

# HOAMCO



HOMEOWNERS ASSOCIATION MANAGEMENT COMPANY

## Hands-On Homeowner Association Democracy

*by Richard Thompson*

Homeowner associations offer their membership one of the most accessible forms of democracy around, if they choose to use it. But most folks don't have much experience with hands-on democracy so they tend to treat the HOA like the county, state or federal government. The approach boils down to "take as little of my money as possible, handle it and leave me alone." While this attitude is understandable when dealing with nameless bureaucrats in an incomprehensible tangle of laws and regulations, HOAs provide a whole different mix: neighbors controlling their own neighborhood with plenty of say in how it's done if, and only if, they choose to participate.

Most don't participate, preferring to leave their destiny in the hands of the Board. The Board is a select group of well intentioned folks who are doing their best with limited information and experience. But all's not lost. The Board, fortunately, is not expected to know everything. Seeking wise counsel is not only an option, it's mandatory to produce the results the members deserve. The wise Board selects good people and lets them do the work they are being paid for.

Still, with the fact that many in the HOA choose not to take advantage of their democratic rights, the Board can coax participation by keeping lines of communication open.

First, and foremost, running open meetings is a must. Symbolically, it demonstrates the Board has nothing to hide and is open to member input. Whenever a new policy is being considered, member review prior to adoption builds trust and cooperation. Newsletters keep members in the loop about important information and provides a mechanism for recruiting volunteers. Distributing meeting minutes keeps members abreast of the latest financial and maintenance issues.

Each of these mechanisms is designed to attract participation by an otherwise disconnected group. It also builds trust and makes the Board's job much easier. Hold it, circulate it and distribute it and they will come. Just give them a helping hand in how democracy works.

Remember:  
HOA standards make sense  
Aside from the dollars and cents  
Awnings and fences  
Should not give offenses  
But have a judicious pretense

*Richard Thompson owns Regenis, a management consulting company that specializes in condominium and homeowner associations. He wrote this article for the March 10, 2004 issue of "Reality Times."*

---

# HOA Committee Mining

by Richard Thompson

Committees are a frequently untapped goldmine available to the HOA Board. Besides bone-fitting the Board by spreading the work around, committees are an excellent training ground for future Board members. Folks that may be reluctant or too timid to step up to a Board position often feel right at home on a committee with limited or focused responsibilities.

Committees come in all shapes, sizes and functions and may be temporary or long term, as the need dictates. They are only limited by the Board's imagination. A committee can assume a variety of roles, such as:

**Research & Development.** Complex tasks can be assigned to a special committee which can research the task and advise various courses of action to the Board. This includes large renovation projects, proposed amendments to the governing documents and local zoning or crime issues.

**Task Execution.** Committees like Rules Enforcement and Architectural Restriction can hand out citations and review appeals.

**Oversight.** Committees like Landscape/Grounds and Pool oversee the contractor's performance and improve the quality of service.

**Cost Control.** The Maintenance Committee can prescreen requests from owners to ensure they are indeed the HOA's responsibility and, if so, prioritize them and group them for better cost efficiency. The Budget Committee refines costs based on study of the past and anticipated future expenses.

**Socialization.** An oft overlooked function is planning social events to help neighbors meet neighbors. The events don't necessarily need to be party oriented. The Annual Meeting can become the Social Event of the Year with food and entertainment. Spring Planting Parties don't have to be all work. Reward the volunteers with catered food, beverages and T-shirts. The Social Committee can help build real community and lasting friendships.

**Security.** Turn that noisy neighbor into the Neighborhood Watch Chair who can monitor suspicious activity or recommend better security techniques.

To facilitate committees, the Board should provide the proper resources. Some need funding, but most just need clear marching orders and limits of authority. The Board should never abrogate its final authority over HOA matters to a committee. That means committee power should always be limited and if a committee is making judgment calls, like Rules Enforcement, there should always be the right of appeal to the Board.

All committees need a plan of action and goals. Part of the plan should include reporting to the Board at regularly scheduled meetings. That report should include recommendations for Board approval. These reports provide a good way for the Board to assess the ongoing need or effectiveness of a committee. If little is being done, it might be time to retire a committee or find a new chair.

Some committees need to meet regularly, some sporadically and others rarely, if at all. It all has to do with the goals laid out by the Board. The Board should select each committee chair carefully as someone who has the time for the job and inclination for leadership.

Here's a novel idea: Allow renters to join committees. Many want to be good neighbors and to serve. At least ask. You might be surprised at the response and it might encourage owners to step up.

One of the best ways to promote committees is by praise and recognition. It is the currency of care in HOAs which brings a huge return. Recognizing effort and superior performance is #1 on every Job Satisfaction Survey. It works the same way in an HOA. Thank you notes, accolades in the newsletter, plaques and Certificates of Merit go a long way.

Mining your committee options will produce a wealth of riches for the community. Committees lead to better information, greater harmony, new friendships, enhanced trust, involved neighbors and less work for the Board ... all good and no bad. This is the Mother Lode. Grab your picks and shovels and start digging!

*Richard Thompson owns Regensis, a management consulting company that specializes in condominium and homeowner associations. He wrote this article for the October 8, 2003, issue of "Reality Times."*

---

## TELECOMMUNICATIONS

### OTARD Unbound

Get ready for Phase Two of the OTARD revolution. Phase one dates back eight years, when the Federal Communications Commission (FCC) first enacted the Over-the-Air Reception Devices Rule to help enforce certain provisions of the Telecommunications Act of 1996. One of the results was that community associations were powerless to stop residents from installing TV and satellite antennas of a certain size on their property. And, presto—satellite dishes were perched on condominium balconies and poking up from townhouse yards and roofs all over the country.

The FCC laid the groundwork for phase two a few years later, when it expanded OTARD to cover antennas for two-way "fixed wireless" communications. But it imposed some restrictions as well, prohibiting the installation of "hub facilities" that transmit or rebroadcast signals to other people and mandating certain safety conditions. Then, early this past spring, the FCC lifted both of those restrictions. A few months later, it announced that OTARD's provisions relating to fixed wireless also cover equipment used for wireless Internet access.

Taken together, these changes suggest the FCC is paving the way for wireless Internet service—or "wi-fi"—everywhere. The implications for associations are clear.

"If there was a resident who wanted to put in a wireless hotspot, I think the FCC would take the position that the [OTARD] Rule applies to that equipment or that facility," says Matthew C. Ames, Esq., a principal with the law firm of Miller & Van Eaton, in Washington, D.C., which serves as CAT's outside telecom counsel. "If the association is concerned and wants to deal with it, they need to assume the OTARD Rule applies and act accordingly."

Whether there would be any exceptions to the rule, or whether any of an association's architectural review restrictions would apply, isn't yet known. But, Ames says, the same physical limitations apply as for video-reception devices: Wi-fi antennas must be one meter or less in diameter, and must be installed on property owned and directly controlled by a resident.

The rest may or may not be worked out, depending on the inclinations of the FCC. But with home offices and telecommuting on the rise, it doesn't seem wi-fi is going anywhere. Remember that the next time you see a resident sitting by the pool with a computer in his lap.

## November Weeding

Fall is certainly in the air. Make sure the community landscaper gets a jump on cool season weeds by mulching or using a pre-emergent herbicide. If your area received substantial summer rain, then these weeds may already be germinated. Once weeds germinate, pre-emergent herbicides are not effective. Mulches should be at least three inches deep. Attractive mulches are wood chips and bark, but these can be expensive. Landscape fabrics are effective but also expensive. Straw will probably have weed seeds in it. Newspaper and cardboard work well in less visible areas protected from wind. Rock mulches work well, but weeds will eventually pop through. Plastic mulches are not recommended for landscapes, but can work well for vegetable gardens. Mulching is also a good soil protecting and water conserving practice.

*Excerpted from "The Backyard Gardener" November Gardening - November 5, 2003, by Jeff Schalaus, County Director, Agent, Agriculture & Natural Resources, Arizona Cooperative Extension, Yavapai County*

## Effectiveness of Town Hall Meetings

Before we go any further, let's define "Town Hall Meeting." It is not an annual meeting, nor is it a board of directors meeting. It's an informal meeting of the members and the board. In the case of a developer controlled board, it's the Advisory Council and the members.

The main purpose of a Town Hall Meeting is to develop open communication between the members and those individuals who control the Association.

All too often the members must wait an entire year until the annual meeting to voice their opinion. No wonder they are hostile in many cases. They are just plain frustrated because they don't know what is going on with the operation of the Association.

Yes, they can attend monthly board meetings and listen to the decisions of the board. However, many boards only allow members to listen, but they cannot voice their opinion

on specific issues that the board has under discussion. Rightfully so, as the board cannot allow everyone in the Association to be involved in the decision making process.

Some Associations allow members to speak before or after the board meeting, a step in the right direction, but many times the members' comments or suggestions fall on deaf ears, as they and a hand full of members, at the most, are the only ones in attendance at every meeting. The board usually labels these members as troublemakers.

Instead of dealing with the so-called "troublemakers," the board needs to take a proactive role and have that informal "Town Meeting." Quarterly meetings work well with large master planned communities, with the fourth meeting being the annual meeting. Smaller communities or condominiums should hold such meetings twice a year, but no less than one, six months from the annual meeting.

The meetings are held in a "City Council" meeting format. Members are requested to write down their questions and turn them in prior to the start of the meeting. The questions submitted are reviewed by staff or board secretary to combine redundant questions or topics. As topics are announced, members who submitted the questions are permitted 2-3 minutes to give their opinion or point of view. They should not "attack" the board, nor should the board take a defensive position because a member would like some answers.

All discussions between the board and members are on an informative basis. The board wants to hear from the members and the members want to hear from the board.

If the board does not have the answers, they should state that they will take the question under advisement and get back to the member within 30 days.

This process gives the board information on the concerns of the members to help alleviate the members' frustration at the next annual meeting.

*Published By National Institute of Community Management in "Community Association News" 1st. Qtr. 2000*

## **HOMEOWNERS ASSOCIATION MANAGEMENT COMPANY**

**Email: [hoamco@hoamco.com](mailto:hoamco@hoamco.com) Website: [www.hoamco.com](http://www.hoamco.com)**

**6586 HWY 179, SUITE C-1 • SEDONA, AZ 86351 • 928-282-4479**

**1801 W. DEUCE OF CLUBS, SUITE 220, SHOW LOW, AZ 85901 928-537-1067**

**6605 UPTOWN BLVD. NE, STE. 200 • ALBUQUERQUE, NM 87110 • 505-888-4479**

**531 MADISON • PRESCOTT, AZ 86301 • 928-776-4479 • 800-447-3838**