

# DESERT CITIES HOA COUNCIL

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## Recap of Meeting November 20, 2014

### HOA Members Represented

Aldea	Montage at Mission Hills
Canyon Sands	Mountain Villas
Cathedral Canyon #2	Parc La Quinta
Cathedral Canyon #17	Sonora Wells
Cathedral Springs	Sun City Palm Desert
Country Club Estates	Terra Lago
La Pasada	Versailles
Mira Vista	

Legal Counsel – Jennifer James – Affordable HOA Legal Services

**Speakers Present** – Steven Shuey, CCAM, PCAM – Personalized Property Management

**Welcome:** Mike Traidman, Chair

**Treasurer's Report** – To be distributed

**Guest Speaker** – Steven Shuey, CCAM, PCAM – Personalized Property Management – “Homeowner Apathy” and “Board Cooperation”

### Apathy

Steven began by saying that he believes that people do have an interest in their communities. They want to protect the value of their home. But, they are busy and pick and choose what activities in their lives that they want to devote their time to.

Many are snowbirds – their primary home is somewhere else. They are only here on “vacation”. Many are investors – looking for an income from the property. Many have never lived in a homeowners association – they don't like rules.

The HOA needs to educate all owners that when they buy in a planned development they need to give up some of their freedoms. You are still king of your castle, you just have broader responsibilities.

Most people do not care what is going on (noise, parking, dog poop, etc.) unless it is happening next to them. They need to be motivated to take a broader community wide perspective.

Steven suggests that HOAs try to hold periodic activities like block parties, pot-luck socials, and town hall meetings to facilitate neighbors communicating with each other. While you have them all together – use a PA system to share some positive thoughts with them. Or moderate a discussion.

Way to promote participation:

- Food is a big draw.
- Tell them that decision that will be made may cost them money.

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## **Rules**

Rules should be stated in positive terms to the extent possible: Instead of NO PARKING HERE, maybe APPROPREATE PARKING IS HERE. Try to make them as suggestions for appropriate behavior. But, it must also be stated that there will be repercussions if the appropriate behavior guidelines are not followed. Otherwise they will be difficult to enforce.

He suggested checking with the Community Associations Institute, your Property Management Company and/or your attorney for examples of positive Community Guidelines (Rules and Regulations).

Another problem is that tenants are not always aware of the Rules. HOAs should always deal primarily with owners. But there is nothing wrong with greeting tenants as neighbors and providing them a copy of the Rules. If you get one going right, the word spreads throughout the community.

Some communities have made a summary of the Rules that apply mainly to tenants for distribution.

You may also require owners (and tenants) to sign a document that the Rules have been provided and read by the tenants.

When infraction occurs, you send notice to the owner and copy the tenant.

Some HOAs that have had problems with damages caused by tenants have initiated requiring a "tenant damage deposit" of up to \$1,000 to fund fixing damages done. They found that when owners are assessed for damages done by tenants they often will not pay.

## **Short Term Rentals**

Many Cities and HOAs are energetically developing ordinances and Rules trying to regulate short term rentals. They are enacting 30 day minimum lease terms and all sorts of other requirements.

If a normal working person wants to lease a place for his vacation is that person likely to have a 30 day vacation?

What are you really trying to regulate? The answer is occupant behavior and conformance to the Rules. Focus on that. Put lessors and their agents on notice that when there are violations they will be subject to significant fines. If there is excessive noise, the police will be called. And/or the community will be hiring special security patrols during the music festival weekend to enforce the Rules.

## **Community Volunteers**

Many HOAs have trouble recruiting volunteers. Current volunteers must convey the message to the community that there are rewards of volunteering. If a volunteer leaves, thank them for their service, provide a certificate or other token of appreciation. Tell

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them and the community how much their service has meant to the community. Make volunteering and service to the community a positive activity.

If current volunteers (Board and Committee members) go around bemoaning the efforts required they will never get anyone to volunteer.

### **Board Cooperation**

There are 3, 5 or 7 member of most HOA Boards to provide for a broad perspective and divergence of views to issues that come up. When the Board starts a discussion the Chair must ensure control and make sure there is no arguing, raised voices, or other inappropriate behavior. If so, the Chair should call for a motion and a vote on the issue.

- That will stop the inappropriate behavior.
- That will demonstrate to any homeowners present the Board is acting in a business- like manner.

Steven suggests that when a new person or persons are elected to the Board they should request a Board Member Orientation with their Property Manager, Attorney and/or their CPA. This will help provide a proper perspective to the new people and a refresher to the existing Board members on the purpose and objectives of the Board.

He suggests that all Boards should adopt a Code of Conduct for the Board. And have all Board members sign a copy. Sample Codes are available from the CAI, Your Property Managements Company or you attorney.

If there is a disruptive Board member that will not be controlled:

- The Chair may suspend the meeting to another time
- Board may start videotaping the meetings
- Could start audio taping the meetings “to get proper meeting minutes”, tapes to be deleted following approval of the minutes.

Only the HOA members can remove a Board member through the next election or a recall election.

The behavior of the disruptive Board member will be very apparent to homeowners that attend Board meetings. And that person will have difficulty garnering support for re-election in the future.

Steven has not seen very much success in obtaining positive results from any recall election. Typically they only result in fractionalizing the community. The damage to the community then takes a long time to heal.

### **Handouts**

“Please Do Not Disturb” article from Common Ground Magazine Sept-OCT 2014  
“Disagreements with Associations” pie charts depicting nature of disagreements and satisfaction with outcomes between homeowners and their HOAs:

“Almost a quarter of respondents reported a “significant” personal issue of disagreement with their associations in the past. Of those, 52% were satisfied with the outcome, while 36% were dissatisfied. For most of the others, the issue

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was unresolved at the time of the survey. It's interesting that 24% had experienced a significant issue and 36% of them were dissatisfied, yet only 10% of residents are dissatisfied with their associations overall. This strongly suggests that the vast majority of residents recognize and appreciate the net benefit of living in their communities – even when there are differences of opinion.”

**Next Meeting** – Thursday, February 19, 2015 at the Cathedral City – City Hall

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Tom Tousignant, Recorder