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The Regenesi Report provides resources and management tools for just that purpose. Every month, articles of common interest to homeowner associations nationwide are offered along with innovative strategies for addressing common problems.

Managing an HOA can be a lonely and frustrating task. Take heart. Help is on the way.



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Chairing a Meeting

Why do meetings fail? It may be a lack of time (or too much), a badly designed agenda (or lack of one) or an unsatisfactory venue. If the chairman is doing the job properly, it's possible to overcome these and other difficulties.

Proper chairing means ensuring that the meeting achieves its aims. All discussion should be steered to these ends. While simple in theory, in practice it is a very demanding task. The skills required include:

Impartiality. A chairman is like a judge that should ensure that all participants have an opportunity to express their point of view. To do this, the chairman should remain neutral to allow dissenting opinions to be aired. The chairman is entitled to vote his own opinion when the time comes but needs to make sure all sides of the issue get voiced or, at least, have an opportunity to be heard. Constructive disagreement is healthy for the best outcome.

Assertiveness. The chair needs to control strong personalities from dominating the proceedings. The more contentious the issue, the more likely this will be an issue. There is no need to be rude. Phrases like "We should hear from Ms. Smith on this" or "Can we have some comments from the manager on this?" should be sufficient to get others into the conversation. Once this segue is provided, the chair needs to ensure that there are no interruptions while the next speaker has their say.

Staying on course. Meetings can start well but become embroiled in a particular agenda item which can monopolize the entire meeting. A chairman should consider the importance of each agenda item and allot appropriate time to each. Some items take seconds and others minutes. If an issue outgrows its importance, the chairman must take control by assigning the issue to a committee for review and recommendation at the next meeting or tabling discussion to a special meeting. Or, if the topic's

discussion has been beaten to death (arguments begin to repeat), the chair should call for a vote and move on.

Summarizing. Summarizing can be used to end a topic, to end a discussion and to ensure that everyone has a clear overview of what took place or what action is now required. It is an invaluable skill for a chairman. Summarizing requires active listening. You have to state concisely what was said in an impartial way and end with a clear statement about what is expected to happen next. It takes practice to summarize well, but it is a skill well worth developing.

Written Agenda. Many people feel that being a chairman means opening the meeting and stopping out of control disagreements. There is much more to it than that. Prior to the meeting, a chairman should compose an agenda that can be accomplished in the time allowed (usually no more than two hours), ensure that all interested parties have been notified, assess the level of interest and allot time to each item.

During the meeting, the chairman must focus on the decisions required at the meeting, ensure that all participants are accorded adequate time, decide when to end debate on each topic, use appropriate questions to clarify the issue or redirect discussion, listen carefully to all contributions and clearly summarize proceedings with an emphasis on decisions taken and future plans.

These are all key ingredients for a fruitful meeting. A tactful yet assertive chairman will help make all this happen. ☀

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Ask the HOA Expert

Q The board is attempting to enforce parking restrictions that are unreasonable: no resident is allowed to park in front of their property and all resident cars must be parked inside the garage. This restricts the garage's use for storage.

A These kind of parking regulations are common. Because parking in HOAs is often limited, requiring resident vehicles to be stored in garages ensures more parking for guests. It also limits the number of cars a particular resident can park onsite. The garage storage issue is directly related to the number of resident vehicles. If a resident has a double garage and only one car, there's no reason why half of the garage can't be used for storage.

There is a sample Parking Resolution in the Policy Samples section of www.Regensis.net which includes the very conditions you point to. Those provisions are reasonable. The board has the authority and duty to enact such rules. However, if you disagree, you have the right to express your opinion to the board. If a majority of the owners agree with you, have them sign a petition to have the rule overturned. You also have the right to run for the board to make a change from within.

Q If there is a dispute within an HOA that points to mediation, who selects the mediator? Must both parties agree on the selection?

A A mediator's job is to help forge a non-binding compromise between two parties that have not been able to achieve this on their own. Compromise means there are no losers but neither party gets exactly what they want. Each side concedes something toward the resolution. The process includes no attorneys, no court, no judge...just a trained mediator. Mediation services are often provided by local jurisdictions as a way of lightening the burden on the court system. These services are free or very

reasonably priced and don't require the parties to have attorney representation. Many HOA conflicts can find a solution in this environment. The rest go to court. Both parties should agree on the selection of mediator.

It makes sense that an HOA should have a conflict resolution policy that includes mediation as the first step toward resolution rather than jumping directly to dueling lawyers. While attorneys have their place in the tough issues, the contentiousness of court battles is likely to incur lasting financial and emotional scars on the parties that will live long after the judge's decision. It's best to settle disputes at the mediation level if at all possible.

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Q Does a board retreat constitute a board meeting? Our board engages in this kind of activity every year and some of us don't trust them.

A Board meetings are the venues where the board discusses and decides on HOA business. If a retreat is strictly board training, it is not a board meeting. The board, of course, must never use retreats, work sessions or executive sessions to avoid doing legitimate business at open meetings. In HOAs where there is a

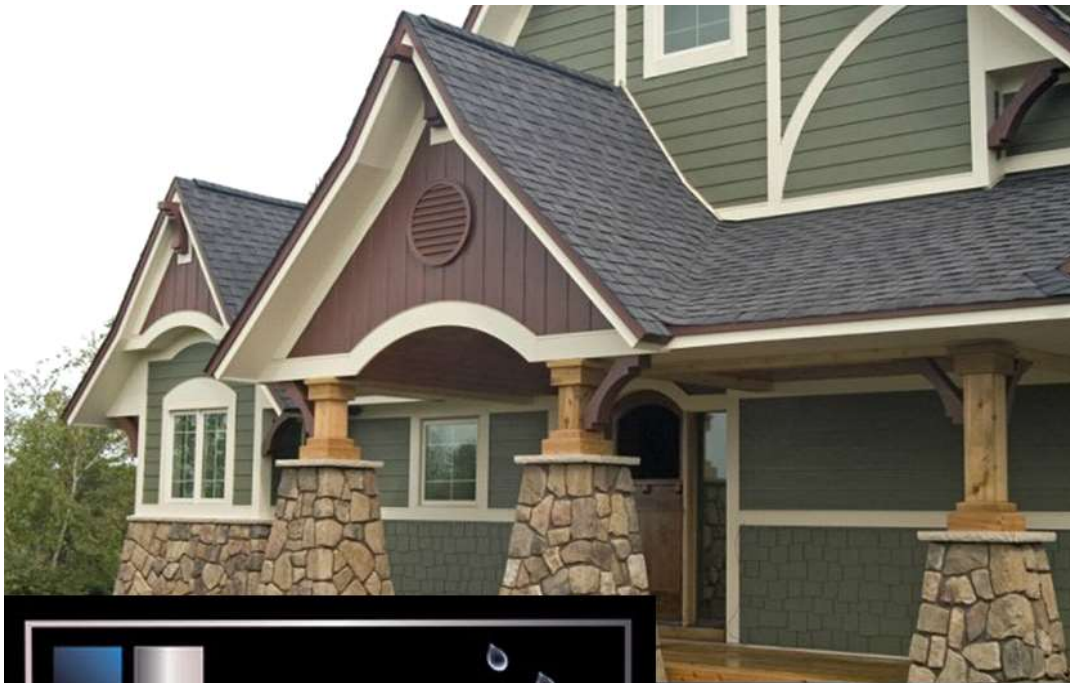
high degree of suspicion, any gathering of the board would be viewed as a meeting. These days, the most likely tripping point is use of email to decide business outside a meeting. Tread carefully on use of email unless it is merely discussing execution of meeting decision details.

Q What are your thoughts on metal roofing? We are debating whether to use it instead of composition shingles.

A Metal roofs have improved a lot over the years but are not recommended in salt air environments. The metal rusts if the paint gets scratched or perforated and salt accelerates the process. Don't buy any metal roofing product that hasn't been in use for at least 20 years, get local references to verify performance and a manufacturing company that has been in business at least as long as the warranty being offered. Be wary of warranties. They are often voidable if the product is improperly installed and there are many loopholes in most warranty fine print.

Similar advice goes for the installation contractor. Never use any company that hasn't been in business for many years and verify both licensing and insurance. For large projects, hire an independent construction supervisor to inspect the various stages of installation to ensure adherence to manufacturer specifications. It's often easier to get the installer to correct the mistake than to get the manufacturer to pony up for product failure. Make progress inspections a condition of your contract.

Q We have an issue with a neighbor who regularly smokes on his balcony. The smoke blows directly onto our balcony, through our windows and into our condo, limiting our ability to use our balcony and have our windows open. My husband and I are both allergic to cigarette smoke, so this is a health issue as well as annoying. We must rush to close windows and doors at the first smell of smoke.



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Is there anything that the HOA board can do to limit smoking in these areas and other common areas? The by-laws forbid any "noxious or offensive activities that interfere with or jeopardizes the enjoyment of other units or the common elements or which is a source of nuisance to residents."

Assuming you have explained the problem to your neighbor and asked for cooperation (you have, have you not?) and they have refused to accommodate you, the next best thing is to close your windows or fire up large fans when necessary to blow the smoke elsewhere. While this probably isn't what you want to hear, smoking is still legal outdoors. Usually, a smoker will smoke on the deck because a spouse or roommate won't let them do it inside. The building orientation and prevailing winds may further exacerbate the problem by pushing the smoke your way. Again, not much you can do about that.

The smoking issue is different when units share a common hallway or heating/ventilation system which allows the smoke to migrate from unit to unit. There have been common wall communities that have banned smoking within any common area under the very nuisance clause you quote. Like loud music, smoke can and does surpass defined perimeters like walls. And in the case of second hand cigarette smoke, it is a proven killer. It's like living next to a meth lab.

The board has the duty to deal with the problem once made aware. While no smoking policies in homeowner associations are not the norm, the evidence of the damage smoking causes to the users and others is undeniable. It's only a matter of time before common sense prevails and no smoking policies an HOA standard.☹

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Carpenter Ant 101

Carpenter Ants are a problem to humans because of their habit of nesting in buildings. While they do not eat wood, they remove quantities of it to expand their nesting facilities. This can result in significant damage to buildings and even structural collapse. This damage occurs over three or more years since the single queen produces only 200 to 300 workers over a two to four year period.

In the Pacific Northwest, most problems are caused by the species known as *Camponotus Modoc* which commonly nest in standing trees (living or dead), stumps or logs on the forest floor. Buildings built in forested areas are prime targets of well established colonies. When the colony grows larger and needs room to expand or the old nest becomes less suitable, they expand to form satellite colonies. These satellite colonies are located in nearby structures.

The parent colony contains the queen, young larvae and workers, while the satellite contains the mature larvae, pupae, workers, and/or winged reproductives. The ants move back and forth from parent nest to satellite nest to feeding areas in nearby evergreen trees like Douglas fir, true fir and cedar. Sometimes they can be seen carrying mature larvae (white and grub-like) or pupae (papery cocoons).

The ants usually maintain a trail between the parent and satellite colonies. These trails follow natural contours and lines of least resistance and also frequently cut across lawns. The trails are about 2 cm. wide, and the ants keep them clean of vegetation and debris. Traffic on these trails may be noticeable during the day, but peak traffic occurs after sunset and continues throughout the night, sharply decreasing before sunrise.

Reproductive ants (winged males and females) leave the nest anytime from early January through June. Mating takes place in swarms from May to September. Mated queens find a suitable place to live, excavate a small

home and begin laying eggs which become workers or queens. By the end of summer either workers have emerged or the larvae from late eggs become dormant. No feeding occurs during the winter months (November, December, January). The dormant phase ends about mid-January, when the queen begins laying eggs again.

Most carpenter ant workers are polymorphic which means they are different sizes. Entomologists refer to larger workers as "major" workers and the smaller workers as "minor" workers. Each colony has at least one queen that produces all members of the colony. There may be more than one queen in a colony.

When a colony gets very large (6 to 10 years old and has more than 2000 workers), it may produce winged reproductives, called swarmers. They are often produced during the summertime and may overwinter in the colony. The males often emerge first and are smaller than the females.

The diet of carpenter ants is quite varied and includes living and dead insects, honeydew from aphids, sweets, meat and fats. Workers leave the colony in late afternoon or early evening, forage during the night and return to the colony in the early morning hours. Carpenter ants carry food back to the nest intact or ingested and later feed it to non-foraging members in the nest.

Carpenter ants keep occupied galleries clean. They remove wood in the form of a coarse sawdust-like material, which they push from the nest. This often results in a cone-shaped pile accumulating just below the nest entrance hole. This pile may include, in addition to the wood fragments, other debris from the nest, including bits of soil, dead ants, parts of insects and remnants of other food they ate.

To prevent carpenter ant infestations, trim all trees and bushes so branches do not touch the house and correct moisture problems such as leaky roofs and plumbing. Paint and/or seal exposed wood construction before it

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becomes wet. Replace previously ant or termite-infested wood, rotted or water-damaged wooden parts of the structure and eliminate wood/soil contacts. Remove dead stumps on the property and store firewood off the ground and away from the structure. Stacks of firewood also attract carpenter ants. The longer wood remains undisturbed, the more likely it will become infested. It is better to keep on hand only the supply of firewood you plan to use during one heating season. Store the wood off the ground and away from the house. Spraying of firewood with pesticide to protect it is of little value and is not recommended.🐜

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Dealing with Dryrot

Dryrot is always a concern in extreme weather locations that swing from hot and dry to cold and wet. Weather like this stresses building materials and creates ideal conditions for dryrot to develop. Learning to take steps to prevent it, and to catch it early when it does develop, can save big bucks.

Dryrot is a generic term for a variety of wood fungi that causes mildew, mold, staining and decaying in wood. In order for dryrot to develop, it requires a certain combination of moisture and heat and air. If the conditions are right, it can occur before you can visually detect it, sometimes within months. Infected wood loses its structural integrity. Damaged wood must be totally replaced or the fungi, which are living organisms, will continue to spread and cause more damage. Dryrot can also attract pests such as termites, which will only compound the problem. Repairing dryrot cannot be postponed, because the damage and costs will only increase dramatically.

Dryrot can be found many places but the most common areas are the

bathroom walls/floors, around windows and sliding glass doors, decks, around roof gutters, improperly designed or installed roofs and in wet crawlspaces.

- Inspect the attic for roof leaks and moisture from improperly vented dryers or exhaust fans.
- Check interior walls around windows for mildew.
- Ask residents if any detect a persistent mildew/mold odor. Dryrot can lead to concentrated mold that is a health problem, especially for those that suffer from asthma or other lung ailments.
- Check crawlspaces for ground water or wetness. Probe floor joists, posts and flooring with a small screwdriver.
- Probe decks and deck rails wood in suspect areas.
- Check the sprinkler heads to make sure there is no direct spray hitting the buildings.
- Check for dirt to wood contact on fences, siding and deck posts.
- Look for evidence of termites and carpenter ants, both moisture loving pests.

Dryrot doesn't happen by accident. It's the result of material, installation or design problems that need to be corrected along with the removal of the dryrot itself. Left to do its dirty work, dryrot can create enormous damage in a short period of time So when it comes to dryrot, *deal* with it.🐜

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Fiduciary Sensitivity

A "fiduciary" is someone that has been entrusted to act on behalf of another. It

is an ancient and noble calling to serve another's interest for no compensation. The principle of fiduciary is central to the role of directors that serve on a homeowner association board. The members elect individuals they deem trustworthy to care for the HOA assets and that which is near and dear to all...their homes. Being a fiduciary should never be taken lightly. In the pecking order of board responsibilities, it's at the top.

There are those that sidestep their fiduciary duty in route to the board. This becomes glaringly apparent when someone gets elected and comes packing a personal agenda (hidden or otherwise). Playing out this agenda is totally contrary to the fiduciary principle. It's a wolf in sheep's clothing. There's a fox in the henhouse. Do what you would do with any varmint. Run them off.

Another anti-fiduciary slant is the "I was elected to make decisions" mentality. While maybe well meaning, this attitude presupposes that the community is just fine with whatever this person decides. By extension, this person believes that soliciting community input on important issues is a waste of time. Wrong, wrong, (repeat) wrong. Polling members on significant policy or rule changes is the height of fiduciary sensitivity. If you have the community's general agreement on a rule, there will be less need for enforcement and fewer confrontations after it's adopted. Soliciting input also uncloaks board meetings by casting hot topics directly in front of the electorate. This promotes trust. And trust overcomes the board's need to explain each and every action.

A fiduciary is a servant by definition. This means keeping others' interests above one's own. This means keeping the "Big Picture" clearly in focus rather than squinting at the small print. By filtering decisions through a fiduciary screen, the board will remain sensitive to its highest calling. Fiduciary sensitivity makes sense.🐜



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Pets That Wander

One of issues that often vex a homeowner association are pet owners that feel their pets are not subject reasonable rules of restraint. To them, animals wandering about is a natural thing. To others, it's maddening. If dogs roam the common area, there is usually an enforcement action. But, then again, dogs are relatively easy to catch.

But since cats don't bark or bite, they are easier to overlook. But they do damage to the common area and cause disturbances. Cats often use planting beds as litter boxes causing offensive smell and unsanitary conditions. Male cats fight and cause middle of the night disturbances. They wreak havoc around bird feeders. Some folks are allergic to cat hair and dander.

Tracking cats is difficult because cat owners often don't license or tag their pets. Also, much of cat wandering is done nocturnally. And non-resident cats can roam the common area just as easily as resident ones.

When it comes to enforcing pet rules, it's important to understand that pets are considered family members. This means that pet owners are often *very* sensitive to criticism. Violation Notices should stress concern for the pet's safety as much as the rights of the other community members. This helps balance the issue for many pet owners.

Repeated notices and reminder will have a positive effect for most. For the harder cases, tougher measures like fining, trapping or chemical repellents may need to be considered.

All pets that wander are not lost. To make them welcome members of the community, remind their owners of the need for restraint. Then there'll less need to wonder if they wander. 🐾

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Building Bridges

Once upon a time two brothers who lived on adjoining farms fell into conflict. It was the first serious rift in 40 years of farming side by side, sharing machinery, trading labor and goods as needed without a hitch.

Then the long collaboration fell apart. It began with a small misunderstanding and it grew into a major difference, and finally it exploded into an exchange of bitter words followed by weeks of silence.

One morning there was a knock on John's door. He opened it to find a man with a carpenter's toolbox. "I'm looking for a few days work," he said. "Perhaps you would have a few small jobs here and there I could help with? Could I help you?"

"Yes," said the older brother. "I do have a job for you. Look across the creek at that farm. That's my neighbor, in fact, it's my younger brother, and last week there was a meadow between us and he took his bulldozer to the river levee and now there is a creek between us. Well, he may have done this to spite me, but I'll do him one better. See that pile of lumber by the barn? I want you to build me an eight foot fence so I won't need to see his face anymore."

The carpenter said, "I think I understand the situation. Show me the nails and the post-hole digger and I'll be able to do a job that pleases you." The older brother had to go to town, so he helped the carpenter get the materials ready and then he was off for the day. The carpenter worked all that day measuring, sawing and nailing.

About sunset when the farmer returned, the carpenter had just finished his job. The farmer's eyes opened wide and his jaw dropped. There was no fence there at all. It was a bridge -- a bridge stretching from one side of the creek to the other! A fine piece of work handrails and all -- and the neighbor, his younger brother, was coming across, his hand outstretched. "You are quite a fellow to build this bridge after all I've said and done."

The two brothers stood at each end of the bridge and then they met in the middle, taking each other's hand. They turned to see the carpenter hoist his toolbox on his shoulder. "No, wait! Stay a few days. I've a lot of other projects for you," said the older brother.

"I'd love to stay on," the carpenter said, "but, I have many more bridges to build." 🐾

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Art of HOA Leadership

As a homeowner association board president, it can get lonely at the top. Here you are, just trying to do a good job and not even getting paid for it. Then, suddenly, you begin to feel like the bottom line for every horse's rear end that's having a bad day. You get cocktail inspired phone calls at dinnertime and maintenance emergencies *always* happen after midnight. And that loud music...*do something about it!* It's hard enough pulling the HOA barge. Why should you have to put up with all this on top of it?

You don't. You were not elected to do it yourself. You were elected to administrate the HOA's business, not to replace lightbulbs and pick up dog doo doo. As the HOA's CEO (sounds impressive doesn't it?), you are empowered to execute decisions made by the board and to hold members accountable to provisions of the governing documents. You have the authority to make decisions between board meetings. You can sign contracts and checks. You wear the Ring of Power! You da MAN (or WOMAN)! There, feel better?

There is an art to HOA leadership. Recognizing your scope of authority is essential. The president is granted

much authority and responsibility. Appreciating what you are responsible for is critical. You have been entrusted with the care of millions of dollars in real estate...the members' homes. Take this trust very seriously. (They do). Besides all the warm fuzzies folks get when they think of home, it's usually the largest investment most people have. It requires nurturing to maintain and grow its value. That's where you come in.

Managing other people's assets requires care and forethought. You need thoughtful planning and good advice. For this, turn to the experts. For legal issues, use only attorneys that specialize in HOA law. For management, use only companies that specialize in HOA management. For long range financial planning, hire a Professional Reserve Analyst (see www.apra-usa.com for a list of credentialed PRAs.) This all costs money but it's an investment in success. Spend money wisely but spend it.

A good leader doesn't need to know how everything works. A good leader just needs to know the people that know how everything works. Big difference. While experts don't work for free, they will help you navigate through the many traps and pitfalls that befall HOAs that do without them. Good leaders choose good people to execute the work.

Manage board business wisely. Do it systematically, not on the fly. The vast majority of HOA business can and should be handled at board meetings. If presented with an issue, unless it's an emergency, save it for the next meeting. Don't encourage people to come to you (board president) for decisions on the fly. Let them know, the *whole board* must discuss it.

Board meetings are designed to examine issues and get various perspectives in the decision making process. Use your board to arrive at better decisions. The president is there to guide the meeting, not to dictate

outcomes. So, promoting discussion and ideas will get directors involved and invested in the outcome. A good leader gives credit when credit's due to encourage volunteers.

The art of HOA leadership is that a leader leads and doesn't follow. But the wise leader leads by allowing others to perform key parts of the whole. At year end, all those minor parts have added up to an impressive amount of work accomplished. So to become a true homeowner association artist, paint your HOA canvas using the techniques mentioned in this "art"icle. 🎨

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Rules of Life: 0 to Z

Orion's Observation: Among economists, the real world is often a special case.

O'Reilly's Law of the Kitchen: Cleanliness is next to impossible.

Putt's Law: Technology is dominated by two types of people: Those who understand what they do not manage. Those who manage what they do not understand.

Ralph's Observation: It is a mistake to let any mechanical object realize that you are in a hurry.

Sausage Principle: People who love sausage and respect the law should never watch either one being made.

Mudhead's Second Law of Comedy: If you push anything hard enough, it will fall over.

Nick Danger's First Law Of Advice: The correct advice to give is the advice that is desired.

Rococco's Second Law Of Communication: The information conveyed is less important than the impression.

Thompson's First Law Of Innovation Management: Change is the status quo.

Tirebiter's First Law Of Communication: The purpose of the communication is to advance the communicator.

Zaro's Second Law Of Innovation Management: Management by objectives is no better than the objectives. 🎨

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I'd Do Anything

A female student steps into a professor's office after hours. She glances down the hall, closes his door and says seductively, "I would do *anything* to pass this exam."

She leans closer to him, flips back her hair, gazes into his eyes. "I mean..." she whispers, "*anything*".

He returns her gaze. "Anything?"

"*Anything*" she replies.

His voice softens. "Really? Anything?"

"*Anything*."

His voice turns to a whisper. "Would you...*study*?" 🎨

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I have to say over the years that I was in the HOA your insightful, thoughtful and precise information got used more than you will ever know. I got the other members of the board to sign up and use your information as a way to run our group.

Stacey Frank

The Regenesi s Report is a must read cover to cover every month.

Michael Gallagher - Oregon

I love The Regenesi s Report! Very useful information. I cannot wait to get next month's edition.

Jan Simon - Washington

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The Regenesi s Report

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