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COMMON INTERESTS



Ethics Insurance

The Ethical Dilemmas of
Community Association Insurance

When Does a Board Member's Financial
Interest in a Transaction Cross the Line?

The Importance of
Loss Assessment Coverage

Should We Open the Facilities?

New Monuments

Regulatory Signs

Monument Refurbishment

Consulting

ADA Compliant Signs

Street Signs



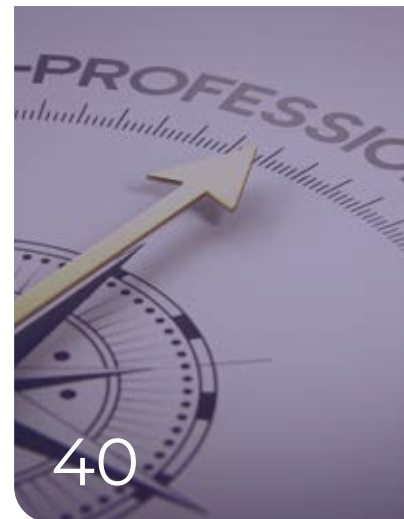
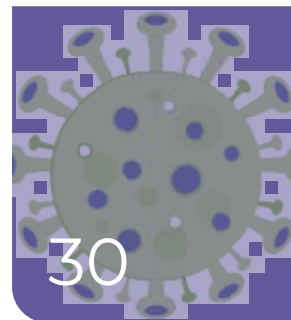
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President's Letter



MELANIE PECK
Chapter President
CAI-RMC

Summer, pools, projects, trees, weeds, paint, decks, sunshine, smiles (that you can see again).....Let's soak it all in! Summertime has always been my absolute favorite time of year, and in the HOA world, especially here in Colorado, it is a BUSY time of year. We have ramped up for the season and now it is in full swing! Let's do this.

Speaking of full swing - "FORE", watch out for our Chapter events this summer - the CAI-RMC Golf Tournament, Clay Shooting, Forums, Workshops, our 2021 "Spring" Conference and Trade Show and more. Please visit the Chapter's website at www.cai-rmc.org for the full calendar of events. To share ideas, knowledge, and laughter amongst our peers is such an incredible experience - I cannot wait to see you all there!

Now I want to take a moment and thank our incredible Chapter Executive Director, Bridget Sebern. Our Chapter has continued, even through adversity, to move upward with such positive momentum and force and Bridget has encouraged us every step of the way! Bridget has this knack of bringing out the best in people, challenging us and inspiring us every single day. She brings all the talented minds of our Members, Committees, and Board together and as Helen Keller stated very simply "Alone we can do so little, together we can do so much." So thank you Bridget Sebern, thank you for being the nucleus of this amazing group of people - our Rocky Mountain Chapter! 🏠



COMMON INTERESTS

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2021 Editorial Calendar

Issue	Topic	Article Due Date	Ad Due Date
August	Finance	June 15	July 1
October	Tech / Modernization	August 15	September 1
December	Planning Ahead / Goals / Community Vision	October 15	November 1

PARTY WALL AGREEMENT

INSURANCE CLAIMS

Party wall agreements, from an insurance perspective, can be confusing for any homeowner. Many things can go wrong behind the walls of our home. So, what happens from an insurance perspective if something does go wrong and there is an insurance claim? Are you covered under your insurance policy or would you be covered under the Association's insurance policy? On the next page, I will use water damage claim scenarios as examples of how insurance carriers handle claims differently based on the unique situation.

Association declarations (also known as the CC&Rs: Covenants, Conditions and Restrictions), discuss homeowner's responsibilities to maintain components within the party walls of their PUD (planned unit development). These legal documents should also have a clear-cut explanation of what the Association should insure versus what a homeowner should insure in terms of the structure of the building and common areas of an association. All insurance carriers use these declarations to determine how claims are paid. Interpretation of these agreements and obligations can be challenging to understand, therefore, it's important for a homeowner to get clarification from their association manager and/or their board of directors. In many situations, a legal opinion from the association's attorney is recommended.



ELLA WASHINGTON
Ella Washington
Agency, Inc.,



KELLY HART
American Family
Insurance

SCENARIO 1:

A slow water leak in the shower wall of a homeowner's bathroom. What if a homeowner ignores a maintenance problem and damage occurs? An insurance carrier could deny a claim due to an on-going leak that causes damage over a long period of time. Most insurance carriers have language in their insurance policy that covers claims that occur "sudden and unforeseen." In this case, it's most likely the homeowner would have to pay out of pocket for his/her damages. It is always important to get advice from your insurance agent or open a claim to have a licensed insurance adjuster investigate the claim to assure the best chance of getting a claim covered.

SCENARIO 2:

Now let's say that a homeowner was hanging a picture and punctured a hole into a plumbing pipe that causes water damage in their unit, along with damage to the home below. This is an example of a sudden and unforeseen water loss. However, this is also an example of negligence or liability. Insurance claims like this are usually covered by the homeowner's personal home policy (in accordance with the Associations CC&Rs). Furthermore, if water damages in between the walls (party walls or common areas) and to the homeowner's unit below, this too should be covered under the homeowner's personal home policy. Liability coverage is usually built into every admitted home policy filed with the State.

SCENARIO 3:

A washing machine hose deteriorated causing water damage inside of a unit, the adjacent party wall and to the homeowner's unit below. Because there is no negligence on the homeowner that owned the washing machine, their insurance will only cover damages to their home (no liability exists). Unfortunately, the Association would have to file a claim under the Homeowners Association's insurance policy to get the common wall or party wall damage fixed. As for the homeowner below, they too would have to file a claim under their personal home policy for their damages. Situations like this always seem to cause frustration for all parties involved because everyone is out their deductible, and everyone needs to file their own claim or absorb their own damages. As you can imagine, this results in bad feelings and sometime litigation between homeowners (as the public believes that insurance should cover all damages, from the unit the water originated from). Unfortunately, this is just not the case.

Our recommendation is to be active in your Association's meetings. Suggest for legal interpretation of your Association's CC&Rs if the language is unclear or ambiguous. Request annual insurance reviews with both your personal insurance agent and the Association's insurance agent. And lastly, ask the HOA's insurance agent to write annual educations for the homeowners (education on changes within the insurance industry could benefit everyone). ⬆

Ella Washington is an insurance agent specializing in homeowners associations. She has been representing associations nationally for over 25 years. Being an advocate for her Association Managers and Board of Directors is her passion.

Kelly Hart is a licensed claims manager with over 40 years' experience in HOA claims and interpreting Association Declaration language.



INSURANCE CONSIDERATIONS FOR ICE DAMMING



JASON UVEGES
North-West Roofing



DANIELLE BJELICH
North-West Roofing

ICE DAMMING : Ice damming is caused when ice forms at the edge of the roof (eaves) and prevents water from draining off the roof properly. This then causes the melting snow and ice to back up behind the ice dam causing leaks to the interior of the structure.

ICE DAMMING EFFECTS : Ice damming can cause major damages to all roof systems. Ice dams force water up the roof surface which was designed and engineered to shed water. The process of forcing water up the roof system allows it to get below the surface and penetrate interior spaces. The areas most effected by ice damming are attics, ceilings, and walls. Ice damming can also affect the roofing materials as well as cause major damages to the gutter systems.

PREVENTING ICE DAMS : There are a few ways to prevent the ice dams from occurring but not all of them may be able to hold up to the extreme temperatures experienced at higher elevations.

1. Hot Edge roof ice melt. This system prevents snow melt from freezing on the roof. This can be installed on existing roofs and covers almost all roofing types on the market currently.
2. Ventilation. Ensuring your roof is properly ventilated will keep the attic temperatures more consistent thus preventing a rapid freeze and thaw process on the roof surface.
3. Heat Tape. This product applies a consistent amount of heat to the area that it is installed in and helps to prevent freezing and ice buildup. This can also be installed in the gutter to prevent them from freezing to a solid state and not allowing water to flow off the roof. Heat tape can be simply plugged in to an existing outlet or hard wired by an electrician.
4. Insulation. Installing the correct amount of insulation will help to alleviate the inconsistent attic temperatures of the home or building. Consistent temperatures in the attic space will prevent the freezing and thawing of the melting snow which is the major cause of ice dam buildup.

ICE DAMMING REPAIRS

Ice damming can be devastating to your existing roof. The immediate and most important thing that a property manager can do is identify where the ice damming is occurring. After the areas are identified a roofing contractor can recommend the correct system to help alleviate the ice damming issues in that area. We do not recommend taking a hatchet, axe, or any other tool to hammer away at the ice dam. This will only cause more damage to the roof and more than likely cause major and immediate leaks. Once an ice dam begins it is extremely difficult to stop and the correct course of action would be to allow an expert from a roofing contractor to provide the most effective solution to the problem.

INSURANCE SUGGESTIONS

As a roofing contractor, I have come across situations where the Homeowners Association did not have the insurance coverages required to fully cover the damages caused by ice damming. It is crucial that all policies are reviewed by a policy writing expert to ensure the community is covered in the event of damages caused by ice damming.

HO-5 Policy - An HO-5 policy is a type of home insurance that is written on a special perils basis. This describes damages to a home and personal property caused by an event not listed as an exclusion in the policy. The HO-5 is designed to cover perils such as ice damming that can cause damages to both the interior and exterior of an individual's home.

HO-6 Insurance - HO-6 insurance is for owners of condominiums, townhomes, or co-ops. An HO-6 policy will cover interior damage to the unit, improvements made to the unit, additions, and any other alterations made to the property. I highly stress that all communities are enrolled in the insurance coverage. The ever-increasing insurance deductibles have caused a strain on homeowners in a wind, hail, or ice damming events that cause major damages. In many cases the deductible is exceeding the cost of repairs and causing the associations to incur massive out of pocket costs. ⬆

North-West Roofing is a full-service roofing company. Specializing in roof repair and roof replacement services for Commercial and Residential properties throughout Colorado. North-West Roofing has been an industry leader in serving property managers, facility managers, and commercial asset owners with responsive, high-quality roofing replacement, maintenance, and repair services for more than 55 years.



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10

TOP

TIPS



DEVON SCHAD
Schad Agency

for Choosing a Community Association Insurance Policy

Every year, an association must renew or select a new insurance policy for the association. Often boards struggle with choosing one of the most expensive line items on the budget. Here are some quick tips associations can use for some basic guidelines in selecting a policy.

1 The Specialist

It may sound cliché to use someone with experience, but this is the most critical place to start. Does the agent or agency have experience writing associations? Check if they are a member of CAI by selecting FIND A SERVICE PROVIDER on our chapter website. Inexperienced agents often lack the knowledge to effectively diagnose the coverage requirements or miss critical coverage components which may leave the association and manager compromised. An experienced agent should be able to read the association Covenants, Conditions & Restrictions and make sure all proposed coverage complies, as well as recommending coverage to meet DORA, FHA, mortgage companies, and the secondary mortgage market. Don't be caught with your Decs down.

2 Building Valuation

The most expensive part of any association policy is the property coverage. The limit chosen is in direct correlation with the cost of that portion of the policy. Associations should ask if the limit proposed is adequate, how was the rebuild calculated, and are all the buildings and property covered? Most policies today are replacement cost, but policies with extended replacement cost or guaranteed may have clauses that require the association be first insured to value before those coverage extensions apply or the policy may have a co-insurance clause that causes a penalty if the insured value is below that required amount. If the value is too low, or not shown be sure to ask more questions. Coming up with the value of rebuild is not a perfect science, but care and thought should be used when evaluating the rebuild amount the association selects, and the parameters of the policy being considered.

3 Basic, Broad and Special

As insurance has matured, so has the coverage forms. A basic form policy will only cover a loss if one of the named perils such as fire, windstorm, hail, or vandalism. Broad form includes all of the basic perils plus weight of snow, ice, or sleet and sudden and accidental water damage. In reality both forms leave associations exposed to losses not named and should only be used in the rarest of cases such as when a special form is simply impossible to purchase. Most policies today are Special-form that cover all losses unless excluded.

4 Replacement Cost vs Actual Cash Value

Replacement cost (RC) is the cost to replace the damaged property with materials of like kind and quality without any deduction for depreciation. Actual cash value (ACV) is the cost to repair or replace minus depreciation. Most mortgage companies and FHA loans require a replacement cost policy although exceptions may be made for roofs to use ACV. If considering an ACV policy for the roof, the association should consider the actual cost to replace the roof, the deductible, and the potential exposure.

5 Scheduled vs Blanket

A scheduled policy will list a limit that is specifically assigned to that building or structure. That limit is the most the insurer will pay for the item listed. A blanket policy will have a single limit listed, rather than assigned, and could be used for one or all structures/buildings reducing the exposure. Generally, a blanket policy will cost more than a scheduled policy.

6 Wind and Hail

As most homeowners still wish for a hailstorm to cover the cost to replace their roof, associations now cringe at the thought as carriers continue to increase the wind/hail deductible and the potential exposure to the association and the homeowners. Generally, policies come with a straight deductible (one deductible that is applied to the entire loss), a per building set limit, or a percentage which is either based on the total insured value (total of all property and business income limits) or per building (based on the rebuild value of that building). Regardless of the deductible selected the association should have a plan in place in which they will handle a loss, balancing the likelihood of the loss versus the actual cost of the loss itself.

7 Admitted vs Non-Admitted

Admitted carriers must comply with state regulations, be approved by the state's insurance department including its rates, and be backed by the Colorado Insurance Guaranty Association (CIGA) (A fund to help pay claims of insolvent carriers). A non-admitted carrier does not have to comply with state regulations. Mishandled cases cannot be appealed to the state insurance department, and they do not participate in the CIGA. However, non-admitted carriers may provide options for harder to place associations, lower wind/hail deductibles or unique coverages not afforded by the admitted market. If using a non-admitted market, make sure they have a high AM as to reduce the risk of insolvency.

8 Total Cost

Understanding what the total will be is an important factor but is often overlooked. Some companies allow for payments over time and may charge for doing so and others require the payment in full which may require the association to use premium financing. Also, agencies may charge additional fees over and above the insurance costs such as for certificates.

9 Comparing

When going to bid it is important to utilize not only the new agent, but also the incumbent. Often the new agent will have the prior insurance information and can utilize that to craft a policy that they believe will win the account. Allowing the incumbent agent to see what is being proposed can provide an additional perspective and the agent may adjust coverage options for comparison. Be sure to bring in both agents to speak as insurance is generally not apples-to-apples. This will ensure the association can see all points of view and select what is best for their circumstances.

10 The End is the Beginning

Selecting a policy does not end the relationship, rather it is the beginning. Understanding how the agency will help during claims, help answer an owner's questions, and help with creating information for owners to know what coverage they should have is critical in understanding when the relationship begins.

Devon Schad took over the helm of the Schad Agency six years ago. This family owned & operated agency began in 1976 and today insures hundreds of associations across Colorado. Outside of insurance you can find Devon spending time with his family, skiing or snowboarding, coaching his daughters in soccer or serving as a volunteer for CAI, Highlands Metro District #1, and the ZBT Foundation.

An Open Call to **Colorado** **Community Association Managers**

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If your license was in good standing when the regulatory program ended, you have until June 30, 2021, to use it as a prerequisite waiver to sit for the Certified Manager of Community Associations (CMCA) examination.

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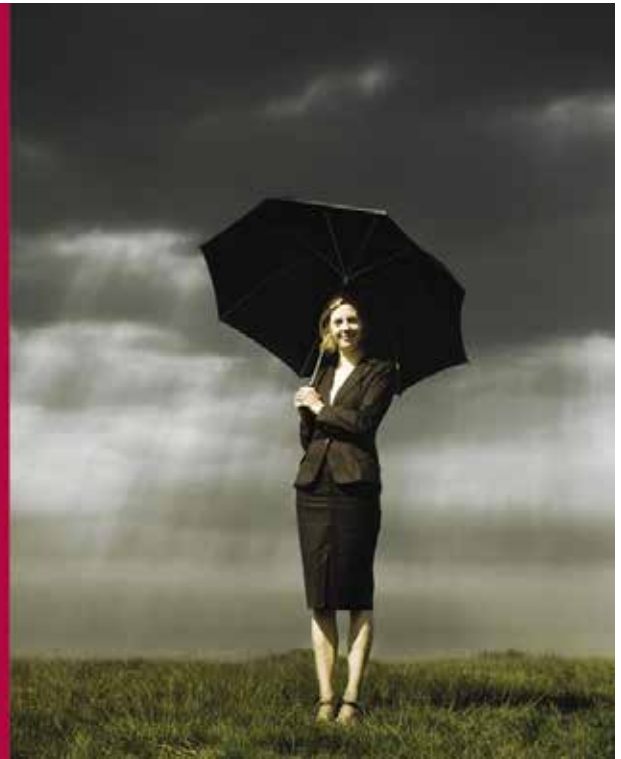
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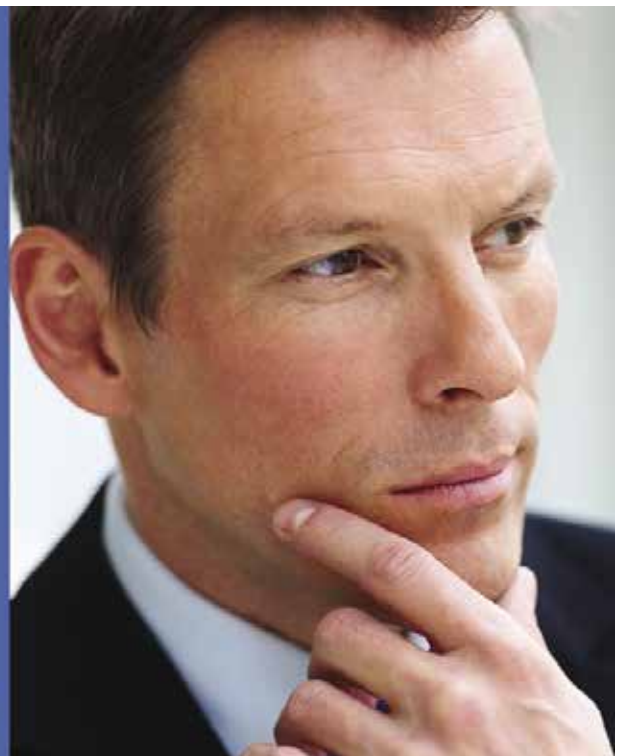
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ethics

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Mental Health Awareness TASK FORCE

CAI-Rocky Mountain Chapter is extremely pleased to announce the formation of a Mental Health Awareness Task Force! The changes & challenges in the last few years have heightened our awareness that mental health issues are very present in the world of community associations. The Chapter, via the Task Force, is here to provide resources & information to help our members cope better with mental health issues that they may be facing be they personal or in the work environment.

In accordance with Wikipedia, "Mental health, defined by the World Health Organization (WHO), is "a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community". According to WHO, mental health includes "subjective well-being, perceived self-efficacy, autonomy, competence, intergenerational dependence, and self-actualization of one's intellectual and emotional potential, among others". From the perspectives of positive psychology or of holism, mental health may include an individual's ability to enjoy life and to create a balance between life activities and efforts to achieve psychological resilience. Cultural differences, subjective assessments, and competing professional theories all affect how one defines "mental health".

July is Self Care Month. We would like to share some resources and recommendations to help everyone improve their mental health. These may seem small, but experts agree that even small actions can have a positive impact on someone's mental health as well as overall health. Here are a few small actions to take or begin with to improve your mental well being:

- 😊 Go Outside
- 😊 Declutter
- 😊 Meditate
- 😊 Exercise
- 😊 Take a mental health day

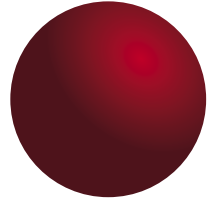
The Task Force will be providing more tips and resources regularly here, online and at CAI-RMC event. We will even provide a "Recharging Zone" at the July 29th 2021 Spring Conference & Trade Show event! This will be a space where you can relax, recharge & find resources for your mental health needs.

We look forward to helping our members improve their mental health & hope that if you ever need help, you will reach out to the resources we'll be providing. Please know that you are not alone & that we want to help! The Task Force believes that even if one person is helped by the information we'll prepare & share, then our goal is completed! ⬆



2021

SPRING CONFERENCE AND TRADE SHOW



JULY 29, 2021
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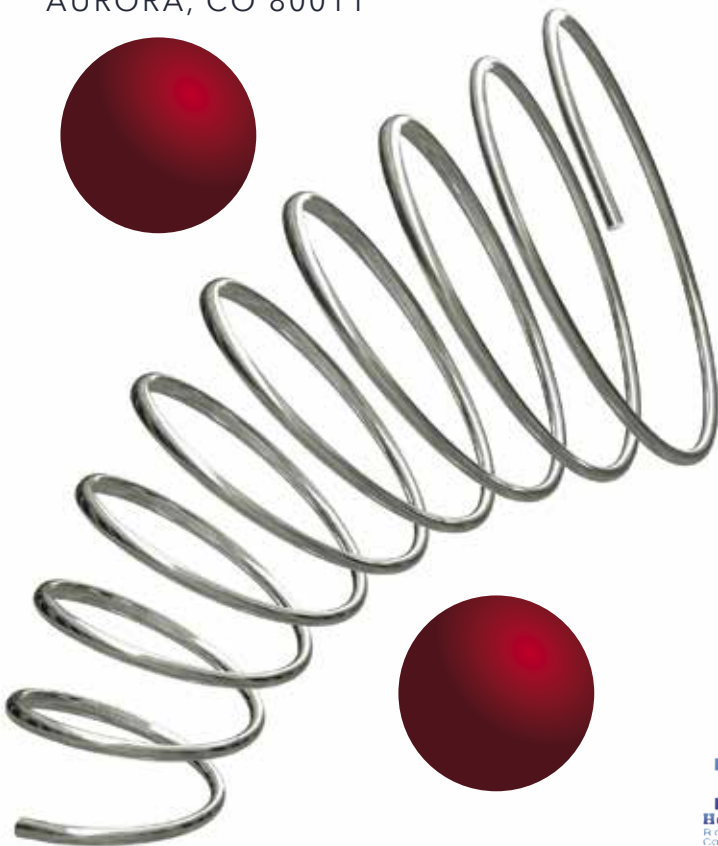
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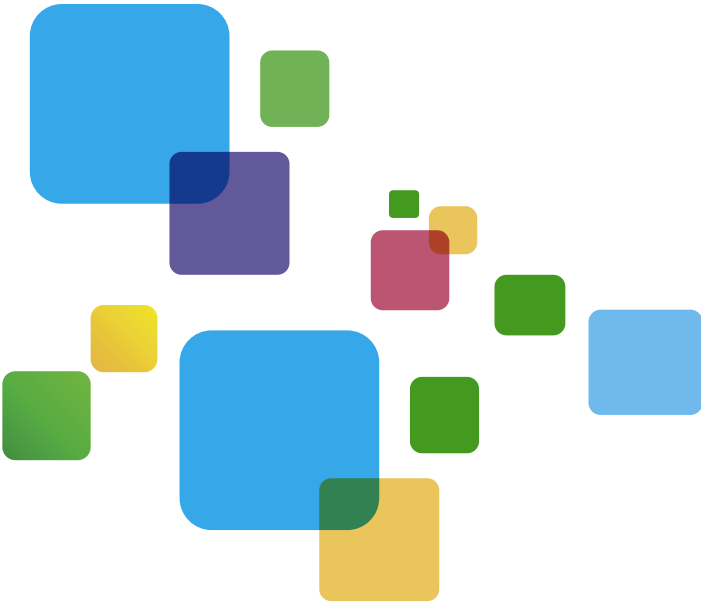
ETHICS

STARTS WITH

YOU



**CHRISTINE
(CHRIS) HERRON**
Westwind Management Group, LLC



How do we know the “right” choice? The Community Associations Institute has established codes of conduct and ethical standards for industry practitioners. This is a good resource and place to start when considering ethical questions. You can find the CAI Code of Conduct, and CAMICB Professional Standards for credentialed members easily on the CAI website. Most community organizations have adopted codes of ethics or codes of conduct for their Board operations, as well. Some other resources to consult if you are unsure about a particular issue, might include reaching out to a friend or a trusted colleague and posing the situation to them. Their feedback could help you to reach the best conclusion. Be sure to seek the support of others who share your same purpose, and who have been known to act consistently within the framework of their core values. Additionally, our human intuition is a very powerful thing, so if something does not feel right, you can usually trust your gut.

Doing good work in the right way feels good.

Ethical dilemmas are not new. Some of the ethical dilemmas we are faced with are ‘easy’ to answer – don’t take bribes, kickbacks, or other similar remuneration or consideration in exchange for influence in any business activity, for example. Others can be harder to address. For instance, ask yourself under what condition would receiving a gift cross the line? Often, business partners express gratitude for their ongoing business relationships by offering various networking opportunities which may constitute a meal, a coffee break, or participation in a social event. This gives them an opportunity for some ‘face time’ (pandemic notwithstanding!) to share their valuable services and products with you, which may be of significant use or benefit to your community or clients. And sometimes, Boards of Directors may give gifts of appreciation to their service providers at the holidays. Some good questions to ponder in these situations are: By receipt of the gratuity or gift, will I be compromising my integrity, objectivity, or standards? Will I be falsely setting up an expectation of special services or opportunity here, making me obligated to this person in any way? If the answer to either of these questions or similar ones is ‘Yes,’ you likely should reconsider acceptance, regardless of the value of the gift or nature of the activity.

I, for one, want to be known not only for doing ‘good work’ but for working responsibly and ethically. I am the only one who can be ultimately responsible for this; not only with respect to myself, but to my family, friends, and colleagues, as well. Knowing what should be done and having the means to do it are useless without personal commitment. So, bottom line, Ethics starts with me. 🏠

The term “Ethics” can sometimes generate different feelings and meanings for different people. However, we usually count on people of high moral character to act virtuously both in public and private. They seek the greatest amount of good for themselves *and* others. In this way, they are seen as moral decision-makers.

Moral philosophy has many schools of thought; some that are more ‘black and white’ and others which are shades of gray. For example, if you are more aligned with the philosopher Kant (sometimes referred to as deontological), you might reflect on the rightness or wrongness of a particular action without consideration of the outcome, while other moral philosophies such as the utilitarianism view, looks at morals as more of an ‘ends justify the means’ scenario. And, of course, there are numerous others. Regardless of your approach or belief system, most of us can agree that ethics and ethical standards are an important consideration in the governance and management of community associations.

We believe it is so important because we are entrusted with care for people’s most substantial lifetime investment and the place that they call ‘home.’ It is our responsibility as professionals or volunteer leaders in the industry (whether board or committee members, business partners, community managers or management company leadership) to uphold a high standard and assure those we are serving of our integrity and trustworthiness. This is a hallmark of our character. Character reflects who we are. There is no separating a person’s character from their actions, ultimately. Character is a choice. There is a lot which is generally out of our control in life. But we can control and create our character every time we make choices.

Christine (Chris) Herron, CMCA®, AMS®, PCAM® is a 20+ year industry veteran, and Chief Operating Officer with Westwind Management Group, LLC. She is pleased and proud to be part of an organization and team which values integrity and ethics very highly, and whose purpose is to help people live better lives.



CMCA Credentialing Program Earns Prestigious International Accreditation Through ANSI National Accreditation Board

The Community Association Managers International Certification Board (CAMICB) announced the CMCA credentialing program has been awarded international accreditation by the ANSI National Accreditation Board (ANAB) as complying with standard ISO/IEC 17024, a conformity assessment for personnel certification bodies. ANAB establishes the specialized system for worldwide standardization, setting the requirements and the framework, at a global level, for the operation of certification bodies. ANAB accreditation to the ISO/IEC 17024 Standard supports the increasing technological and global specialization of skills and personnel.

Said Chair of the CAMICB Board of Commissioners, Drew Mulhare, CMCA, LSM, PCAM, "Earning this ISO/IEC accreditation is critical because it shows the CMCA credential meets the global benchmark for certification programs and assures the CMCA credential is serving the field of community association management in a consistent, comparable, and reliable manner worldwide."

Added Thomas M. Skiba, CAE, Community Associations Institute's (CAI) Chief Executive Officer, "As the demand for education in community association management has grown considerably outside of the United States, so too has the need for an internationally accredited credentialing program. Earning this prestigious accreditation means the CMCA credential has achieved the highest standard in professional certification and stands alone in the community association housing profession."

The CMCA credentialing program ISO/IEC accreditation came as a result of a rigorous evaluation conducted by ANAB, that included a thorough analysis of test data, and detailed audits of CAMICB's management systems, test development and psychometric procedures.

"Gaining ISO/IEC accreditation is particularly important as recognition of the value of the CMCA credential has grown around the world," said Michael Hurley, Director of the Australian-based Strata Title Management Pty Ltd. "CAMICB already delivers the CMCA exam in Dubai, UAE, Australia, Canada, Panama and elsewhere outside of the United States; it's particularly exciting to see the next phase of this expansion."

Dual Accreditation

The CMCA credentialing program was first accredited in 2010 through the US-based National Commission for Certifying Agencies (NCCA), representing third-party validation of compliance with the highest domestic standards in professional credentialing. It has since been reaccredited twice by NCCA, most recently in 2020.

Said Mulhare, "Achieving both NCCA and ISO/IEC 17024 accreditation places the CMCA credential in an elite cohort of professional certification programs and speaks to the importance the CAMICB Board of Commissioners places on conducting the CMCA program in full accordance with best practices in professional

credentialing. We take this responsibility to the profession seriously and are extremely proud of this achievement as we continue to establish the credential as a baseline for building the profession worldwide."


Added Judy Rosen, CMCA (Ret.), AMS, PCAM (Ret.), who is a past Chair of the CAMICB Board of Commissioners and strong advocate for pursuing ISO accreditation for the CMCA credentialing program, "After years of working in community association management and watching the profession grow, within and outside of the United States, I'm thrilled to see the CMCA credentialing program earn this important accreditation. Accreditation against the (ISO/IEC) Standard 17024 is critical for certification bodies who have global operations."

Maintaining High Standards

"Community managers from around the world report that the responsibilities of a professional manager for condominiums, homeowners associations, housing cooperatives and master-planned communities are comprised of the core competencies identified by the CAMICB job task analysis, including governance, legal, budgeting and reserves, contracting, financial controls, risk management, facilities maintenance, meetings and human resources," said Dawn M. Bauman, CAE, former Executive Director of CAMICB and CAI's Senior Vice President for Government and Public Affairs. "The ISO/IEC accreditation of the CMCA program provides assurances to homeowners, developers, regulators, and legislators that professional managers who have earned and maintained the CMCA credential have the comprehensive competency and ethical standards to serve their communities."

Both NCCA and ISO accreditation require continued compliance with their respective standards. To maintain NCCA accreditation, the CMCA credentialing program must undergo a rigorous reaccreditation process every five years. Following the initial ISO/IEC accreditation, the CMCA credentialing program will be reexamined on an annual basis through an in-depth document review and on-site assessment of the program.

"Moving forward, the CMCA credentialing program must be reassessed every year to ensure it continues to meet the ISO/IEC 17024 standard," said CAMICB Executive Director, John Ganoe, CAE. "This annual review is an excellent opportunity to showcase the integrity of the CMCA credentialing program and to reaffirm our commitment to excellence in professional credentialing."

"We are pleased with CAMICB's commitment to excellence by pursuing ISO/IEC 17024 accreditation at ANAB," said ANAB Vice President, Credentialing Accreditation Programs, Dr. Vijay Krishna. "ANAB accreditation is a demanding and rigorous process, requiring ongoing commitment to the ISO/IEC 1704 standard. We are confident in CAMICB's pursuit of continuous improvement and quality certifications in the marketplace to uphold this." 



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Welcome to Colorado with our 300 annual days of sunshine (okay, one hour of sun on a cloudy day counts as a sunny day). However, along with all our sunshine, Colorado is also known as “Hail Alley.” We flip back and forth with Texas as the hail capital of the country (Texas beat us in 2017 and 2019 but we won #1 in 2018). The hailstorm of May 8th, 2017 was Colorado’s most severe storm coming in at \$2.4 billion. Consequently, following 2017 and 2018 we saw many standard markets’ carriers non-renewing coverages and exiting the habitational marketplace altogether. Those that remained generally went to a wind/hail percentage deductible anywhere from 10% to 1% of the building limit with a few offering a dollar deductible.

Whether under your personal auto insurance, your homeowner’s insurance, or your association’s insurance, you have probably seen higher deductibles on your policies for wind/hail coverage. If living in an association, these deductibles probably translate as a percentage deductible of the building limit.

For example, if your association buildings are worth \$20,000,000 and you have a percentage deductible of 5%, then the association’s deductible is \$1,000,000. Since most associations are not 100%

THE IMPORTANCE OF LOSS ASSESSMENT COVERAGE

funded under their reserves for items like roof replacement, and since buildings and roofs get hit by hailstorms long before they are due to be replaced, how do associations cover these wind/hail deductibles?

In a situation where the entire community is assessed for a deductible, coverage is generally available under the loss assessment portion of the HO6 policy. Loss assessment coverage is triggered when everyone in the community is assessed for an association's deductible. In the example above, if there were 80 units in the community, each owner could be assessed up to \$12,500. When assessed, each owner would submit their invoice to their personal HO6 agent for reimbursement. Do confirm with your personal agent that there is not a sub-limit if going to pay for an association's deductible or that the coverage needs to be offered under a special endorsement. Adding adequate loss assessment coverage is relatively inexpensive under your HO6 policy, so just make sure your limit is adequate to cover your potential assessment. Also, most personal lines carriers go by the date of the storm, but a few go by the date of the assessment. If you are new to a community since a hailstorm went through, having a policy that is triggered by the date of the assessment is important or you are "out of pocket."

There are some policies, generally through Lloyds of London, that offer a buy down product that will cover the wind/hail deductible down to a deductible like \$100,000. These policies, however, are very expensive, have gone up significantly in cost over the past several years, and often cost as much or more as the package policy for the association. If the association does not want to have to raise monthly assessments to cover these buy down policies, the board and manager need to make sure each member is informed of their potential liability for the wind/hail deductible so that they can buy adequate loss assessment coverage.

Finally, remember that loss assessment coverage is not the same as special assessments. If an association does not keep up on maintenance and has to replace/repair common elements they are responsible to maintain, there is no insurance to cover that. 🏠

CCIG is a Denver-Based insurance brokerage firm. Pat Wilderotter, Executive VP, past President of the past president of the Rocky Mountain Chapter of CAI and one of approximately one hundred in the country to hold the designation of CIRMS (Community Insurance and Risk Management Specialist) heads their HOA team.



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THE Ethical Dilemmas OF COMMUNITY ASSOCIATION INSURANCE



**JOEL W. MESKIN, ESQ., CIRMS,
CCAL FELLOW, MLIS, EBP**
McGowan Program
Administrators

The procurement and maintenance of Insurance in the community association industry is shrouded in unique ethical considerations that do not apply to individual insurance consumers. Enter the Community Association Board's ("Board") "fiduciary Duty."

This process is imbued with inherent ethical considerations for not only Boards, but also Community Association Managers ("CAMs"), Community Association Attorneys, Community Association Insurance Professionals and other business partners.

A fiduciary duty is the legal responsibility to act solely in the best interest of another party (i.e. "the community association"). Fiduciary duties include duties of undivided loyalty, due diligence and reasonable care, full disclosure of any conflicts of interest, and confidentiality. While a fiduciary duty may be violated accidentally, it is still a breach of ethics.

Ethics Unwrapped: ethicsunwrapped.utexas.edu/glossary/fiduciary-duty

A Board's fiduciary duty in the insurance procurement process differs from an individual insurance consumer. For example, a board president may want to use his insurance agent brother-in-law who

does not have experience in community, the board president may not fully disclose his potential conflict of interest here. Whether the president perceives this as a conflict or not, failure to disclose is a breach of fiduciary duty and therefore an ethical violation. On the other hand, if an individual insurance consumer selects his brother in law, it would not be a breach of a fiduciary duty or ethics, but it could be a bad decision. As Forrest Gump says, "**stupid is as stupid does.**"

A board's fiduciary duty requires the board to *protect, preserve and enhance the assets of the association*. These assets are the common elements of the association, both tangible and intangible. The keystone to this duty is that **the board members must put the interest of the association above his or her own personal interests**. This can be counterintuitive for many board members. In fact, many board members seek to join the board for the primary purpose of protecting their personal assets or pursuing their own agenda. As we know, perception is reality. The president above may see this as a no harm no foul situation. On the other hand, others may very well perceive the act as a breach of its fiduciary duty. This misunderstanding by board members regarding their duty is directly or indirectly the genesis of many Director and Officer Liability Claims.

The duty to place the association's interests above the personal interests of each board member can be subtle, obvious, or anywhere in between. The key reason that unit owners elect multiple board members to manage the association, at least theoretically, is as a check and balance insuring the various interests of the membership have a voice.

The By-Laws (the association's operating manual) and other applicable laws are in place to facilitate board fiduciary duties and ethical considerations. This is why it is generally required that board business be conducted during a properly noticed board meeting. Furthermore, most states, including Colorado, have Open Meeting Laws. This is a check and balance on the board's fiduciary duty avoiding decisions being made in smoky back rooms.

So what do fiduciary duties and ethics have to do with community association insurance? The board is the association's Risk Manager elected to protect, preserve and enhance the assets of the association. The fiduciary duty does not require that the board make the best decisions, or even a good decision. Rather, the board is required to act with a duty of loyalty by putting the association's interest above their own, act with due diligence and reasonable care, and to fully disclose any conflicts of interest.

The board is not expected to be professionals or experts that require special training. For these matters, the board is authorized to seek professionals and experts. Keep in mind that a directors and officers liability policy only provides coverage for board members in their capacity as a "board member" and not as professionals or experts.

For over 20 years I have asked Boards, CAMs and Insurance professionals what is the first question board members ask when considering insurance options? Without exception they all ask **"how much?"** The only time this is an acceptable as the first question is if all insurance, insurance companies, and insurance professionals were the same. It never is! I have never seen any governing documents that requires a board save money when procuring insurance, yet that would appear to be the case based on decision makers' conduct. Yes, a board must be vigilant. The fiduciary duty, however, is to purchase the best insurance to protect the assets. Once the board has done its due diligence by listening to Community Association Insurance Professional presentations, then a cost benefit analysis can be done. Knowledge of price up front will influence your decision process and be a distraction.

Boards must understand that the association is fully insured for every risk! The question is: **are they covered by an insurance policy, or will they be self-insured having to look to association assets, a special assessment or a bank loan to fund a claim or loss? At the end of the day, someone must pay.**

Another problematic practice by many boards is to defer its due diligence to its independent CAM to procure and maintain insurance. This practice is inherently a breach of the fiduciary duty by the board as well as an unwitting professional error or omission by the CAM. What boards must understand is that no matter the CAM's insurance acumen, she or he is not covered for that E&O under their E&O as it is excluded and not under the D&O as they are not covered when the association sues the CAM.

The board must also keep in mind that if the board sues the CAM, the D&O policy will not defend or indemnify the CAM. To make this an even greater breach of fiduciary duty and ethical dilemma, is that the management agreement more likely than not includes an indemnification provision that would require the association to defend the CAM when the association sues the CAM for not procuring or maintaining the proper and sufficient insurance. Therefore not covered under the policy, but for all intents and purposes, covered pursuant to the indemnification agreement. This latter consequence is another reason the CAM should bring in the insurance professional.

Tip: Insurance professionals do not charge the association for his or her time to present a proposal and answer all questions the board may have.

I am also often baffled why a CAM would not mandate that the insurance professional present the proposal(s) and answer all board questions. This is a win-win for a CAM's insurance dread and transfers the CAMs risk of E&O to the insurance professional. ⬆

Joel Meskin, Esq., CIRMS, CCAL Fellow, MLIS, EBP is the Managing Director of Community Association Products at McGowan Program Administrators. He has been a community association insurance expert for over 20 years, and is a prolific speaker and author nationwide.

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BUSINESS PARTNER Ethics



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ASHLEY NICHOLS
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As a Community Associations Institute's Business Partners Council member, one of my responsibilities is to teach the Business Partner Essentials course to both new and seasoned professionals who support common-interest communities. One of the course topics is ethics, and while CAI doesn't have a model code of ethics for business partners like it does

for Community Managers and Board Members, it does provide guidance for our members (and many local chapters have adapted each of these other model codes to adopt a Code of Ethics for Business Partners in their chapters).

Two examples of business partner ethics provisions from another chapter are as follows:

- 1.** A business partner shall not engage in any form of price-fixing, anti-trust, or anticompetitive behavior. This includes "pay-to-play" arrangements whereby a Business Partner provides valuable consideration of any kind to obtain business or a favorable position as against another Business Partner; and
- 2.** A business partner may accept from or give de minimus gifts to a client so long as such gifts are not given or accepted for the primary purpose of influencing that client's decision to renew a contract with a Business Partner, to do business with a Business Partner, or to win business over a competing Business Partner.

Likewise, CAI developed the Model Code of Ethics for Community Association Board Members to encourage thoughtful consideration of ethical standards for community leaders.

Provisions related to the topic of potential conflicts of interest in the Code state that:

1. Board members should disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association;
2. Board members should not use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident; and
3. Board members should not accept any gifts—directly or indirectly—from owners, residents, contractors, or suppliers.

And lastly, a community manager works on behalf of the association and is the association's agent. As such, the community manager should be taking action that is in the best interest of the association. Similar provisions are provided for in CAI's Professional Manager Code of Ethics:

1. Manager must disclose all relationships in writing to the client regarding any actual, potential or perceived conflict of interest between the Manager and other vendors; and
2. The manager shall take all necessary steps to avoid any perception of favoritism or impropriety during the vendor selection process and negotiation of any contracts; and
3. Manager must provide written disclosure of any compensation, gratuity or other form or remuneration from individuals or companies who act or may act on behalf of the client.

Lauren Holmes' article in this issue, which discusses a board's (or board member's, and by extension, its community manager, as its agent) conflicting interest transactions, is a great place to start when reviewing the duty of the board and its agent regarding potential contract issues, preventing corruption, and promoting candor.

But when we think about business partners and marketing our businesses, we have to be careful not to cross the line with our industry relationships. Having great relationships with community managers is fantastic, but be mindful that the connections aren't too close. For example, suppose your decking company is a "preferred vendor" for a management company, and you are building a deck for one of its managers at no, or significantly reduced, cost. In that case, that relationship might be too close.

And let's be clear, the point is not to prevent community managers, board members, and business partners from having great relationships (that's the cornerstone of our business) or even obtaining contacts

that can help in your personal life. The point is that you must be candid about those relationships and be open to being vetted by our boards. Management companies should be asking their boards on an annual basis if they would like to rebid service agreements. It is not an attack on you or your services as the business partner – it's good practice by the management company and the responsibility of a board to ensure it satisfies its fiduciary duty to the association. After all, the board's responsibility is to ensure that its relationships with vendors are in the association's best interests.

As another example*, Management Company X charges \$35 per hour for basic maintenance performed by their "in-house" maintenance team. Management Company Y hires an outside vendor to perform the same work for \$30 per hour and bills the association \$35. Is this an acceptable practice if the management contract specifies that the work will be billed at \$35 per hour?

What if, in the same scenario, Management Company Y gets a refund from the vendor instead of a markup? The vendor would bill \$35 per hour directly to the association and then pay back \$5 per hour to the management company.

In either situation, you are playing with fire. Many factors go into the answer, including, you guessed it, your candor in the situation (and whether the situation is appropriately disclosed). Additionally, typical contracts have language, providing any "discounts" accrue to the client, not the management company. The community manager's relationship with the vendor is great but should be a benefit of lower prices to the client and not to pad the manager's pocketbook.

Your reputation for integrity is the most important asset of your company. Is what is being done in the best interest of the association? It's easy to weigh (and should be weighed) whether it's in the manager's, individual board member's, or your own self-interest before you act. Also, presume that everything that happens will be made public, then proceed accordingly. If it doesn't pass the "smell test," then you should probably pass. Nothing you do should be considered an act designed to influence business decisions.

*Question posed recently in CAI's Exchange online forum. 



Ashley Nichols is the principal and founder of Cornerstone Law Firm, P.C. and is a member of CAI's Business Partners Council at the national level. She has been in the community association industry for over thirteen years, providing associations with debt recovery solutions for their communities. You may find out more at www.yourcornerstoneteam.com. To find out more about CAI's Business Partners program and the tools available to you as a business partner member, visit CAI at www.caionline.org/BusinessPartners/Pages/default.aspx.

When Does a Board Member's FINANCIAL INTEREST *Cross the Line?*



LAUREN C. HOLMES
Orten Cavanagh
Holmes & Hunt, LLC

Board members come from all walks of life and have a variety of connections or expertise that may overlap with the needs of their associations. Sometimes this works to the association's benefit. It may also work to the board member's benefit. Any board member who will or may receive a financial benefit or interest from an association transaction needs to proceed with caution.

Every board member has a fiduciary duty to the association. In short, this means that each board member is required to act in good faith, with the care an ordinarily prudent person in a similar situation would exercise, and in a manner the board member reasonably believes to be in the association's best interests. The moment a person begins serving as a board member, that person must set aside his personal interests, including his financial interests, in favor of the association's interests. In addition, Colorado law states that all board members must have available to them information

related to the association's responsibilities and operations that is obtained by another board member. No board member is allowed to hold information back from the rest of the board.

Spouses, children, grandchildren, parents, grandparents, siblings, nieces and nephews, brothers-in-law, and sisters-in-law are all considered parties related to a board member for these purposes. The definition also extends to any entity in which any of these relatives is a director, officer or has a financial interest. Most recognize that there is a conflicting interest transaction if the board member's company, or the board member himself, is considered for a contract with the association. It is important to recognize that the same conflicting interest transaction exists when a relative or a relative's company is considered for a contract.

Colorado law defines a conflicting interest transaction as a contract, transaction, or other financial relationship between:

1. the association and a board member;
2. the association and a party related to a board member; or
3. the association and an entity in which a board member is a director or officer or has a financial interest

A conflicting interest transaction is not illegal. However, if not handled properly, it may lead to legal liability as well as political fallout. A transaction will not be set aside if:

1. the board member discloses the material facts of the relationship or interest to the board and a majority of disinterested board members approve the transaction in good faith; or
2. the board member discloses the material facts of the relationship or interest to the association members entitled to vote and the association members approve the transaction in good faith; or
3. the transaction is fair to the association.

DO NOT CROSS



It is likely that the most important material fact is the benefit (usually financial) the board member, his family member, or his company will receive if the association enters into the transaction. If a contract is with the board member or family member directly, the interest is generally known and obvious. If the contract is with a company, the benefit may not be as obvious.

Is the board member an employee of the company who receives a bonus or additional compensation for referring business?

Even if the board member is not an employee of that company, does the company pay him or his company a referral fee if it is awarded a contract? If the company is awarded the contract, does it have a side arrangement to return a portion of the funds it receives from the association to that board member (commonly called a kickback)?

If the decision-makers have all the facts as to the interested board member's financial interest in a transaction, it can determine whether that transaction is still in the association's best interests and fair to the association. If the interested board member does not make his interest known in a transaction, he may be in violation or may be violating of his fiduciary duty, duty of good faith, and duty to provide the rest of the board with information. This may be the case even if the transaction is fair to the association. Board members would be well-advised to err on the side of caution and fully advise the rest of the board (or the members, if the members are voting) if they, their families, or their businesses have any financial interest or relationship with an association contract. ⬆

Lauren C. Holmes is co-managing partner at, and one of the founders of, Orten Cavanagh Holmes & Hunt, LLC. She has provided general counsel and transactional services to community associations throughout Colorado for over 20 years.

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CAI ANNOUNCES RECIPIENTS OF 2021 BOARD MEMBER EDUCATION

SCHOLARSHIPS

CAI annually provides financial support for select homeowner leaders to attend the CAI Annual Conference and Exposition: Community NOW, which this year will be held August 18-21 at Caesars Forum in Las Vegas. The scholarship honors CAI member Jerry Fien's long-standing commitment to homeowner involvement within CAI.

The Board Member Education Scholarship is for CAI members who serve on the governing board of their homeowners association or condominium community. Each scholarship includes free registration and up to \$1,000 to cover travel and lodging expenses to attend the CAI Annual Conference.

Every year, the event brings together community association board members, community managers, management company executives, attorneys, insurance

providers, and other businesses serving the more than 350,000 community associations in the U.S. and millions more worldwide.

The three-day conference kicks off with keynote speakers and includes in-person and virtual education, networking opportunities, and features the largest international marketplace showcasing the latest innovation and technology for community associations.

Due to the COVID-19 pandemic, CAI canceled the 2020 Annual Conference originally scheduled for June at The Diplomat Beach Resort in Hollywood, Fla., and hosted the event virtually. Each of the 2020 scholarship recipients have been invited to attend the event along with the 2021 recipients. ⬆

2020 Scholarship Recipients	2021 Scholarship Recipients
<p>Richard Salvatore Kensington at Providence Homeowners Association Las Vegas, NV</p>	<p>Joshua Spence Villa du Cour Milwaukee, WI</p>
<p>Richard Falconer Lismore Village Homeowners Association Greer, SC</p>	<p>Ronda Theisen Riverside Drive Community Association Reno, NV</p>
<p>Patricia Book Willow Springs Community Association Fort Collins, CO</p>	<p>Janice Peterson New Horizon Condominium Association Santa Clarita, CA</p>
	<p>Jeremy Hernandez MacLaren Hill Condominium Association Saint Paul, MN</p>

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SHOULD WE OPEN FACILITIES?



AZRA TASLIMI
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The good news is that there is a COVID vaccine, the bad news is that COVID is still around and it will take time before we as a community vaccinate enough people to the point where herd immunity kicks in. While information changes daily, at this point in Colorado, all people who want a vaccine are able to register and get one. Which leads to questions from Associations about whether facilities can be opened, and how to treat people who have received the vaccine versus those who have not, especially as it relates to residents making use of the common elements like the gym and pool. While definitive answers are hard to come by, we can offer guidelines as to what the Associations should and should not do as the country surges forward to vaccinate the population.

The first question is whether Associations can now open their facilities safely and without the risk of litigation. While there are legal arguments in favor of opening up and returning to the norm, we advise against doing so. The main reason is that there are concerns about the effectiveness of the vaccine and its limited availability those under 16 years of age.

While we know that the vaccine can help prevent serious symptoms of the virus, studies do not yet support that the vaccine prevents the spread of transmission. We also do not know how long the vaccine lasts. Pfizer's ongoing trial indicates that the company's vaccine remains effective for at least six months - leading to the idea that the vaccine is not good forever and it's quite possible that additional shots may be required to maintain the protection. If that wasn't enough, there are new strains of COVID and it remains unclear/unknown whether the current vaccine is fully effective against the new strain.

In early January of 2021, the United Kingdom went into another lockdown based on the new, and what scientists are calling the more contagious strain of COVID-19. Germany, as of April 26, 2021, implemented a lockdown to curb a third wave of infections based on the new strain of COVID. Earlier this month, a member of President Biden's coronavirus advisory board warned that the new strain of COVID infects children more easily than previous strains. Given that a vaccine is not yet available to children, the prospect of a new strain spreading through children remains a serious concern.

Despite the continued unknowns pertaining to the virus and the vaccine, Associations are facing extreme pressure from homeowners to open up the facilities. For homeowners, the virus scare seems to have dissipated and they want to see life return back to normal, especially as more and more of them become vaccinated. As a result, it is expected that more Associations will be opening up the facilities this year than last year. However, the general consensus amongst HOA counsel is that it is safest for Associations to keep their facilities closed for now. From a legal standpoint, the litigation consequences of opening facilities are the same as they were last year.

Associations to keep their facilities closed is due to the lack of insurance coverage for claims based on transmission of a disease.

This means that if a resident was to bring a claim against an Association for having contracted COVID as a result of using an Association maintained facility, the Association would be looking at an out-of-pocket cost to the tune of hundreds of thousands of dollars to defend against the claim. Even if the court was to find no liability on part of the Association - simply to defend against the claim would be a huge cost for the Association. This is different than other suits where Associations can simply submit the claim to insurance, pay their deductible and have insurance bear the remaining cost of the litigation.

On the other side, Boards have advised that homeowners have threatened to bring claims against the Board members for breach of fiduciary duty should they keep the facilities closed. Therefore, Boards feel like they are facing litigation from both directions. While that may be the case, claims for breach of fiduciary duty by board members would generally be covered by insurance. Therefore, if Boards had to make a choice as to which litigation to take on, the preference would be for claims that are covered by insurance as opposed to the ones that are not.

Earlier this year, HB21-1074 was introduced by Mary Bradford(R) to provide immunity for entities such as restaurants, stores, or homeowners from Covid-19 claims so long as they are following public health guidelines. In essence this bill would have protected associations from legal claims if they were to open their amenities to the homeowners. Unfortunately, as of March 11, 2021, the bill had been postponed indefinitely.

Should Associations decide to move forward and open the facilities, the next concern is whether Associations can make vaccines contingent upon use. Since Associations would be legally obligated to have exceptions for certain unvaccinated individuals and must allow them access to the facilities, the "vaccinated-only" rule would simply be rendered ineffective.

Vaccines are not available to anyone 16 years old and younger. Therefore, an Association's attempt to keep children from using

the pool could lead to claims against the Association for familial discrimination under the Fair Housing Act. Associations would then need to have exceptions for all individuals for whom a vaccine is not available. Associations would also have to create exceptions for individuals who are prevented from getting the vaccine due to medical reasons as well as provide an exemption for those requesting it for religious reasons. Therefore, unvaccinated people would have to be allowed into the pool.


This creates concerns about giving residents a false sense of security - that using the facilities with only vaccinated people will keep them safe from contracting the virus. However, given that unvaccinated people must be allowed into the facilities and studies do not show that the vaccine prevents the transmission of the virus, the risk of spread remains just as much a concern.

An elderly person who has been quarantining since last year and is unable to get the vaccine due to medical reasons, finally decides to use the pool because they believe it will be safe since everyone who is using the pool is vaccinated. Yet, the number of exceptions means that the threat of a spread remains just as likely as before. The false sense of security may lead some to use the pool that would not do so otherwise. As a result of using the pool, should there be an outbreak and this elderly person without a vaccine ends up in the hospital or worse, the Association could find itself in serious litigation. Therefore, Associations should not adopt rules making the vaccine a condition of use of the facilities.

While all of us are eager for life to return to normal and to be able to relax at the pool this summer, the fact is that too many unknowns remain. The legal considerations of whether the facilities should be opened are not much different than what they were last year. Vaccines have changed the game quite a bit and many people feel safe enough to return to their pre-COVID lifestyle. However, from a legal standpoint, we are not there yet, and we advise Boards to continue with caution. ⬆️

Azra Taslimi is a lawyer with Altitude Community Law





WHO SHOULD PERFORM A **RESERVE STUDY?**

Reserve contributions are typically the single largest budget item for an association—anywhere from 15%-45%.

Therefore, if a community member asks, “Why are our dues so high?” pointing to the reserve contributions would be a great place to start.

Why is this?





BRYAN FARLEY, RS
Association Reserves

Reserve funds are allocated to offset the ongoing deterioration of the common area assets. Have you ever seen water staining in your condo after a storm? Your reserve contributions will pay for repairs and the eventual replacement of the leaky roof. Is the exterior wood trim warped and faded? Again, your reserve contributions are hard at work compensating for the natural deterioration of the wood and paint.

How will a board member know whether or not his association is adequately prepared to pay for the ongoing deterioration of the building's assets?

The best way to do this is to hire a firm that specializes in preparing reserves studies per the National Reserve Study Standards. The National Reserve Study Standards provide guidance to accomplish this. A reserve study professional's goal is to give client association boards the tools to anticipate and prepare for the repair and replacement of their communities' common elements. A stable and reliable reserve component list is necessary from year to year, association to association, and provider to provider. The National Reserve Study Standards ensure consistent application and interpretation when preparing reserve studies.

There are many firms that a board member can choose from, but due to the number of firms vying for business, a board member may be overwhelmed by the high number of choices. Regardless of which firm the board chooses, make sure that whoever is completing your reserve study is a qualified professional that has earned proper credentialing.

It is important for a board member to know that a reserve study is most effective when it is prepared by a non-biased, third-party consultant. A credentialed reserve study preparer has the freedom to address potential and current component issues with fairness and objectivity.

For example, if the reserve account is poorly funded and the building suffers from a dilapidated roof, the association will need to either increase the reserve contributions and/or utilize outside sources of income like a special assessment or a loan to fund the replacement. If a reserve study preparer is beholden to the board's urgent demand to maintain low monthly dues, then the reserve study preparer's recommendation will be tainted. This is an obvious conflict of interest that should be avoided.

What if your board knows how to use a spreadsheet and would like to update their reserve study internally? This could also include a manager that was hired under the promise to keep dues low, or a company that desires to consolidate clients' budgetary matters.

All of this is legal, per section 8 of the CACM Code of Professional Ethics:

"The (Manager), who has contracted with a client to perform community association management services, and who is also engaged in the practice of another profession, may perform other professional services provided there is full disclosure to the client."

However, the Community Association Institute - Best Practices (Report #1 Reserve Studies/Management) recommends that reserve studies should be completed by independent third-party consultants.

A community's board has a fiduciary responsibility to run a (potentially) multi-million-dollar not-for-profit real estate corporation. Board members may feel obligated to potentially influence reserve recommendations or percent-funded calculations in order to avoid disappointing the neighbors that voted them in. Opportunities may present themselves for the board when they can avoid "rocking the boat" for their association by potentially changing a few remaining useful lives of a component or lowering a cost. This may temporarily solve a potential budgeting issue for the association, but over time, future owners will have to pay up for past failures or inaccuracies.

In our experience, the data shows that 70% of associations are underfunded. In other words, the majority of associations are unprepared to pay for the ongoing deterioration of the common area assets. These numbers cannot be sugar coated, and failure to address these issues can result in a massive drop in home value due to deferred maintenance.

It is best practice to hire a credentialed and professional Reserve Specialist to perform your association's reserve studies. Your community will benefit from the peace of mind and long-term financial preparedness that a professional reserve study will provide. 🏠

Bryan Farley, RS is the president of Association Reserves, CO/UT/WY. Bryan has completed over 2,000 Reserve Studies and earned the Community Associations Institute (CAI) designation of Reserve Specialist (RS #260). His experience includes all types of condominium and HOAs throughout the Rocky Mountains.



HELPFUL TIPS!

CONCERNING ETHICAL PROFESSIONAL STANDARDS AND CONFLICTS OF INTEREST

ETHICS IS LEARNING WHAT IS RIGHT AND WRONG, AND THEN DOING THE RIGHT THING.

MANAGERS:

Serving your own interests, or those of a third party, at the expense of the community association, is unethical. But, what does this mean exactly?

Your personal receipt of expensive gifts, tips or any form of compensation outside of what is specified in the management company contract can create potential ethical problems.

This type of compensation can include:

- Commissions or referral bonus
- Rebates
- Discounts
- Payments
- Or any other benefit of substantial value (more than \$200 annually)

When you receive this compensation, it represents a conflict of interest that can impair your ability to fulfill your duties to your client without undue outside influence.

SCENARIO:

You're invited to attend a CAI hosted event out of town. You're told that your hotel room will be paid for and you're invited to enjoy a relaxing spa treatment as a token of appreciation while you're at the hotel. What should you do? If you accept the offer, you're placing your own interests ahead of those of the association. The safest options are either to turn down the offer or to provide full disclosure to the board of directors.

Someone who is unethical chooses personal or professional gain at the expense of other people or society at large.

TIP: A good test is to ask yourself, does the compensation / gift serve your own interests? If so, it is considered a violation of your professional ethics.

BUSINESS PARTNERS

Certified managers, and those with designations, are bound to follow standards of professional conduct. Make sure you are not putting your business goals at the risk of the manager's reputation or job.

TIP: It is never acceptable for a manager to take cash from a business partner or any other third party.

SCENARIO: Your company has a luxury suite at the stadium. Tickets are valued over \$300. You want to invite a few of your best clients to the suite. Should you? Because of the exclusive nature, high value, and how others would likely perceive it, you need to be aware that you're likely creating a sense of obligation following the receipt of the gift. You don't have to demand or request the obligation for it to exist.

HOMEOWNERS:

Depending on the situation, remember that accepting a gift could create a potential conflict of interest, or at the very least the appearance of one.

SCENARIO: The Association's painting contractor offers to touch up your fence stain for free, out of kindness. Should you accept? A good test would be to ask yourself if others would believe that the receipt of such a favor would obligate you to the company.

SCENARIO: You hear that your manager was invited, and attended, an expensive lunch hosted by a vendor that works at the Association. The manager was then given a luxury computer bag as a token of appreciation for being helpful while the company performed work at the property. What should you expect the manager to do? The manager should, at the very least, disclose in writing to the Association's board the receipt of the free meal and the gift.

MANAGEMENT COMPANIES:

- Ensure you have a way to discuss ethics rather than simply having a code that everyone is expected to follow. Promote open communication.
- Remain transparent in all business dealings.
- Set the right example for employees and make clear, on a consistent basis, what's considered an ethical violation. It's important to remember that even minor ethical lapses can have major impacts.
- Create policies, codes of ethics, and task directives in order to influence ethical conduct of your staff.

REMEMBER:

- According to the CMCA Standards of Professional Conduct, a Certified Manager of Community Associations shall refuse to accept any form of gratuity or other remuneration from individuals or companies that could be viewed as an improper inducement to influence the manager.
- According to CAIs code clarification document, written disclosure shall be made to the client by the manager confirming receipt of all commissions and / or other benefits received in excess of \$200 annually by the manager from any vendor. ⬆



CMCA

Standards of Professional Conduct

The Community Association Managers International Certification Board (CAMICB) requires a Certified Manager of Community Associations (CMCA) to comply with the Standards of Professional Conduct, which govern their professional activities.

A Certified Manager of Community Associations (CMCA) shall:

- 1.** Be knowledgeable, act, and encourage clients to act in accordance with any and all federal, state, and local laws applicable to community association management and operations.
- 2.** Be knowledgeable, comply and encourage clients to comply with the applicable governing documents, policies and procedures of the Client Association(s) to the extent permitted by that Client.
- 3.** Not knowingly misrepresent materials facts, make inaccurate statements or act in any fraudulent manner while representing Client Association(s) or acting as a CMCA.
- 4.** Not provide legal advice to Client Association(s) or any of its members, or otherwise engage in the unlicensed practice of law.
- 5.** Promptly disclose to Client Association(s) any actual or potential conflicts of interest that may involve the manager.
- 6.** Refuse to accept any form of gratuity or other remuneration from individuals or companies that could be viewed as an improper inducement to influence the manager.
- 7.** Participate in continuing professional education and satisfy all requirements to maintain the CMCA.
- 8.** Act in a manner consistent with his/her fiduciary duty.
- 9.** Conduct themselves in a professional manner at all times when acting in the scope of their employment in accordance with local, state and federal laws.
- 10.** Recognize the original records, files and books held by the manager are the property of the Client Associations to be returned to the Client at the end of the manager's engagement and maintain the duty of confidentiality to all current and former clients.

For more information, visit: www.camibc.org/Pages/Standards-of-Professional-Conduct



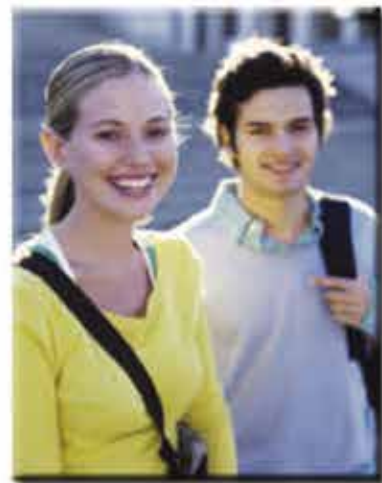
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DAWN BAUMAN, CAE

Sr. Vice President, Government & Public Affairs

In the U.S., CAI represents the interests of the more than 73 million people living in homeowners associations, condominiums, and housing cooperatives. The political views of CAI members are as diverse as that of any group in the country; therefore, developing public policy positions that serve such diversity is a challenging task. CAI focuses on the issues most important to community associations, including governance and management, community association values, and relationships with governmental departments and agencies.

When an issue arises that impacts members, CAI develops a public policy to guide volunteer advocates and staff in their advocacy efforts. As a membership organization, any of the more than 40,000 current members can propose a public policy for consideration. CAI public policies are created through a careful and ongoing process that reflects the interests of members, volunteers, and experts. The public policy positions are vetted by CAI chapters, state legislative action committees, member representation groups, and the College of Community Association Lawyers (CCAL), with final approval by the CAI Board of Trustees.

Community associations are subject to state laws that control how they are established, governed, and managed. State regulatory

framework is successful in promoting healthy, vibrant communities because it is founded on the principle of local control over land use and real estate decisions. Public policies serve as statements of what CAI supports or opposes in regulation and legislation.

CAI supports effective state regulation that ensures the community association housing model is developed, maintained, governed, and managed with sound public policy objectives and standards that protect homeowners, volunteer board members, management, and the community. In addition, CAI advocates for the adoption of the Uniform Common Interest Ownership Act (UCIOA). In those states where it is not possible to adopt the act in its entirety, CAI supports and recommends consideration of appropriate portions of this framework.

Community association governance should occur at the lowest possible level. State legislatures and regulatory agencies should acknowledge the right of self-determination by owners who elect volunteer board members and have a vested interest in their own communities. CAI supports legislation that allows boards of directors and homeowners determine what is best for their community.

Established CAI public policies and newly adopted policies can be found at www.caionline.org/publicpolicies. 🏠



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FINDING THE RIGHT PROFESSIONAL

Are you putting your most valuable assets in the hands of the most qualified professionals? Search CAI's Directory of Credentialed Professionals www.caionline.org/Pages/Credentials-Directory to find professionals who have earned a CAI designation!

WHY YOU SHOULD HIRE CREDENTIALLED PROFESSIONALS:

A community association operates as a government, a community, and a business, making it a truly specialized type of organization. Leading America's 250,000 community associations are more than a million volunteers—homeowners who dedicate their free time to serve on boards and committees.

As a board member, trustee or volunteer leader working with your association or cooperative, you have fiduciary responsibilities which compel you to make decisions that can have profound financial and social impact on you and your neighbors. Receiving professional and accurate advice or guidance on issues such as reserves, maintenance, insurance, budgets, governance, contracts, the law, and rules can make the difference between prosperity and distress.

Many experts who work in these fields must earn degrees and pass tests to be certified. So why would a board hire professionals who may not be qualified to look after their homes and their community?

WHAT TO LOOK FOR:

To help ensure that you have the expert guidance you need to manage your community's assets most effectively, look for professionals with the designations and certifications such as (CMCA, AMS, LSM, PCAM, AAMC, RS, CIRMS).

Community Associations Institute's (CAI) designations help ensure that managers have the knowledge, experience, and integrity to provide the best possible service to your association. If your manager holds a CAI designation, he or she has made a substantial commitment and investment in their education and career, and your community's welfare.

HOW TO FIND A DESIGNATED PROFESSIONAL:

- Visit the Directory of Credentialed Professionals or CAMICB's site www.camicb.org/find-a-cmca to search for credentialed managers in your area.
- During the hiring process, ask candidates if they hold a professional credential.
- Look for the credential letters (CMCA, AMS, LSM, PCAM, RS, CIRMS) behind the names of professionals who work for you or whom you might hire.
- Look for an AAMC when selecting a management company.

A CLOSER LOOK...

WHAT'S AN ACCREDITED ASSOCIATION MANAGEMENT COMPANY (AAMC)???

The AAMC accreditation demonstrates a company's commitment to providing the unique and diverse services community associations need. An Accredited Association Management Company ensures that their staff have the skills, experience, and integrity to help communities succeed. Its managers have advanced training and demonstrated commitment to the industry—just the type of professionals that community association boards seek to hire!

WHAT ARE THE REQUIREMENTS OF THE AAMC ACCREDITATION?

- A minimum of three years of experience providing community association management services, based on client verification.
- A Professional Community Association Manager (PCAM) designee as the company's senior manager.
- A staff of which 50% of managers who have been at the company for at least two years hold a professional manager credential (CMCA, AMS, LSM, or PCAM).
- Maintain fidelity, general liability, and worker's compensation insurance in addition to meeting federal, state and local laws. A Certificate of Insurance Liability showing the required insurance must be included with the application which should list CAI Headquarters as the Certificate Holder.
- Comply with the CAI Professional Manager Code of Ethics. ⬆

CONGRATULATIONS TO THE FOLLOWING CAI-RMC MANAGEMENT COMPANIES WHO HOLD AND VALUE THEIR AAMC.

CCMC-Lafayette

*Colorado Property Management
Group-Aurora*

*Westwind Management Group, LLC
Englewood*

*Colorado Association Services
Lakewood*

*Hammersmith Management, Inc.
Englewood*

*4 Seasons Management Group, LLC
Thornton*



THE PRESERVE AT GREENWOOD VILLAGE HAMMERSMITH MANAGEMENT

EASTER EVENT:

The Preserve at Greenwood Village Homeowners Association recently hosted a family friendly Easter Event in celebration of Easter and the start of spring. Event festivities included an Easter Egg hunt, kids' crafts, Santiago's breakfast burritos, Krispy Kreme doughnuts, beverages, and an appearance from Peter Cottontail! The event was well attended as people are excited to get back out to in person events this summer!



Movie Night Event:

The Preserve at Greenwood Village Homeowners Association hosted an outdoor family friendly movie night followed by a sleepover and campout breakfast. Residents brought their own tents, lawn chairs, and blankets out to enjoy a showing of Disney's newly released The Lion King. Beverages and a variety of flavored popcorn from local vendor Mile Hi Popcorn & Gifts were available for residents to enjoy as well.



CMCA JOHN GUZMAN-PEONIO



What makes having your CMCA and AMS designation special to you?

Having my designations reminds me of the hard work I have put into an industry that I'm passionate and about my role within this industry. It also allows my boards to know that I have put my time into understanding the operations of the HOA.

How do you balance your workload and CAI classes?

Balancing the workload and CAI classes is sometimes kind of tricky but doing something each and every day for each of the communities you manage is an important factor. Many times, especially when first gaining a community, boards check in often to make sure they are a top priority for you; however, if you show them that at least one thing was done for them each day, they will trust and respect you for the work you do for them as opposed to feeling you haven't put in the time for them that they pay for.

What is one piece of advice you'd give to someone pursuing the AMS designation?

Continue to learn and grow as a manager. Soak in the experiences you gain from what you do for your communities; you will need this information at a later time. Boards are depending on your knowledge and experiences gained in the industry and focusing on these will allow them to support you in your pursuit of the AMS designation.

How does having these designations push you to be a better manager?

Having the designations and knowing I have to complete required education and training to maintain them allows me to stay current on changes that I may have missed. Even taking classes that you have taken before refreshes what has previously been learned and reminds that you really can teach an old dog new tricks.

Are you working toward your PCAM? If so, what is the motivator?

I am working toward my PCAM. I have one more M200 class to take and will be applying for my PCAM shortly afterward. My passion for the industry is my motivator for this designation. I love the education I get to provide to my boards and homeowners based on my knowledge and experience. ⬆

CAI Board Leader Certificate Course

LEARN HOW TO BE AN EVEN MORE EFFECTIVE BOARD OF DIRECTORS.

Education for homeowner leaders just got better. The new CAI Board Leader Certificate Course teaches you how to communicate with association residents, hire qualified managers and service providers, develop enforceable rules, interpret governing documents and more. It provides a comprehensive look at the roles and responsibilities of community association leaders and conveys information to help create and maintain the kind of community people want to call home.

In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.

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Congratulations

RECENT DESIGNATION RECIPIENTS

Congratulations to our newest credentialed professionals! CAI credentials help ensure that your manager has the knowledge, experience and integrity to provide the best possible service to your association. Earning a CAI credential demonstrates an elevated commitment to their professional education—and your community's welfare.

CAI-RMC is proud of the following individuals who have demonstrated a personal commitment to self-improvement and have elevated their practical knowledge and expertise:

NAME	CITY	ORGANIZATION	DESIGNATION	AWARD DATE
Ms. Natasha Henricks, CMCA, AMS	Aurora	Rowcal Colorado	AMS	04/05/2021
Mrs. Georganne Virginia Ortiz, CMCA, AMS, PCAM	Englewood	Associa-Colorado Association Services	PCAM	04/23/2021
Mr. James William Schulze, CMCA, AMS	Denver	Encore Condominiums	AMS	04/29/2021
Mr. James William Schulze, CMCA, AMS	Denver	Encore Condominiums	CMCA	04/01/2021
Mr. Jason Kyle Stephenson, CMCA, AMS	Denver	Hammersmith Management, Inc.	AMS	05/12/2021
Mrs. Christina Barkley, CMCA, AMS		CCMC	AMS	04/05/2021
Miss Jennifer N. Kinkead, CMCA, AMS	Englewood	Hammersmith Management, Inc.	AMS	05/11/2021
Mr. James B Norman, CMCA	Fort Collins		CMCA	04/29/2021
Ms. Julieta Berry, CMCA	Englewood	Hammersmith Management, Inc.	CMCA	04/12/2021
Mr. David Ford-Coates, CMCA	Broomfield	Alliance Association Bank	CMCA	03/16/2021
Mr. Adam Edward Bryning, CMCA	Denver	A.C.C.U, Inc.	CMCA	05/03/2021
Mrs. Tiffany Hitchler, CMCA	Highlands Ranch	The Colorado Property Management Specialists	CMCA	05/14/2021

If you are a manager, insurance and risk management consultant, reserve provider, or business partner wishing to enhance your career, the information at www.caionline.org can help you. CAI awards qualified professionals and companies with credentials to improve the quality and effectiveness of community management.



CAI-RMC MISSION STATEMENT


To provide a membership organization that offers learning and networking opportunities and advocates on behalf of its members.



Welcome New Members

- Olga Milagros Chavez**
- Michael Goldstrom**
- Carrie Hanneke**
- Tiffany Myers**
- Ashleigh Lynn Townsend**
- Debbie Trevino**
- Sydney Upson**
- Sue Daigle**–5150 Community Management
- Rhonda Lange**–Agility Restoration
- Rick Cline**–All Access Insurance
- Patrick Ryan, RS**–Allied Reserve Consultants
- Steve Wachter**–Anchor Paint Manufacturing
- Brian Sheppelman**–Associa Colorado Association
- Janice L. Zarifi**–Associa Colorado Association
- Kevin Lavene**–Centennial Management Group
- Ginger Branford**–Copper Community Association Management
- Jennifer Hand**–DMB Community Life, Inc.
- Karen Guillermetty**–Fireside Properties, Inc.
- Rianne Woog**–Flagship
- Wendy Sonntag**–Haven Community Management
- Dave Burnett**–Heritage Eagle Bend Master Association
- Chuck Cullens**–Heritage Eagle Bend Master Association
- Mr. Gary Pollard**–Heritage Eagle Bend Master Association
- Judith Ellis**–Heritage Greens at Legacy Ridge Homeowners Association, Inc.
- Levonne R. Lee**–Heritage Greens at Legacy Ridge Homeowners Association, Inc.
- Marcia Wessberg**–Heritage Greens at Legacy Ridge Homeowners Association, Inc.
- Marcia Hannan**–La Fontana Condominium Association
- Jeremy G. Oldham**–Leo Landscape LLC.
- Gray McGinnis**–Lindenwood Homeowners Association
- Jennifer Needham**–Lindenwood Homeowners Association
- JoAnn Powell**–Lindenwood Homeowners Association
- Adam Hercher**–Master Builders Solutions
- Jeff Bailey, CMCA, AMS**–Peak Resort Services, Inc.

- Patric Shortino**–Planet Roofing and Solar
- Jake Christenson**–Rowcal Colorado
- Chelsea Garza**–Rowcal Colorado
- Megan Youngblood**–Rowcal Colorado
- Diane Bacher**–Service Plus Community Management
- Tina Mcfarlin**–Service Plus Community Management
- Annette Six**–Service Plus Community Management
- Elaine Connely**–Skyestone Community Association
- Peter Keppler**–Skyestone Community Association
- Gary Mahan**–Skyestone Community Association
- Vicky McDonald**–Skyestone Community Association
- Jill-Ellyn Straus**–Skyestone Community Association
- Tiffany Hitchler**–
The Colorado Property Management Specialists
- Christina Martinez**–
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- Erin Huseby**–Westwind Management Group, LLC




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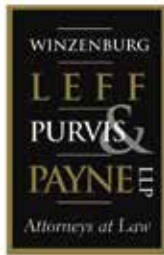
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CAI-RMC EVENT CALENDAR

July

13 Tue	Support Staff Session (Virtual)
27 Tue	CEO Forum (Virtual)
28 Wed	Member Orientation / Outreach (Virtual)
29 Thu	"Spring" Conference & Trade Show (In-Person)

August

3 Tue	Peak 2 - Financials (Virtual)
10 Tue	Community Association Workshop (Virtual)
14 Sat	CAI Board Leader Certificate Program (In-Person)
24 Tue	PCAM Forum (In-Person)

September

3 Fri	Business Partner Forum
7 Tue	Peak 2 - Financials Fort Collins
14 Tue	Train the Trainer - Part 2
16 Thu	Annual Clay Shoot
27 Mon	Mountain Conference & Annual Meeting

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