

Vol. 33 • No. 3 • Mar 2015

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## COLLONS INTERESTS



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**ALSO INSIDE:** 

The Science & Skill of Irrigation
Your Community's Roofing
Five Simple Ways to Achieve "Me Time"
Is That Contract Adequate?
Is the Lowest Bidder the Best Bidder?
And More...!





## Orten Cavanagh & Holmes, LLC

ATTORNEYS AT LAW



#### **FEATURED**

#### Science & Skill: 14 **Irrigating Your Landscape Based** On a Water Budget by Brian Bair **Your Community's Roofing** 16 by Brad and Michelle Gramke 5 Simple Ways to Enjoy "Me Time" 18 **Is That Contract Adequate?** 20 by Lauren C. Holmes Is the Lowest Bidder Always 22 the Best Bidder? No Turning Back: Getting Ready 24 For Your Community's Statute of **Repose to Expire** by Christopher Griffiths, Esa. **Providing a Request for Proposal:** 26 **Some Key Insights** by Edward L. Fronapfel

#### **DEPARTMENTS**

President's Message	4
<b>Executive Director's Messag</b>	ge 5
Committee Corner	6
Capitol Chronicles	8
City Spotlight — Erie	10
Ask a Manager	12
<b>Welcome New Members</b>	13
Service Directory	30
2015 List of Committees	34
CAI-RMC Event Calendar	<b>Back Cover</b>





To Regulate or Not Regulate?

**Short Term Rentals:** 

by Jonah G. Hunt



26



The materials contained in this publication are designed to provide our members and readers with accurate, timely and authoritative information with regard to the subject covered. However, the Rocky Mountain Chapter of CAI is not engaging in the rendering of legal, accounting, or other professional types of services. While the Rocky Mountain Chapter of CAI provides this publication for information and advertising, the Rocky Mountain Chapter of CAI has not verified the contents of the articles or advertising, nor do we have the facilities or the personnel to do so. Members and readers should not act on the information contained herein without seeking more specific professional advice from management, legal, accounting or other experts as required.

## President's Message

"We have engaged Caddo
Association Leadership, LLC
(Caddo) as our new
management company—
which I'd like to officially
welcome right now!
Bridget Sebern is the
owner of Caddo and a
familiar face to
many of you."



President CAI-RMC

appy Spring to you all!

I write this article on a dark and cold day, thinking of how fast the time has flown by and how quickly Spring is approaching! We are already in March! Shortly, our industry will be booming with the business of landscaping, pool openings, major projects, etc. I wish you all a great Spring season and

Just as you'll be busy this Spring, our Chapter will be busy as well. As of the date of this article, we have engaged **Caddo Association Leadership, LLC** (**Caddo**) as our new management company—which

happy planning and accomplishing of goals!

I'd like to officially welcome right now! **Bridget Sebern** is the owner of Caddo and a familiar face to many of you. Please take a few minutes to welcome Bridget and her team! We look forward to a long and successful relationship!

In addition, manager licensing is fast approaching. A final rule setting meeting was just held and we look forward to all the final rules that managers and management companies need to abide by for licensing. A huge "Thank You" goes to all the people involved in this project—especially CLAC and the Manager Licensing Communication Taskforce. Their hard work and dedication to this project is very much appreciated!

I'd also like to take a moment and thank the rest of the volunteers in our Chapter. Without you, we would not accomplish all the great events and activities that make our Chapter so successful. If you are interested in volunteering, please contact **Bridget Sebern**, **bridget@hoa-colorado.org**, and she will put you in touch with our new Volunteer Committee!

I look forward to the next few months and the exciting events planned. Please check our website www.HOA-Colorado.org for all the upcoming events and I hope to see you all soon!



## Executive Director's Message



**BRIDGET SEBERN**Executive Director
CAI-RMC

ever cut a tree down in the wintertime. Never make a negative decision in the low time. Never make your most important decisions when you are in your worst moods. Wait. Be patient. The storm will pass. The spring will come".

—Robert H. Schuller

I'm sitting at a table during the recent manager's breakfast (which is held quarterly) and I listen as community

managers talk about ice damming, freeze / thaw cycles, snow removal, etc... I smile as I take notice of what is being said and reflect on the events that are coming up. I have no doubt that these events are going to engage and reward all of our members for managing, in one way or another, such a snowy February.

As we'll soon enter a new season, be prepared for our Chapter to embark on a path you've never seen. The Rocky Mountain Chapter of CAI has over 1,000 members and we're gaining new members every month. Our committees are running strong. With manager licensing upon us, our members are realizing how beneficial being a part of CAI is. You can't get the benefits (educational, advocacy, partnership, enjoyment, alliance, networking) that you do with CAI anywhere else. As your Executive Director, I'm proud of all that our Chapter has to offer and I will strive to continue to improve your experience as a member.

Towards the end of the month, you'll be getting information regarding the Chapter's new website. Expect emails with a new look as well. Don't forget to read through the emails as they'll contain important information about manager licensing and unique events, that are around the corner. Make the most out of your membership—get engaged!

As our Chapter transitions management this month, I will truly appreciate your patience. My intention is to make the transition as seamless as possible. Thank you in advance for your understanding during this time.

Make your March, fulfilling. A



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#### **ADVERTISING**

Deadline: First of each month for the following month's issue. NOTE: All ads must be camera ready or additional charges will apply. All ads must be prepaid. Advertising in *Common Interests* is a benefit of membership, and you must be a member to advertise. Acceptance of advertising in this magazine does not constitute endorsement of the products or services. Rates available upon request. Call 303-951-4973.

#### **ROCKY MOUNTAIN CHAPTER OFFICE**

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## **Committee** Corner



The Editorial Committee continues to work on developing creative and engaging content for the magazine. Our committee has been reaching out to industry experts to write articles. If you're interested in writing an article for the *Common Interest* magazine, please contact Maggie Bolden at mbolden@palaceconst.com.

Without the help and guidance of **Dan Schwab**, the committee wouldn't have been able to make the distinct changes to the *Common Interest* magazine layout. Dan's expertise has been extremely helpful in letting us know what the best practices and industry standards are.



Happy March from the Programs & Education Committee! In February, we had two sold out Lunch and Learns in both Denver and Fort Collins with our Manager Licensing Quiz Bowls. This month we have a CAI Essentials class for Board Members on Saturday, March 21st from 8:30am-4:30pm at the Auto Dealers Association in downtown Denver. In April, we have another exciting Lunch & Learn planned for Denver, so stay tuned for news on that in next month's edition! If you are interested in learning more about the Programs and Education Committee, please call our Chair, Melissa Keithly at (303)233-4646 or Vice-Chair Jenna Codespoti Wright (303)547-7848.

#### MARKETING & MEDIA COMMITTEE

Marketing & Media Committee has a lot of great stuff upcoming. (But that's nothing new; we always have good stuff in the pipeline!) Something you may not know about us is that we have no "on" or "off" season. We are available 100% of the time to help the chapter's committees market their events and generally provide outreach communications to the public about HOAs and our industry. It's a big job and we are not afraid to get our hands dirty. Join us for a meeting if you'd like to see what we are up to at any given time. We meet monthly on the 2nd Friday at 9:30am.



We are really excited about or next Membership Mixer at The Source, 3350 Brighton Blvd, Denver on April 2nd at 2:30pm. We've made a few field trips and if you haven't been there, it's a really great and unique place. We want to especially thank Dierdre Fye with USEFUL for all her hard work to make this a really exciting event. We also want to thank my partner in crime Wes Wollenweber with Cianco Cianco and Brown for his unwavering dedication, commitment, and hard work to CAI and whatever projects we decide to tackle. We are moving quickly on some tasks assigned to us from the Strategic Planning Session and have a few surprises ahead.



Our next roundtable will be April 22nd at the Aurora Municipal Center, 15151 E. Alameda Parkway, beginning at 5:30pm. Along with the Centennial Roundtable, this is always a well-attended meeting with over 45 HOA Board members and residents in attendance. Anyone with ideas for how to mak roundtables even more attractive to downtown residents, please let us know!

Interested in serving on our committee? Please let me know as we are always looking for members—especially HOA Board members or residents.



Want to be one of the first to know the location, theme and classes for the conference in November? Want to share your thoughts and inspiration for a successful event? Join us at our next meeting March 23rd at 10 am at Palace Construction's office at 7 South Galapago St., Denver, CO. We're thinking up a lot of fun, new ideas to make this year's conference the best yet!



Volunteer Committee is new to the scene. But don't let that stop you from wanting to join us! Right now we are planning the **2nd Annual Volunteer Recognition & Industry Night on April 17th.** (SAVE THAT DATE! And hint: There will be an 80's cover band...) We're not here to schelp around—we are here to PAR-TAY! Keep your eyes peeled for our Volunteer of The Year nomination request and also the voting email.

## CAI-RMC MISSION STATEMENT

The Community Associations
Institute Rocky Mountain Chapter
is the recognized leader in the
region for education and
advocacy to better enable those
involved in community
associations to lead and serve
their organizations.

## Capitol Chronicles

by Brandon J. Helm, CMCA, AMS, PCAM, CLAC Communications Liaison

his 2015 legislative session sure hasn't disappointed in the least! As of February 19, CLAC has actively tracked more than 10 bills and testified in front of two committee hearings during what we were originally told would be a "quiet year" for HOA legislation in Colorado.

During the month of January, CLAC launched a brand new email communication system. This system allows direct communication with CAI members and constituents to share important and often time-sensitive information about bills introduced, calls for action and status reports. If you have not received these emails from CLAC and wish to be included in our updates, please send an email to <code>info@CAI-CLAC.com</code>. Additionally, we have launched a CLAC Facebook page which provides useful information for those wishing to stay updated on legislative matters. Just search "CAI-Legislative Action Committee" and "like" our page.

On February 9, Chris Pacetti and I testified in opposition to

"We have launched a CLAC
Facebook page which provides useful
information for those wishing to stay
updated on legislative matters.
Just search 'CAI-Legislative Action
Committee' and 'like' our page."

HB-1040 in front of the House State Affairs Committee. This bill would have carved out exclusions for managers from having to become licensed in certain situations. While several amendments were attempted to keep this bill alive, it was ultimately killed in committee by a 6-5 vote.

On February 11, Molly Foley-Healy testified in front of the House State Affairs Committee in support of HB-1113 which would expand a lender's obligation to pay Assessments during foreclosure proceedings. Although the bill was amended, it was reported out of committee with a favorable recommendation! CLAC will pass along a copy of this amended bill when it is published.

As anticipated, Construction Defect bill SB-177 dropped during the middle part of February. This bill is even worse than the 2013 attempt to tie the hands of community associations when it comes to pursuing construction defect claims. Here are some of the highlights of what this bill aims to accomplish:

- Prevents a common interest community from amending its governing documents to remove mediation or arbitration requirements for construction defect claims.
- Allows the declarant to choose the arbitrator or mediator unless the community association can prove to a court that the arbitrator or mediator is not qualified.
- At least 30 days before a community association can bring any legal action (including collections, collecting delinquent assessments, obtaining restraining orders, pursuing covenant enforcement matters, etc.) the executive board must give written notice to all unit owners.
- At least 60 days before a community association can serve a notice of claim for construction defects:
  - o The board must give written notice to all unit owners.
- The notice may not be prepared or signed by the construction defect attorney
- The notice must be sent before hiring any experts or consultants
- Before an executive board can request an arbitration on a construction defect claim:
  - o The parties must submit to mediation. If the parties do not agree on the identity of the mediator, the mediator shall be the one selected by the declarant in the governing documents.
  - The board must obtain the approval of the majority of homeowners
- The homeowners may not vote by proxy.

This one is far from being over and we will certainly need your help in contacting legislators to tell them what a train wreck this bill is to the rights of Community Associations in Colorado. Stay tuned here folks.

Finally, in the coming weeks you will begin to see and hear radio, TV and print advertisements and public service announcements regarding manager licensing. These ads are being funded by the Community Association Manager International Licensing Board (CAMICB) which administers the CMCA credential and are aimed at promoting awareness and support for the licensing of Community Association Managers. For more information on what you need to do in order to become licensed by the July 1, 2015 deadline, please visit the Colorado Department of Regulatory Agencies (DORA) website. §

If you would like to stay abreast of legislative activity visit http://www.cai-rmc.org/ and click on "Legislation". CLAC will also send a call to action email should any issues arise that require your immediate attention and/or response.



No matter what size your community is, managing it can be a daily challenge.

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## City Spotlight

## **Erie**

#### **Neighborhood Watch**

Taking part in your Neighborhood Watch Program creates a sense of community. This also creates a close-knit neighborhood which reduces your chance of becoming a victim of crime. Good neighbors look out for each other and being a part of this program helps initiate the sense of community stated above. Through a strong Neighborhood Watch Program within your community, suspicious activities are reported and crimes are often stopped before they happen. Check out Erie's website for more information: erieco.gov

#### **Neighborhood Officers Program**

The Erie Police Department has assigned an officer to each participating Erie Neighborhood Watch Subdivisional Community. The officer is there to help patrol the area, assist residents with concerns, and participate in designated community events and meetings. If you have any questions or concerns that you wish to have addressed please, contact the Erie Police Department at 303-926-2800 and request the neighborhood police officer for your neighborhood.

\*IN CASE OF AN EMERGENCY, ALWAYS CALL 911\*

#### Join Erie on Facebook!!!

Visit and like the facebook page for useful updates and interesting information. facebook.com/townoferiecolorado

#### Report A Street Light Outage in the Town of Erie:

Street lights in Erie are owned and maintained by the power companies, therefore the best way to get a street light outage repaired is for you to report it to the power company that you pay your bill to (United or Xcel).

To expedite the process, you should have the pole number and nearest intersection/street or cul-de-sac. You can call or submit the request via their website:

United Power at 303-659-0551 Xcel Energy at 1-800-895-4999

#### **Emergency Alerts**

Visit the Boulder Office of Emergency Management at boulderoem.com for emergency reporting and to sign up for emergency messages. You never know when you'll need this—why wait?



#### **DID YOU KNOW???**

- New Resident Welcome Packets are mailed to residents after utility service with the Town has been established. If you have not received a New Resident Packet within 30 days after moving in or transferring title, call 303-926-2700 for assistance.
- Free Irrigation Audit—(Value: \$110)
   Available on a first-come, first-served basis until all have been claimed for the calendar year. Residents can call 303-999-3820, ext. 217, or register online at any time for a free irrigation audit.

   This would be a great spring project!

#### **CAI Social Media Roundup**

Love CAI? Of course you do! You can also Like, Friend & Follow CAI-RMC and National







#### **Twitter**

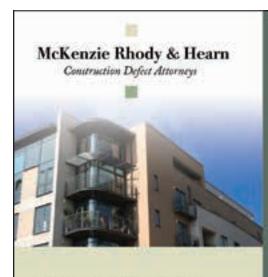
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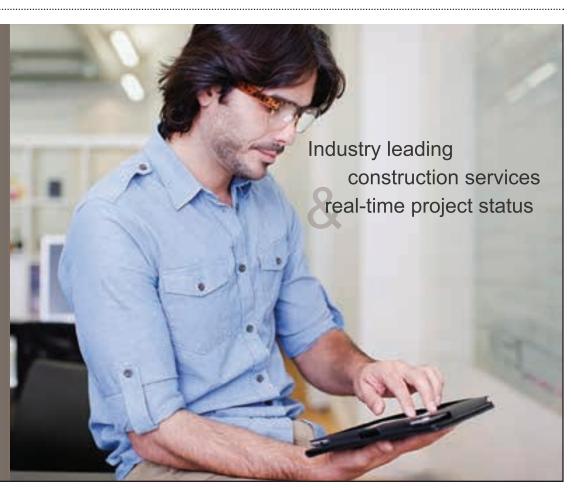
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## Manager Q&A

ommon Interests recently sat down with Gene Blum, General Manager at Heritage Eagle Bend Master Association in Aurora, CO to talk about professionalism, management, and enjoying what you do for a living. Heritage Eagle Bend is professionally managed by OB Sports Management, a company that specializes in golf course management, and employs Mr. Blum as a full-time, on-site General Manager.

### Q: You manage not only an HOA but a golf course community with a clubhouse, restaurant, and pro-shop as well. What is your biggest challenge?

The relationship between backyards and access points, believe it or not. Our community has fairways and greens – and backyards. When homeowners treat the course like it's their playground and when golfers treat backyards like walking trails, it allows for some very challenging situations. If a backyard is unkempt, the course looks bad. If a homeowner allows their dog to do its "duty" on the course, it reflects negatively on the course. If golfers don't respect the boundaries, it makes homeowners uncomfortable. There's so many variables—some which can be controlled and some that can't, no matter how hard we try.

#### Q: How is association management different than golf course management?

I'm a people pleaser. I like to make people happy. Association management doesn't allow for immediate solutions as much as, say, restaurant management. If someone is unhappy because they didn't receive their food in a timely fashion, I can immediately take care of it by taking off a portion of the bill. If a homeowner complains about the drainage issue by their home, I can't immediately go out there and fix it for them—there's processes, governing documents, policies, etc...that all have to be considered. I am very rarely able to act immediately when it comes to association management, and that can be frustrating, especially when homeowners don't understand why.

## Q: Do you feel like you could have prepared yourself better, or in a different way, before taking on a homeowner's association with such complex amenities?

No. You have to live it to understand it. Association Management is a role that requires you to dive in head first. There's so much that you can't prepare for and you only find out by learning all the variances. Every community is different—what works for one may not work for another.

#### Q: How do you define "acting in the Association's best interest"?

There's not one definition. I believe that it requires always being positive; make sure that the association is respected, both in and out of the community; take care of amenities; partnership with community government; understand how to represent the community; and increase property values.

#### Q: Do you ever have time to reflect?

Actually, yes. I find time whenever and wherever I can. The most important step is recognizing when it's necessary to take a moment and step away so that you're able to gather your thoughts and make good decisions.

Q: Association management isn't easy. You may have homeowners that complain about little things come in and out of your office regularly, especially since you're on-site. It's hard to imagine having to be concerned about how homeowners feel about their food and/or golf game on top of that. How do you handle it all?

You have to have balance. The food / beverage and golf side is subjective in nature in that it's generally personal and emotional. The homeowner side is more objective because there isn't as much room to be partial and biased—there's a set of governing documents that dictate that it's so. Finding the balance between the two and understanding influence, is fundamental.

#### Q: If you had to recount one experience of unprofessionalism, what would it be?

I believe in supporting staff and co-workers. I've had people walk into my office and denounce staff—it upsets me and I think it's completely unprofessional as it becomes more than just "feedback". You know the old saying, "you get more with sugar than you do with vinegar"?

#### Q: When you think of acting professional, what comes to mind?

Manners. Appropriate Attire. And above all else, enjoying what you do. I've been in this business for 20+ years and love coming to work every day. If you don't like what you do, it shows. ♠

\* If you know of someone who'd like to be interviewed for our monthly Q&A article, please email bridget@HOA-Colorado.org.

### Welcome New Members

#### Nurah Aleweidat—

Cheesman Gardens Homeowners Association

**Dan Anderson, II—**Metro Property Management, Inc.

#### Justin Armstrong—

BlueSky by Wyndham Vacation Rentals

Gregory D. Bourn, CMCA—Hast & Company

Lisa Bradley—TMMC Property Management

**Mary Carr** 

#### **Eric Climaco—**

Cheesman Gardens Homeowners Association

**Victoria Crocker**—Skyline Management, Inc.

Kelly Sue Ducharme—Beach Resource Management

#### Thomas Ernst—

ResortQuest by Wyndham Vacation Rentals

William Fowler—Verso Networks Inc

**Jason L Gaines** 

Anne M. Gallagher

Scott Gordon—Alpine Bank

Cheryl Grisar—NFC Amenity Management

Tannis Haley—Stillwater Community Management

#### Robert Hernbloom—

Concierge Management Group, LLC

#### Tammy Hernbloom—

Concierge Management Group, LLC

John E. Holtman

Steven R. Johnson

**Kameron Lewis** 

**Abbotts Fire & Flood** 

**Peggy Lidster—**Valencia Condominium Association

#### Michelle Messina-

5280 Drywall & Repairs/Disaster Restoration

David Pavicich—HYPHEN Property Management

#### Wendy Lyn Petrillo-Rundle, CMCA-

Vista Management Associates, Inc.

#### Lisa Shafer, CMCA

Lee Shakespeare—RMG-Rocky Mountain Group

Ken Spicocchi—Wildernest Property Management

**Michael Swartz** 

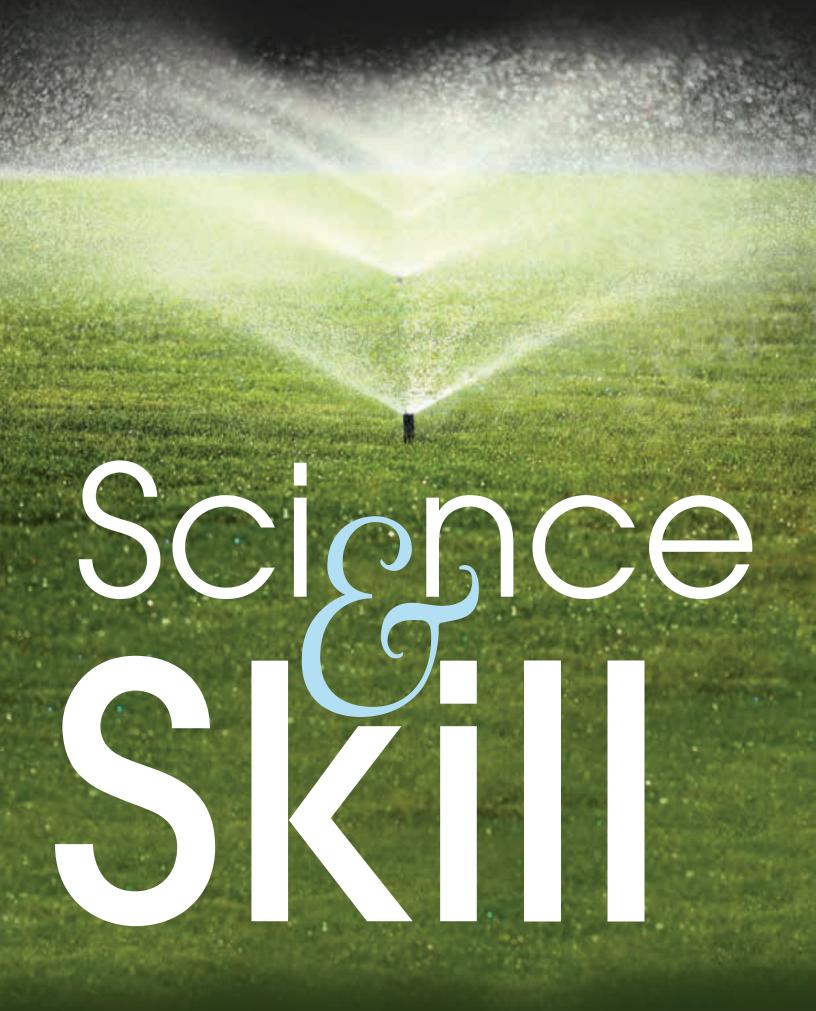
Chris Unruh—Platinum Coatings

#### **Beth Wahlers—**

Canterberry Crossing Master Association

Harold Wilson—Wildernest Property Management





### Irrigating Your Landscape Based on a Water Budget

by Brian Bair Owner, ET Irrigation

xcessive watering (watering more than what is required by the existing landscape) is like throwing money down the drain. It does not benefit the plant nor your budget. With today's rising cost of water and the need for everyone to become "water wise", property managers need to maintain a level of irrigation savvy for their clients.

#### Understanding the components of effective irrigation management

Water management—the art of maintaining an aesthetically pleasing landscape while efficiently managing water resources—incorporates both science and skill in producing a desired outcome. To help reach the desired outcome, a skilled water manager will utilize several key elements for the best management practices.

- I. Landscape Audit: Know your property. By understanding your landscape and water requirements you can create a water budget based on existing landscape parameters.
- II. Irrigation Audit: Know your irrigation system by taking inventory and mapping your system. A well-organized irrigation audit will set the stage for creating an organized Management Plan that is both proactive and sustainable which helps to successfully meet the desired goals set forth by the collective parties involved.
- III. Create a Management Plan: A good management plan sets a defined course of action, making it possible to achieve the end goals. By working on an agreed upon management plan, the irrigation manager can start working on meeting the goals and strategically move toward sustainable irrigation management practices.
- IV. **Maintenance is Necessary:** Proactive irrigation maintenance ensures that a system is operating at its peak performance on an ongoing basis and allows for upgrades to be made efficiently. A property's irrigation system that is kept in good working order will aid in reduced water costs.

While the above elements are all essential, the landscape audit deserves a bit of attention. Let's discuss.

### What information does the landscape audit provide?

The landscape audit gives the end user valuable information in the form of water requirements for a given property. All plants have a water requirement value associated with them. For water budgeting purposes we can typically categorize the vegetation areas on a property into three main water requirement categories: turf, shrub and perennial beds and annuals. By calculating the given area of each of these categories on a property, we are able to identify what the water requirements would be for a given property.

The first benefit comes as useful knowledge. By identifying a

targeted water budget number, one can calculate how much room there is for improvement and start to formulate a plan to reach that number. In other words, you now can help form expectations of landscape maintenance and the irrigation management contractors. Furthermore, if you have previously separated your irrigation management from your landscape maintenance budget, you can now quantify how well your irrigation manager has been doing his job and at what cost to your client.

The second, and arguably the most important factor in developing a water budget based on a landscape audit, is the information from which the water utilities billing structure will be based on in the not too distant future.

Water entities will most likely be moving toward some form of budget based billing. What is budget based billing and how might it work? The simplest way to explain this type of billing is the following description: A water entity would first identify a property's seasonal water budget based on a landscape audit, then based on that information, bill at different rates. One rate for water within the budget and additional rates for water used beyond the recommended budget, essentially penalizing a property for the excess use of water.

Examples are:

- Calculated indoor water use would be billed at Tier 1 rates, recommended outdoor use based on landscape as Tier 2 rates, then everything over that is Tier 3 or higher. (Higher billing rates for exceeding recommended use)
- A second model would allow for indoor and recommended outdoor use, during summer months, to be billed at Tier 1 rates, then all water use beyond the recommended amounts fall into higher tier rates. (Higher billing rates for exceeding recommended use)

The models above help show the concept of billing based on a water budget. However, there will always be different ways of billing, utilizing the same information. In other words, the data used to identify landscape water budgets will remain the same no matter how the billing is structured and calculated, therefore, the landscape audit is essential in developing a water budget to manage.

Moving forward, the goal of the irrigation manager will be to maintain the aesthetics of the property while staying inside the recommended water budget, a goal that can be very difficult to reach in some cases. By setting a goal, you have something to accomplish.

In summary, water management incorporates both science and skill in producing a desired outcome - an outcome that can be both beneficial to your budget and to the aesthetics of a property. •

Brian Bair is owner of ET Irrigation and can be reached at 720-480-4312 or brian@ etirrigation.com ET Irrigation is a Landscape Water Management company that helps clients reach their conservation goals.



# Your Community's ROCFING

by Brad and Michelle Gramke Heritage Roofing, Inc.

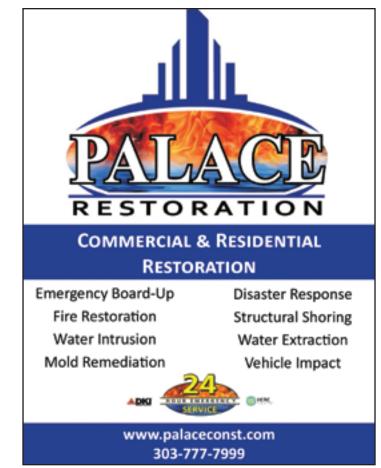
ith the dramatic weather systems in Colorado, our extreme altitude, low humidity, high winds, frequent hail, along with 300+ days of direct sun a year, the integrity of a community's roofing system should be a top priority for HOA's and management firms. These conditions all contribute to a shorter "normal" lifespan for an asphalt composition shingle. Community Managers and HOA boards are often tasked with developing a roofing maintenance plan all the way to helping their community choose a contractor when the time is upon them for a full re-roof project. The roofing system of the community is of utmost importance; however, often times, HOA's and community managers have a limited knowledge base on products and maintenance plans.

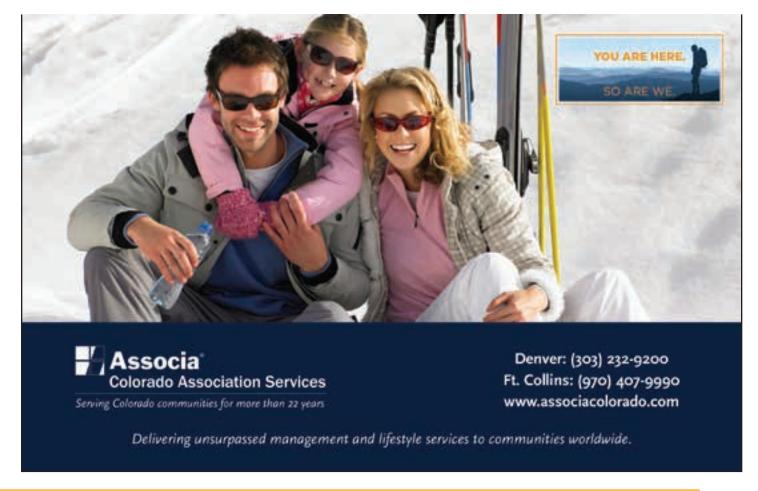
There are many products to choose from when considering a roof replacement in Colorado. The product that is most commonly used is the asphalt composition shingle. There are many grades of asphalt shingles. The most common roof system for Colorado HOA's would be an architectural shingle. This is an affordable and aesthetically pleasing product with a 50 year prorated warranty. There are a wide variety of products that range higher and lower in overall quality/warranty, but asphalt shingles will generally perform well in the Colorado weather if maintained properly.

Even the most diligently maintained asphalt shingles will likely be compromised by a significant hailstorm. Due to the regular hail storms in Colorado, when a community is replacing a composition roof, Heritage Roofing regularly recommends installing a Class 4 Impact Resistant shingle. Although a Class 4 shingle will hold up better to minor hail storms than that of a Non-Class 4 shingle, they are not hail proof. Depending on your insurance agency and the policy that your community has selected, a Class 4 shingle may help you keep a low deductible and lower annual premiums.

A regular maintenance plan is essential in order to extend the overall lifespan of your community's roofs. The best way to design a maintenance plan is to have your roof inspected and evaluated by a qualified roofing company. The most important thing throughout an inspection is that your contractor follows a standard process when evaluating the roofing system and makes you aware of the process before the inspection occurs. (An example can be found on heritageroofing.com.) Even if you have fairly new roofs we would recommend having a community inspection every year. These inspections range in cost anywhere from \$0-\$200+ an hour based upon the desired inspection. Do you want a general roof overview? Do you want a sample of the buildings surveyed or each building reviewed? Do you need a written report with pictures? All this needs to be considered when getting an inspection estimate from a roofing contractor. After the inspection occurs, your maintenance plan will be developed based on the roofing contractor's findings.

Overall, we recommend choosing a qualified roofing contractor to do your work. The most expensive item to fix in your community usually will be the roofs. That is why you want to always ask yourself: "Does my contractor focus the majority of their business in roofing?"





# 5 Simple Ways to Disconnect and Enjoy 15 Minutes of Me Time"

mericans rarely take the time to unplug during the work day. In fact, we spend just short of half the day in front of some type of screen, according to research by the Kaiser Family Foundation.

The health benefits of relaxing away from digital technology are well documented, but it still is a challenge for many to find some time for themselves. If you find yourself in this category, consider scheduling a 15 minute break every morning and afternoon. It will be quality me-time, and before you know it, those 15 minutes will become a welcomed break each and every day.

Here are five simple ways you can turn just 15 minutes into an actual break that will help refresh your whole day—and may just make you more productive.

1. Enjoy tea time: In under 15 minutes, you can brew and enjoy a cup of tea. Choose your favorite ceramic mug, add hot water, and let your Tetley Black and Green tea bag steep for two minutes while you take a breath. No peeking at your screen while your steeping! Tetley Black and Green tea is a smart choice, since it does double duty while you take a break, offering the benefits of green tea with the rich, smooth flavor of black tea. So savor the experience and the tea—and disconnect and focus your energy on yourself until your cup is empty.

**2. Meditation:** Meditation is a great way to slow the heart, calm the mind and recharge the batteries. Just 15 minutes of meditation can help you improve your focus and reduce stress, bringing your energy back so you can accomplish everything on your to-do list. Follow along with a guided meditation on YouTube to help get started.

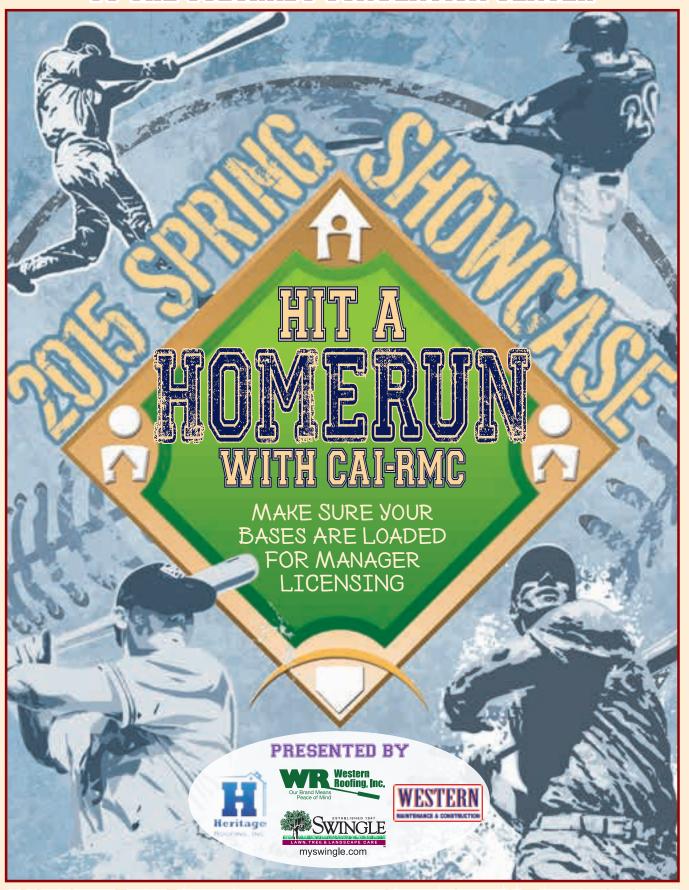


- **3. Take a walk:** Get yourself out of your home or office for 15 minutes of fresh air. Pack a pair of sneakers and set a daily appointment on your calendar. Go around the block, or pick up the pace a bit and go for the mile. By removing yourself from your working environment, you can help your brain concentrate better when you return.
- **4. Play with a pet:** Four-legged family members can quickly bring a smile to your face during a 15-minute break for playtime. Even sitting still and scratching Fido or Fluffy behind the ears can help calm you down and lift your spirits. Plus, your pet will certainly reward you with love and affection.
- **5. Stretch out the kinks:** Sitting still for too long can leave your body achy and sapped for energy. Do some desk exercises to get your blood moving, like rising up to your tiptoes for a full-body stretch. Close your office door and put your phone on do not disturb to get the break you need. A couple of yoga moves are also an option, and can help relieve any neck or back tension that might be distracting you from your work.

If you start scheduling these 15-minute breaks, you'll soon notice they become automatic, and you'll start to look forward to the times of the day when you can pull the plug and enjoy some time to yourself.  $\spadesuit$ 

### COMING TUESDAY MAY 12, 2015

TO THE COLORADO CONVENTION CENTER



LOOK FOR OUR ATTENDEE REGISTRATION FORM • NEXT ISSUE

## EDUCATIONAL SESSIONS

#### DON'T COUNT THEM OUT—SENIORS IN YOUR COMMUNITY

Seniors currently make up over 26% of the nations' population. Keeping them "in the game" as vital members of the community benefits the senior as well as the neighborhood / area in which they live. This class will discuss key characteristics of the senior population and how to create advocacy for you, your team, and your community.

#### BASE HITS: PRACTICAL STRATEGIES FOR RECORDS PRODUCTION, INSPECTION AND RETENTION

Feeling like you're "out in left field" when it comes to understanding record retention? Don't give up. In this class you'll walk away with a clearer understanding of topics such as, which association records are open to membership and how to manage all those emails between board meetings.

#### STEALING BASE: STRENGTHEN YOUR SECURITY

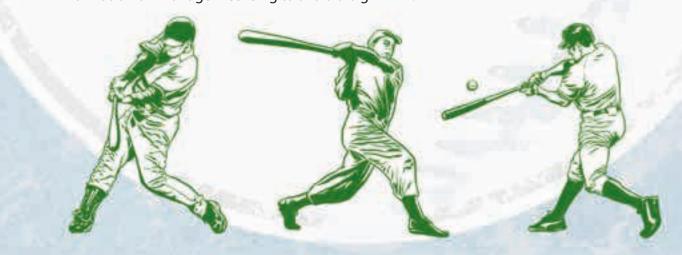
This cyber theft seminar describes key methodology by which cyber thieves penetrate a company's security. We'll discuss effective vs. ineffective ways of prevention and talk about why, how and where they are coming from.

#### BE YOUR OWN ACE: THE ART OF SELLING YOURSELF

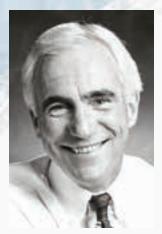
Want to get out of the bleachers and onto the pitcher's mound? In this one of a kind class, we'll give you the tools to successfully build trust with employer, staff, board members and others as well as tools to improve your own productivity and follow through.

#### BASES ARE LOADED, NOW WHAT? MANAGER LICENSING AND TEST PREP

Feel like you're ready to take the test but need a little pep in your step? Are you in scoring position for manager licensing? Wind up with us and prepare for the big test. We'll also give you updated information on manager licensing to avoid a big "whiff".



#### KEYNOTE SPEAKER



#### Special Lunchtime Keynote Address by John Cassis

John, a modern day renaissance man—played baseball for the California Angels, inspirational speaker for the Chicago Bears, minister to a small church in Colorado, director of special projects for World Relief and a professional golfer!

"YOU CAN'T STEAL SECOND BASE BY KEEPING ONE FOOT ON FIRST" —Frederick B. Wilson

#### TENTATIVE SCHEDULE

#### **TUESDAY, MAY 12**

7:30am - 8:30am Registration & Continental Breakfast 8:30am - 8:45am Welcome & Opening Remarks 8:45am - 9:45am **Education Breakout Session 1** 9:45am - 11:00am Break—in Exhibit Hall/Scavenger Hunt 11:00am - 12:00pm **Education Breakout Session 2** 12:00pm - 1:00pm Keynote Speaker & Sit-Down Luncheon for all Attendees & Exhibitors 1:00pm - 1:45pm Break—in Exhibit Hall 2:00pm - 3:00pm Legislative Update 3:00pm - 3:30pm Break—in Exhibit Hall 3:45pm - 4:15pm **Prize Giveaways** 4:15pm Spring Showcase Closing Remarks

#### **EDUCATION BREAKOUT SESSION 1**

Cyber Theft
Record Retention
Test Prep & Manager Licensing

#### **EDUCATION BREAKOUT SESSION 2**

Aging Community
Selling Yourself
Test Prep & Manager Licensing

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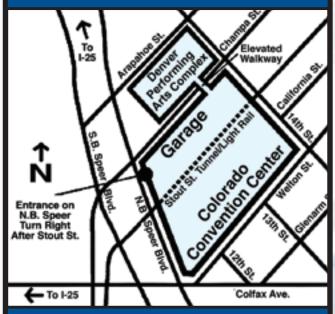
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# Volunteer Industry Recognition Appreciation Gala

All members and friends of CAI RMC are invited

Friday, April 17, 2015 at 7:00PM

for our 2nd Annual Volunteer Recognition &

Industry Appreciation Event.

Join us, celebrate another year in CAI RMC, and thank our volunteers for all they do!

And thank our sponsors, too:



**WHEN:** Friday, April 17, 2015 7:00PM-10:00PM

WHERE: Palazzo Verdi at Fiddler's Green 6363 South Fiddler's Green Circle Greenwood Village, CO 80111

WHAT: Volunteer of The Year Awards

That 80's Band

Heavy Hors D'Oeurves

Silent Auction to Benefit CLAC

**COST:** FREE for CAI Volunteers

\$20 Members & Guests

**RSVP:** www.cai-rmc.org







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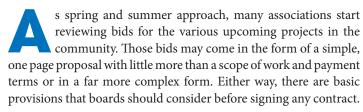


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## Is That Contract ADEQUATE?

by Lauren C. Holmes Orten Cavanagh & Holmes, LLC



- The parties and the location of the work must be correctly identified in the contract. We often see the name of the person who requested the proposal as the contracting party instead of the association.
- Contracts should set out terms such as starting and completion dates, compensation, and payment terms. If the service is of an ongoing nature, the contract should indicate when the term expires. The board should also review any automatic renewal requirements and whether that is desired.
- The scope of work should be detailed enough that both parties know what to expect from the work. If there is any question about whether certain work is included, obtain confirmation before signing the contract. It is never a good idea to assume that certain unspecified work will be performed as part of completing the specified work. The association should also verify whether obtaining necessary permits is included in the contract, or whether that is outside the scope and/or contract price.
- The length of the warranty and when it begins should be included. Also, is the warranty on just workmanship, materials or both? Is the warranty provided by the contractor or solely by the manufacturer? Is it appropriate to require the contractor to assign any manufacturer's warranties?
- The types of insurance the contractor carries should be included, especially workers compensation and comprehensive general liability. Depending on the nature of the contract, the board may also want to include minimum amounts of coverage and to list the association as an additional insured. Certificates of insurance should be provided prior to work commencing.
- Most contracts should include an indemnification requirement for damage caused by negligence and willful or wanton acts.
- Typically, when a board decides on a proposal, the identity and reputation of the contractor is a significant part of the decision. Therefore, the contract should address whether it may be assigned as well as whether subcontractors will be used on the project. Knowing in advance who those subcontractors are could prevent concerns later on.
- A contract should contain a provision awarding attorney fees and costs to the prevailing party in a dispute. In general,



parties pay their own attorney fees in the absence of a statute or agreement shifting that responsibility. Since there is no statute which provides for recovery of attorney fees in a breach of contract case, this must be done in the contract itself. Without such a provision, the cost of pursuing or defending a breach of contract matter may easily exceed the actual damages.

- 9. Most contracts should have a termination provision, especially contracts for large projects or ongoing services. Not only do you want to ensure that a contract may be terminated, but also understand the possible ramifications. Some termination provisions, as proposed, contain fees for early termination, or require the association to pay the contractor for work not performed, even if the contractor breached the contract.
- 10. Construction contracts should require lien waivers from all material providers and subcontractors prior to final payment. Depending on the length of the project and the number of partial payments to be made, the board should consider lien waivers related to each partial payment rather than waiting for the final payment.

The saying "one size fits all" does not apply to contacts. Each project will have its particular needs. A well-designed contract will meet the needs of both parties, rather than tipping the scales to one side at the expense of the other. That one page proposal on which a bid is often given will become a contract, if signed, but is rarely beneficial to the association if there is a problem with the work. For most projects, it is worth taking the time and money to make sure the contract meets the needs and expectations of the parties.





## Is The Low Bidder Always The Best Bidder?

hen purchasing services for an Association, it is imperative that the process be able to withstand the most critical of all scrutiny. In addition, a precise agreement between Purchaser and Provider will minimize any misunderstanding and conflict, and provide the necessary efficiency in getting the job done in a timely manner.

The process should clearly define all expectations and needs. In general, the typical rules of good communication still apply:

- What (is the project)
- When (is the proposal due, and work to be accomplished)
- Where (is the work to be accomplished)
- Why (is the work being requested)

The above basis questions should be addressed in the proposal request as well as in the work definition.

#### The What

The first critical step in purchasing any service requires that the scope of work be clearly defined. It is poor practice to simply state that work is to be done '...as necessary...' The RFP (Request for Proposal) needs to clearly identify the items, materials and measures necessary to satisfactorily complete the

work. Approximate quantities can be helpful in communicating the scope of work. It is never the goal to direct the vendor as to how to accomplish the work, but to clearly identify the requirements of the work. Such items such as required insurance, permits, temporary protection for residents and structures, and final acceptance procedures are to be identified. Sample copies of proposed contract should be included to clearly define your expectations.

#### The When

When identifying the anticipated timing of the project, it is best to stipulate when proposals are to be received, when award can be expected, and when the work is to be accomplished. If the project is to be phased, timing definition should be defined. Start dates and completion dates should be clearly stated

#### The Where

Obviously, identification of locations of the work is to be stated as clearly as possible. This might also address any required phasing of the work.

#### The Why

Especially in cases where the justification for the project may not be obvious, it is good practice to share the rationale behind the project request.



Before a complete well defined RFP is issued, it is beneficial to undergo some degree of prequalification of potential Providers, especially for more complicated projects. Responsive Providers would be expected to demonstrate their interest, expertise and capacity for the project. This pre-qualification step can provide reasonable assurance that the invitees can meet the expectations of the project.

Even with the best of scope definitions and pre-qualification actions, proposals can vary significantly from our expectations. At this point in the evaluation process, it is important to conduct an objective evaluation of the

received proposals. One recommended method is to develop a spreadsheet, listing the scope items and requirements of the project. Comparing each proposal against this checklist will illustrate that responses are complete and 'apple-for-apple'. It is important to understand that submitted proposals often include qualifiers and exclusions which actually become counter offers to the RFP. These added notes in proposals must be carefully reviewed, as it is often this 'small print' that causes the most conflict in a project. Important terms and conditions stated in the RFP and or learned during the bidding process should be restated in any agreement with the intended provider.

Any scope items that are not clearly defined should be identified and hourly rates and materials markups should be stipulated before any agreement is inked.



It is our experience that with most well written RFP's and Pre-qualified Proposers, costs variances are rarely more than 10%. Understanding that contractor pricing of materials and competent technicians is fairly typical amongst competitors, and markups being minimal and comparable, little cause for significant pricing differences should be seen. On occasion, a proposer may have reasonable explanation for a significant cost reduction, but buyer must beware. Underperforming materials, inexperienced technicians, and other 'special deals' must be carefully evaluated. No compromise should be allowed in performance, warranty, insurance, or legal requirements of the project.

It is very difficult to resist the using of a low cost proposal, but it is the duty of the professional to conduct a comprehensive review in order to protect the Client. Believing that costs of competing proposers are relatively similar, radically lower proposers should be able to explain where and how they are able to provide any advantage.

Throughout any negotiations and interviews, it is important to respect the conditions of confidentiality with each potential provider. The act of harvesting preferential information from one and sharing with others not only destroys the environment of competitive bidding, but can lead to having opposing competitors accept scope or conditions that they are not prepared for.

Unprepared and over-anxious providers can only position themselves for an unsuccessful project for both the Owner and themselves. Vendors who cannot complete a project only cause further delays and additional costs, not to mention their disappearance when warranty service is needed.

It is not the intention of this article to suggest that we merely dismiss the low bidder, but to encourage aggressive review of all proposals. Many competitors are creative and skilled in efficiency, and with certain expertise can be incredibly competitive. We are however offering a few warning flags to help guard against disappointing awards.





## No Turning Back

#### Getting Ready for Your Community's Statute of Repose to Expire

by Christopher Griffiths, Esq. Benson, Kerrane, Storz & Nelson, P.C.

he statute of repose is a Colorado law that prevents a homeowner or community association from filing a lawsuit

for construction defects after a certain number of years have passed. Once the time has expired, the Association has no claims against a builder. A statute of repose is different from a statute of limitations in that it begins to run upon the date of a particular occurrence rather than upon the date of an injury. Colorado's construction-related statute of limitations begins to run on the date a person discovers, or in the exercise of reasonable diligence should have discovered, the physical manifestations of a defect which ultimately causes an injury. In contrast, the statute of repose begins to run upon "substantial completion" of an improvement to real property. Because the statute of repose begins to run without regard to an injury, the statute of repose can expire before a homeowner even knows they have an injury. That is, a home could have significant construction defects and if those defects are not discovered before the statute of repose expires then the homeowner will never have any recourse against the builder.

## When does the statute of repose begin to run and when does it expire?

In Colorado, the statute of repose begins to run on the date of "substantial completion" of an improvement to real property. The term "substantial completion" is a legal term of art that generally means the date upon which the improvement could be put to its intended use. For homes, courts have held that the date of substantial completion is typically the date a certificate of occupancy is issued. This makes sense because when a certificate of occupancy is issued the house could potentially be put to its intended use (somebody could live in it). Although there are ways in which the statute of repose can expire as long as eight years following substantial completion, the statute of repose generally expires after six years.

While determining the date upon which the statute of repose expires for a single-family detached home is relatively simple,

determining the date upon which the statute of repose expires in a multifamily community can be challenging. This is for two

reasons: (1) multifamily communities contain common elements such as streets and retaining walls that do not have certificates of occupancy, and (2) multifamily communities contain numerous buildings and each unit may have a certificate of occupancy.

The problem with having multiple certificates of occupancy is that some Colorado trial courts have determined that the statute of repose begins to run on a building-by-building basis rather than the date the final building is substantially complete. Under this theory, communities that are built over many years may have units where the statute of repose could expire shortly after the developer transitions the community to homeowner control. Although this legal issue is still contested, community association managers should, in an abundance of caution, be aware of the date the first building was substantially complete and plan according to that date. When builders take many years to construct a community, the statute of repose could expire shortly, or even immediately, after the developer transitions control to the homeowners. Community association managers who are managing communities that have

recently transitioned from declarant control should keep these implications in mind.



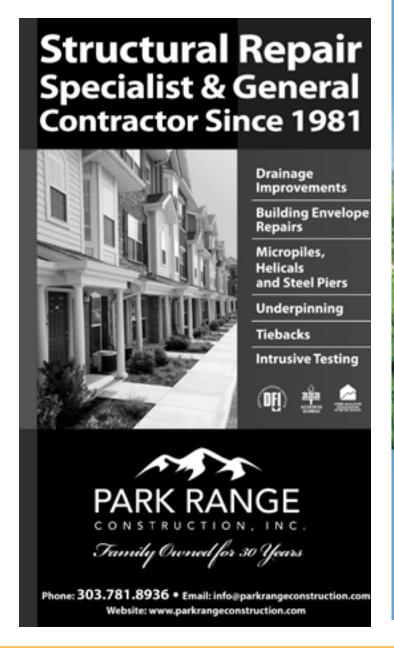
### What should a community association manager do in the final year of repose?

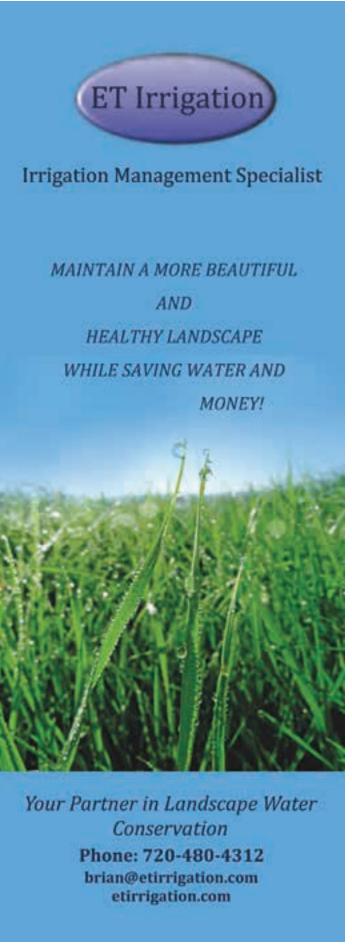
The final year of the statute of repose is a community's last opportunity to obtain recourse for defectively constructed work. Once the statute of repose expires, the community association can no longer pursue claims for construction defects. To protect community associations, managers should conduct an investigation to determine whether construction defects exist before the statute of repose expires. Some things to look for include evidence of water intrusion around windows and doors such as mold, deterioration,

or cracking; deteriorating concrete flatwork or asphalt; leaking roofs, balconies, or decks; ponding water; and unreasonably loud noise between or among units. Other things to keep in mind are complaints by homeowners. When numerous homeowners complain about similar construction-related problems, this may indicate that a construction defect is pervasive. If the Association has the funds to hire an expert such as a forensic engineer or architect, that would be the best course of action. Conducting such an investigation will ensure that the community association was built correctly and is ready to withstand years and years of abuse from the elements such as wind, hail, snow, and rain.

Determining whether construction defects are afflicting a community association is always of great importance but in the year prior to the expiration of the statute of repose the issue should be of paramount concern. Once the statute of repose expires, there is no turning back.  $\ensuremath{\uptheta}$ 

Christopher Griffiths is an associate attorney with the law firm of Benson, Kerrane, Storz & Nelson where he represents homeowners and community associations with claims for construction defects.





## Providing a Request for Proposal: Some Key Insights

by Edward L. Fronapfel, MSCE, PE, CBIE, CFCC, EDI, CBCP SBSA, Inc.

"The RFP has become more than just a request to provide a quote. We establish 1) the need for the capital improvement, 2) the potential for a designer to be engaged to define the details and provide adequate plans and specifications to allow the contractors to determine the costs within a reasonable degree of accuracy, and 3) the plans and specifications allow for verification of workmanship." o your reserve study has been provided and has identified some large capital expenditures. This year's budget requires the need of a contractor to perform services for your association. What do you do next?

Writing a Request for Proposal (RFP) for your capital project should involve some simple steps, and perhaps the skills of a trained construction professional. First, the expenditure may be tied to a need that could be suited to either a specialty contractor or a general contractor. In order to decide which route to go, you will need to consider the aspects of the work. With insurance claims, many times the insurance company will not allow a General Contractor (GC) fee to be included unless there is a combination of trades that must be coordinated and supervised. Many agencies use the three trade rule as a means to provide a GC as part of the scope. In some instances, your specialist subcontractor can perform that work without the need of the General Contractor. The General Contractor fee could include Overhead and Profit, General Conditions, Supplementary General Conditions and other fees that may not be necessary for your project or in fairness may be absolutely necessary due to the nature of the work.

Beginning this process with a definition of the scope of the project is advised. We can use a roofing project as an example. Your shake roof is outdated, and remaining useful life (RUL) requires replacement, not to mention the insurance needs for a Class A fire resistive roof. So do we simply put out a bid to provide the services of a new roofing product? We would get roofers, general contractors, restoration contractors and fly by night groups. It is important to remember that the roofing is more than felt and shingles. There are side wall interfaces, gutter and flashing needs, siding, stucco or stone flashing and weep systems, as well as new insulation and ice and water shield requirements. The need for design must be considered to ensure that the roofing is handling the interfaces and upgrades required by the codes.

So the RFP has become more than just a request to provide a quote. We establish 1) the need for the capital improvement, 2) the potential for a designer to be engaged to define the details and provide adequate plans and specifications to allow the contractors to determine the costs within a reasonable degree of accuracy, and 3) the plans and specifications allow for verification of workmanship.

The contract should be tied to the RFP so that the contractors understand the rules of the game. Will you be using a Design Build, a Construction Manager, a Construction Manager at Risk, or an Advisor to the HOA? Each of these requires a unique contract set. As you embark on the decision-making, you need to understand

the risk associated with the work to protect the HOA from poor workmanship, breach of contract, or negligence. The RFP should indicate to the bidder what contract type, expectations, time schedule, meeting requirement and milestones are to be engaged in the work.

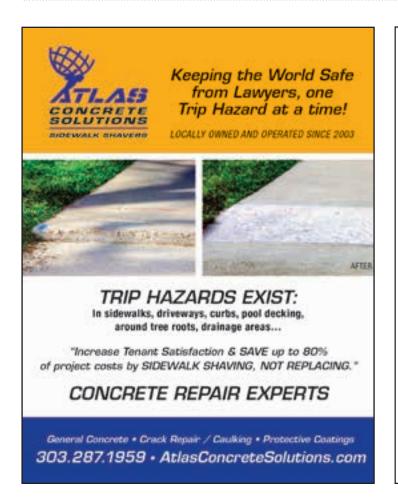
Returning to the roofing example, the first RFP is for the designers and indicates your need to have roofing plans developed to demonstrate the key details required for the integration of the roofing system with the building facades and fenestrations (windows, doors and skylights). The second is to provide roofing plans to determine the ventilation necessary, including provisions for the firewall separation requirement (4 feet under the current code, no openings are allowed in the roofing system between rated party walls); and thus the ventilation must be considered without 8 feet of soffit or ridge vents on common units. Then the integration of ice and water shield must be considered to assure that the use of a vapor barrier will not result in trapping of moisture in the new roof systems due to the inability of the building to breath. Lastly, the decision on the type of shingle is made for fire resistance, wind resistance and hail durability. We are now ready to provide an RFP to the contractors.

The contractor's RFP should include the work to be done including the designer's plans and specifications, and the anticipated schedule should be included as well. A site plan indicating where the contractor can mobilize (or a request that they provide the work layout area as part of their bid) should be included. Even a consideration for the port-o-potty should be part

of this scope. The RFP should include a meeting date for site walk with ALL of the potential bidders at a single time. The avenue for questions is to be provided and all questions shall be submitted in a like manner on a Request for Information form (RFI). The answers shall be provided to ALL potential bidders in an addendum. The bidders shall acknowledge in their bid that they have received the addendums, and considered them in the bid numbers. The bid shall have a specified closing date and time, and no late bids are to be opened or reviewed. Procrastination in the bid process likely indicates a contractor who has other work that is interfering with your work, and gives an unfair advantage.

To consider the ethical consequences of your job, you need to avoid collusion, or the appearance of collusion with the contractors in the RFP process. Following a strict guideline and keeping open records is key to show that your Association wants quality work from quality firms without the guise of promises.

So in summary, consider your work scope, the timing, and the needs of that scope to include the coordination of trades. In our roofing example, we may need framers, roofers, sheet metal workers, stucco or stone masons and trim carpenters, and finally painters. Schedule is important to consider as is allowing mobilization on the site; or if your association is already tight, you may need to require that only a single building be undertaken at one time, and the contractor will have to deal with off-site mobilization. Finally, your RFP should indicate clearly the quality and nature of the work you are requiring, as well as the insurance requirements to be in place at the time of the work. A





## Short Term Rentals: To Regulate or Not to Regulate?

by Jonah G. Hunt Orten, Cavanagh & Holmes, LLC

any associations are struggling with the decision on whether or not to regulate short term rentals in their community. Short term rentals are generally defined as rentals which are 30 days or less in duration.

#### **Authority and Enforcement**

While some associations have covenants which address short term rentals, most associations who choose to regulate do so through their rules and regulations. Colorado's Common Interest Ownership Act specifically confers upon associations the right to "(a)dopt and amend... rules and regulations." C.R.S. § 38-33.3-302(1)(a). Association bylaws also typically confer this authority on associations.

Interest with regulation of short term rentals has arisen primarily in connection with owners renting their units on their own, outside of an association's rental program. With the proliferation of such websites as VRBO.com and HomeAway.com, it is now easier than ever for an owner to rent their unit on a short term basis without the assistance of the association.

Rules are typically enacted because those owners who rent on their own receive the benefits of the association's program without having to pay a split or commission to the association.

When seeking to enact the rules, feedback should be sought from all owners. Those who rent using the association's rental program and those who rent on their own should both be consulted.

Once enacted, a grace or phase in period is recommended, after which enforcement should begin. After the initial period, during which there is guaranteed to be complaints or even confrontations, the number of violations in the community will typically drop once owners become familiar with the rules and learn how to avoid violating them.

#### Case Law

Rules and regulations which are not unreasonable, arbitrary, or capricious, and which relate to a legitimate issue of community-wide concern, will generally be upheld by the courts.

In a case from the Florida Supreme Court, Clark v. Bluewater Key RV Ownership Park, the court upheld the association's rules and regulations which regulated short term rentals in the community.

Lot owners who rented their lots using the program paid 15% of their rental income to the association as a management fee. Those who did not paid nothing. Lot owners participating in the

association's rental program and those that did not rent their lots complained to board members of the inequity that resulted from the fact that owners renting their lots independent of the association's "rental program" were not paying for their share of the expenses associated with guest or tenant use. In response, the association adopted resolutions governing short term rental of lots, including the imposition of an \$11.00 per day user fee on lot owners who rented outside of the rental program.

A lot owner who was assessed the \$11.00 a day fee sued to challenge the validity of the rules. The court made various findings, all in favor of the association, including that the rental program was not illegal or against public policy; not expressly prohibited by the governing documents; a convenience to the lot owners; reasonably related to the corporate purpose of providing for maintenance and preservation of the recreational vehicle lots, common areas and improvements; and deemed to benefit all lot owners given that the fees ultimately reduced the annual assessment for all owners.

In addition, in a recent, unreported case out of the Superior Court in San Diego, California, an association fined and eventually sued an owner who was renting his unit on a short term basis through AirBnB, which was in violation of the association's governing documents. Judgment was entered in July, 2014 in The Mark Condominium Owners Association v. Thomas Stevens. The owner was ordered to pay the association more than \$106,000 after the judge ruled that he continually violated the regulations by renting out his unit on a nightly and weekend basis, which was shorter than the 90 days the association required.

#### Opposition

Arguments against association rules which regulate short term rentals usually involve some reiteration of the argument that such rules constitute the taking of a private property right, or that the association has no legal basis to regulate what an owner does with his or her own unit.

Others plead hardship; that they would have to sell their unit without the income they receive from renting on their own.

But those arguments ignore the fundamental fairness argument which has, to date, prevailed when challenged: those using association services should pay their fair share when doing so.

Moreover, associations typically don't completely prohibit owners from renting on their own. They only regulate the manner in which the owner may do so.

#### **Municipalities**

Various towns and counties, primarily in resort areas, have also enacted regulations to keep an eye on occupancy and lodging tax collection, as well as to ensure that those owners renting on their own have obtained applicable business or lodging licenses.

The Town of Vail is currently drafting an ordinance to address short term rentals, in order to both capture more lodging tax revenue and to address concerns raised by a consortium of hotel and association general managers in the Vail Valley regarding owners renting on their own on a short term basis.

#### Conclusion

In sum, both associations and municipalities are taking a more active approach than in the past to ensure that owners renting short term on their own do adhere to the same regulations that are applicable to other owners. A

#### National News Corner

### **2015 Board Member Scholarship Winners**

We are pleased to report we got 34 applications—the most ever for scholarships to attend the 2015 Annual Conference and Exposition in Las Vegas. The \$1,000 Board Member Education Scholarships, including free conference registrations worth \$399 each, were awarded to CAI homeowner members Frederick Curry of Chesapeake, VA; Leonard Fox of Yorba Linda, CA; Karla Perkins of Washington, D.C.; and Larry Towner of Kennewick, WA. The four recipients were selected by members of the Community Associations Volunteers Committee (CAVC). The applications were sent to CAVC members with names and geographic locations blocked out. The committee's decision-making was based on essays provided by the candidates.

### **CAI Annual Conference**& Exposition

The 2015 Annual Conference is being held April 29-May 2 at Caesars Palace, Las Vegas. Make your room reservations as early as possible as we anticipate rooms filling up fast due to the boxing event taking place on May 2nd.

## Are you a Community Association Manager?

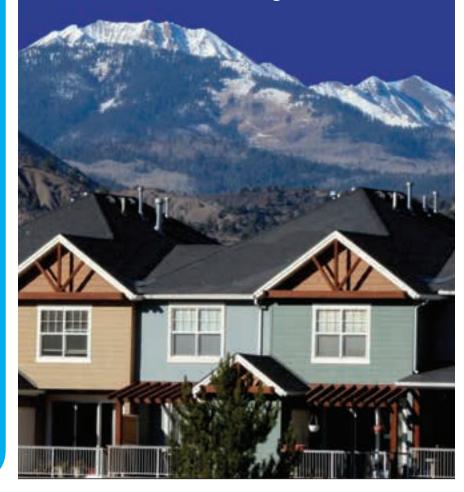
ey changes that will affect the way you do business are coming your way. Beginning July 1st, the state of Colorado will require that most Colorado community managers obtain a license to continue working in their field.

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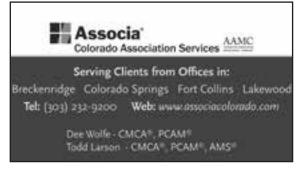
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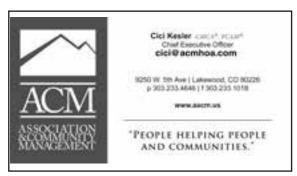


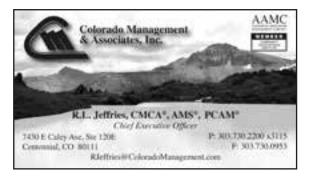
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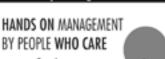
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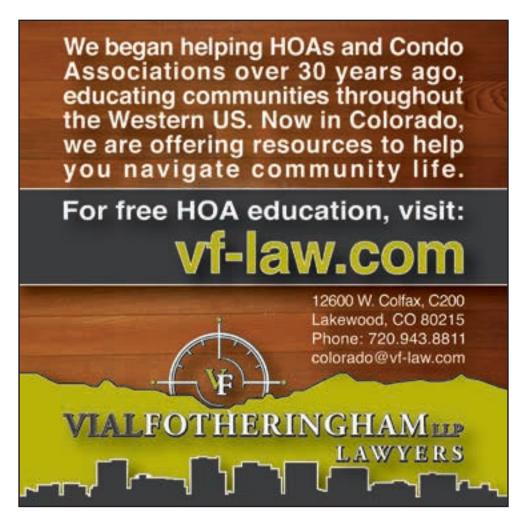
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At CAI-RMC, we're always looking for volunteers who are able to commit their time, their energy and their appreciation for what our organization does. Believe it or not, it's very simple to get involved. All you have to do is reach out to one of our committee members (chair persons are listed on this page) or our Executive Director Bridget Sebern. We'll help you find the right committee to fit your strengths. Help us make this organization the best that it can possibly be.

We couldn't do it without our volunteers!

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APRIL 2 Thu	Membership Mixer— Emerging Technologies The Source	17 Fri 7:00pm- 10:00pm	Volunteer Recognition and Industry Appreciation Gala Palazzo Verdi at Fiddler's Green Greenwood Village	
2:30pm- 6:00pm <b>9-10</b> Fri & Sat	M340—Managing the Large Scale Association Denver	<b>22</b> Wed 5:30pm- 8:00pm	HOA Roundtables—Aurora Aurora Municipal Center Aurora	
8:00am		MAY	MAY	
21 Tue 11:30am- 1:00pm	Lunch & Learn— Conflicts & Resolutions Maggiano's DTC Englewood	4 Mon 8:30am- 3:00pm	Spring Golf Fling Pinehurst Country Club Denver	

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