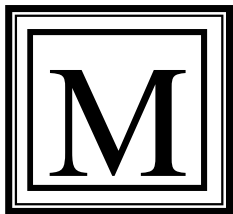


Note: This Memo is 5 pages in length.



Mulcahy Memo - Aug. 16, 2011

Published for clients and friends of the Mulcahy Law Firm, P.C.

by Beth Mulcahy, Esq.

Mulcahy Law Firm P.C. will Present 14 HOA Classes this Fall

The Mulcahy Law Firm, P.C. will present 14 HOA Classes for valley municipalities this fall. Please call your municipality for in-depth class information and registration requirements. Note: Litchfield Park has opened its classes to all community and condominium members.

Chandler

The Chandler HOA Academy is free to all Chandler residents. Chandler residents completing all four classes will receive a Certificate of Completion and will be recognized at a future City Council session.

Thursday, September 8, 2011 - 6:00 to 8:30 p.m.

Chandler City Hall

What is a Community Association and Who is in charge?

This class will look at the structure of a community association, how they function from transition to present day. An in depth look at the roles and responsibilities of the board of directors, members, manager and the Architectural committee will be discussed.

Thursday, September 15, 2011 - 6:00 to 8:30 p.m.

Chandler City Hall

The Community Association is a Business

Meetings are the glue that keeps community associations together and running smoothly. The new open meeting laws, how to conduct an efficient meeting, take minutes, use technology effectively and properly, and work productively will be discussed.

Additionally, we will discuss how to protect the board of directors and the association from the threat of a lawsuit.

Thursday, September 22, 2011 - 6:00 to 8:30 p.m.

Chandler City Hall

Creating a Successful Community through Documentation and Proper Enforcement

What documents should the association have, maintain, and how long should they be kept is an often asked question.

This class answers that question and additionally discusses if your documents should be amended. We will also cover the importance enforcing those documents - CC&R and Rules and Regulations.

Thursday, September 29, 2011 - 6:00 to 8:30 p.m.

Chandler City Hall

The Legal Aspects

The top 10 legal aspects of community associations, collecting delinquent assessments and the new 2011 community association bills will be discussed.

Contact:

Cristabel Dykstra

480.782.4354

South West Valley HOA Academy - Goodyear, Avondale and Buckeye

Saturday, September 17, 2011 - 8:30 a.m. to 12:00 p.m.

Care 1st Avondale Resource and Housing Center, 328 W. Western Ave., Avondale, AZ 85323

Large Annex Room

2011 HOA Legislative Update & Discussion on Enforcement of CC&Rs and City Codes

Did you know that the 2011 Arizona legislative session was the most active session for bills regarding the community association industry in years? This class, taught by an attorney from Mulcahy Law Firm, P.C. will provide a summary of the seven new laws (6 of which became law July 20, 2011 and one of which will become law December 31, 2011).

Changes impacting HOAs include:

- New “alternative dispute process” for homeowners and associations
- New rules regarding for sale signs and open houses
- Changes to Open Meeting Laws - members can now “record” meetings

This seminar will also include a round table discussion on enforcement of CC&Rs and City Codes with staff from Avondale, Buckeye and Goodyear and an HOA attorney.

Saturday, September 24, 2011 - 8:30 a.m. to 12:00 p.m.

Care 1st Avondale Resource and Housing Center, 328 W. Western Avenue, Avondale, AZ 85323

Large Annex Room

“Hot Topics”

- Secrets to successfully collecting delinquent assessments
- Trustee’s sales and bankruptcies
- How to get bank-owned properties to follow CC&Rs, maintain their lot and pay assessments
- CC&R enforcement
- Free question and answer regarding HOA law

In addition, a panel discussion with representatives from local banks and an HOA attorney will address foreclosures, collecting assessments and outreach efforts

Contact:

Jane Gasch at 623.882.3812 in Goodyear

Paula Mickelson at 623.333.2720 in Avondale

on-line registration, www.avondale.org/playnow

Scottsdale

Please note classes are held in various locations.

Tuesday, September 27, 2011 - 6:00 to 8:00p.m.

Mustang Library Auditorium, 10101 N. 90th St., Scottsdale

HOA Board Meetings: How they can be run legally, fairly, smoothly and expeditiously

Legal, effective and efficient board meetings create productive boards, increase morale and make it easier to recruit volunteers. Students will be given an overview on how to conduct themselves as board members or what to expect from board members.

Follow the law! The Arizona Open Meeting Law: quorum, notice, procedure, minutes

What are the roles of the individual board member and the officers?

How to plan, prepare and structure the agenda for a board meeting

Determine the type of parliamentary procedure to use and keep the meeting moving

Learn how and when residents may participate in the board meeting

Learn how to deal with conflicts that occur during a meeting

Learn how to enlist community input

Tuesday, October 4, 2011 - 6:00 to 8:00 p.m.

Mustang Library Auditorium, 10101 N. 90th St., Scottsdale

HOA Hot Topics and Recent Legislative Updates

The 2011 Arizona legislative session was the most active session for bills regarding the community association industry in years. For instance, changes to Arizona's Open Meeting Law allow association members to record or video record open meetings and regular committee meeting must also be open. How these important changes to Arizona laws will affect your association will be discussed.

Tuesday, October 25, 2011 - 6:00 to 8:00 p.m.

Via Linda Senior Center, Room 4, 10440 E. Via Linda, Scottsdale

Vendors: Bidding, Contracting & and What to do When Things Go Wrong

What you need to know when going out to bid and what steps to take once you choose the contractor are very important for completion of the project and the financial welfare of the association. We will discuss bidding and contracting terms, how to request for bid, selecting the contractor, the importance of the contract and your recourse should something go wrong.

Wednesday, November 2, 2011 - 6:00 to 8:00 p.m.

Granite Reef Sr. Center, Rm. 8, 1700 N. Granite Reef Rd., Scottsdale

Association or Homeowner Issue?

What is an association issue vs. what is a homeowner to homeowner issue? Who should be involved in settling issues such as, an owner not maintaining their yard, barking dogs, the neighbor's tree extends over the fence and needs to be trimmed, wild parties by one neighbor, green pools, owners doing car repairs all weekend with loud music in the driveway, nasty verbal spats between neighbors, parking on association streets. We will discuss these issues and more to determine when it is a homeowner issue and when it is an association issue and how it should be handled.

Tuesday, December 6, 2011 - 6:00 to 8:00 p.m.

Via Linda Senior Center, Room 4, 10440 E. Via Linda, Scottsdale

Architectural and Sub-Committees

As a standing committee, the Architectural Review Committee is one of the association's most active and important committees. Its main purpose is to review and approve or disapprove architectural submissions from owners. We will discuss how this important committee and committees in general should function for the success of the association.

Contact:

Joy Racine
Scottsdale
480.312.2342

Litchfield Park

Litchfield Park invites community association and condominium members from all valley communities to attend their Community Association Classes.

Thursday, October 13, 2011 - 6:30 to 8:00 p.m.

Litchfield Park Branch Library, 101 West Wigwam Blvd.

The Legal Aspects

The top 10 legal aspects of community associations, collecting delinquent assessments and the new 2011 community association bills will be discussed.

Thursday, October 27, 2011 - 6:30 to 8:00 p.m.

Litchfield Park Branch Library, 101 West Wigwam Blvd.

The Community Association is a Business

Meetings are the glue that keeps community associations together and running smoothly. The new open meeting laws, how to conduct an efficient meeting, take minutes, use technology effectively and properly, and work productively will be discussed.

Additionally, corporation status, annual meetings, annual audits, taxes and disability laws will be included in a discussion on how to protect the board of directors and the association from the threat of a lawsuit.

Contact:

Mary Liotta

Litchfield Park

623.935.9040

mliotta@litchfield-park.org

Surprise

The goal of the Surprise HOA Academy is to give attendees the foundational knowledge they need to understand the structure and operation of planned communities and condominiums.

Thursday, October 25, 2011 - Surprise HOA Academy in Surprise

Contact:

Ruby Sitea

623.222.3242

E-mail: ruby.sitea@surpriseaz.gov

Now is a Good Time to Start Budget Preparation

by Beth Mulcahy, Esq.

Whether the manager, a committee or a combination thereof develops the budget, it requires time and research to complete the process so it is wise to start the process early enough to complete a review of expenditures and contracts prior to the first of the year. The association budget is broken down into the operations budget which consists of daily and monthly expenditures and a reserve budget which is money reserved for large capital expenditures. Both budgets should be addressed annually and budgeted appropriately.

Listed below are 10 steps to help simplify the budget process and preparation:

1. Review last year's budget and records and compare the differences between what was budgeted and what was actually spent
2. Evaluate the needs of the community for the upcoming year.
3. Assess the needs of the community for the future.
4. Ask questions of the association's vendors.
5. Review and analyze the association's contracts.
6. Receive and analyze information from the vendors with regard to the budget.
7. Plan for the miscellaneous.
8. Budget the line item amount taking all research and information gathered into account.
8. Budget the line item amount taking all research and information gathered into account.
9. Prepare for the budget presentation to the board and homeowners.
10. Present the budget to the board of directors for adoption and the homeowners for approval.

Looking at future needs, examining past expenditures, and planning for cost of living increases will be the basis for the development of the association's budget. A good comprehensive budget will address the board's duty to maintain and preserve the association by meeting the needs of the property as it ages and the welfare of the residents.

For a more in-depth discussion about budgets, please see our October 2008 Answers Newsletter article [10 Steps To Simplify Budget Preparation](#) on the Newsletter Tab of our website.