtis Ekmark speak about the potential for proposed legislation that would make it easier to amend the governing

documents and that you are asking for their support of any such legislation.

3. Currently, banks have first priority over an association's assessment lien. Given the currently economy, the banks are not foreclosing and so the homes sit vacant with no one paying assessments. Tell them you would support legislation that would flip an association's lien so it has first priority over the bank.

You can find your legislators by clicking on this link: <http://www.azleg.gov/> and then selecting the "How Do I Find My Legislators?" link under the FAQ heading on the left side of the page.

We appreciate your help in this important matter.

2014 DUES PAYMENTS:

Please note that your 2014 dues must be paid by the February 25 legal seminar in order to vote for the SCOHA Board of Directors and to attend the legal seminar. If you have not received your dues packet, please call Jeanne Malys at 480-922-9292 or e-mail her at jeanne@ekmarklaw.com.

MEMBER UPDATES:

Included with your dues packets are member update forms. Please be sure to send us your updates so we can ensure that the right people are receiving the newsletters and e-mail notifications.

LEGAL NOTICE:

The February 25, 2014 luncheon meeting of SCOHA is designated as the Annual Meeting of the Scottsdale Council of Homeowners Associations, a nonprofit Arizona corporation. This January issue of the Newsletter serves as the advance and written legal notice of this Annual Meeting. Please note that a member association's 2014 dues must be paid in full in order to attend the Annual Meeting and legal seminar.
