

APRIL 2021 | SPRING



CELEBRATING

30 YEARS



## HOAMCO's New Office

We have expanded into Nevada and have a **new office in Reno!**

## Community Water Conservation

5 tips to ensure your HOA is **water-wise** for the upcoming months.



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What's Happening at  
**HOAMCO®**

EXPANDING TO  
**NEVADA**

HOAMCO is excited to announce we have expanded our operation to Nevada and are now servicing the **Greater Reno area!**

Reno, Nevada is a booming city known for its access to wonderful outdoor recreation activities – skiing and hiking in the Sierra Nevada Mountains as well as boating at Lake Tahoe – and for being “The Biggest Little City in the World.” With the enjoyment of four distinct seasons, and over 300 days of sunshine a year, we’re excited to call Reno home to our newest office.

**We can't wait to see what the future brings in Nevada.**

1991-2021

# HOAMCO®

## CELEBRATES 30 YEARS

PRESCOTT, AZ 1991

SEDONA, AZ 1997

SHOW LOW, AZ 2001

ALBUQUERQUE, NM 2002

SANTA FE, NM 2007

FLAGSTAFF, AZ 2008

PHOENIX, AZ 2011

LOS LUNAS, NM 2013

LAS CRUCES, NM 2014

SEATTLE, WA 2018

BULLHEAD, AZ 2019

DENVER, CO 2020

RENO, NV 2020

30 YEARS 2021



### TAKE A LOOK BACK WITH OUR CEO AND ORIGINAL EMPLOYEE, **JUSTIN SCOTT**

**My journey with HOAMCO began as the sole occupant in a 10x15 office, managing four communities, for which I did everything from answering the phones to keeping the books to attending the Board Meetings. I even cleaned the office every Saturday.**

In 1991 I secured my first client, Prescott Resort, a community we still partner with to this day, along with many others whose needs we've managed for 25 years or more, including such Prescott embodiments as Pine Creek, Prescott Canyon Estates, and Montana Terrace.

It's definitely been a long row to hoe with a surprisingly large number of proficiencies notched into my belt—my younger self never would have guessed that I'd have to understand management of wine bars, Olympic-size swimming pools, restaurants, day spas, golf courses, and sewage treatment plants. I believe, though, that what was most surprising of all was how much I enjoyed being in the weeds, meeting people from every walk of life, and building a solid company from scratch.

My younger self also never would have guessed that so many realizations would have struck home in my 30-year journey, the first being that when you have nothing to lose, it's easier to start. Looking back, one of my biggest challenges in the early years was meeting payroll. It seemed like every time I finally started to get ahead, the amount of work required made hiring another employee essential, which of

course, would set me back again. In 1993 I was clearing \$550 every two weeks, leading to my next "light bulb" moment—it was important to get comfortable being uncomfortable. Uncomfortable meant traveling to and opening businesses in new towns, cities and states.

My first big break came in 1999 when I earned the business of managing my first master-planned community, but it wasn't until 2002 that things really started coming together at a rapid pace. 2020 was the best year ever for HOAMCO. Our gross revenues of \$50,000 in the early '90s exploded to \$17 million in 2020. In part, I credit the inspiration of "Good to Great" by Jim Collins for our explosive success in recent years. It is, by far, my favorite book of that genre, my favorite quote in the book is "First Who, Then What?"

Over the past 30 years we have expanded to a portfolio of over 430 communities monitored by 400 employees working out of 15 offices, now housing over 60,000 sq. ft., in 5 states (Arizona, New Mexico, Colorado, Nevada, and Washington). Our client associations run the gamut from equestrian-trailed hillside homes to high-rise condominiums; from communities where "garages" house aircraft, to mega-master-plans such as Trilogy at Redmond Ridge in Washington State and Kierland, an upscale, urban community in Scottsdale, AZ – including Kierland Commons, the Westin Kierland Resort, and the Scottsdale Quarter.

Any service business is a people business, and not only are you only as good as

the people you employ, you can't win without the right winners. Even with the right team, you have to trust and be willing to delegate to your employees in order for your business to expand. I am fortunate to say that 70% of HOAMCO's staff has been with us for over five years, and 20% for over ten. Our core staff—the COO, CFO, and my Executive Assistant—have all been with the company for 20 years. There is not a doubt in my mind that treating each internal customer with the same respect and care afforded each external customer is a must. Of course, attracting the right people is always a challenge, and has been from the beginning, but I consider building the platform of amazing talent that makes HOAMCO run as one of my biggest accomplishments as well as one of the major contributors to our success.

Life is a series of "what ifs," the biggest being, if you don't go for the life you want, you absolutely will never have it. HOAMCO has proven time and time again it is our integrity and our values that our partners appreciate, and sets us apart from the "rest."

30 years ago I started in a business of enforcement and collections, but over the years our focus became centered on "community," and that is the core value we have built our business around. I am proud to celebrate three decades of excellence with you and as always, I am grateful for your partnership.

# Is Your HOA Water-wise?

Across the nation, even in regions known for their rainfall, HOAs are making water conservation a priority. Here are 5 ways you can tighten the flow of water “waste” in your HOA.



## Water-wise Your Common Areas:

With spring and summer pool openings come added residential and guest foot traffic in common areas. Make sure your facilities are outfitted with the best, up-to-date plumbing fixtures to keep your water-waste low. Touchless-feature, water-efficient faucets and toilets also reduce the spread of germs in your community. If your Board doesn't want to replace common area commodes, you can have water-saving, touchless conversion kits installed. You want to aim for no more than 1.28 gallons per flush, whereas the newest ultra-high efficiency (UHET) toilets use between .8-1.1 gallons per flush.



## Monitor Your Irrigation Timers and Audit Your Sprinklers:

Check your HOA's irrigation timers - they should be operating in the early morning or at dusk and not during the peak temperatures of a hot day. Change your batteries at the beginning of spring and set a reminder to change them again in a few weeks and ask your landscaper to adjust the irrigation timers according to the needs of the season. If your timer runs on solar energy, ensure the unit is charging properly. Observe your sprinklers for malfunctions and make sure they aren't accidentally watering a parking lot or the sidewalk. A simple adjustment by your Irrigation Specialist can save your HOA gallons of water. Avoid “misting sprinklers,” whose moisture evaporates before reaching the landscape.

## Mulch as a Water-wise Landscaping Element:

Consider adding mulch to your common area flower beds and around the roots of younger trees. Mulch is a cost-effective way to “water-wise” your HOA. Mulch retains water and protects sensitive plants from the elements. You will have healthier looking foliage and irrigate less.

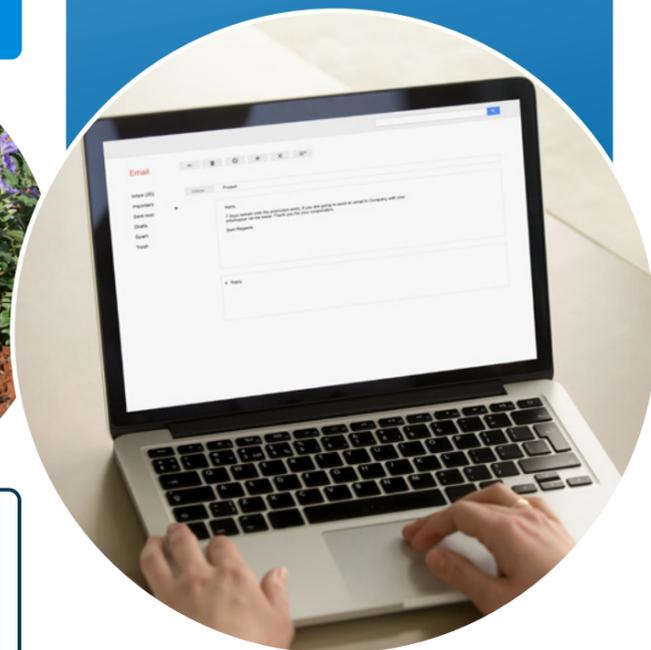


## Xeriscape and Schedule a “Water Audit”:

Partner with your landscaping company to install Xerigation driplines (low-volume irrigation) in common area greenspaces and ask your landscaper to do a “Water Audit” of your property. Your landscaping company will be able to suggest drought-resistant landscaping solutions and design a water-wise blueprint for your Board aimed at keeping your common areas beautiful while keeping your water usage low.

## Communicate with Your Residents:

Educate your residents regarding water conservation in their homes. Sending an eBlast to your members or adding a Landscaping section to your HOA website encouraging them to fix household drips and leaks, water their yards during low-heat times of the day, and remind them to turn off their faucets while they brush their teeth, are effective ways to educate your Owners on how they can contribute to water conservation within their community while saving money on their water bill.



# HOAs and the OTARD Rule

In 1996, acting under regulatory authority delegated by Congress in the Telecommunications Act, the Federal Communications Commission (FCC) issued the Over-the-Air Reception Devices Rule, 47 C.F.R. §1.4000 (the "OTARD Rule").

**The OTARD Rule protects consumer access to video programming by prohibiting restrictions on the installation, maintenance, or use of certain reception devices.**

Under the OTARD Rule, condominium, and homeowners associations cannot unreasonably restrict the use of antennas designed to receive wireless cable or local television broadcasts or satellite dishes not exceeding one meter in diameter.

## What Types of Antennas are Covered Under the OTARD Rule?

Under the OTARD Rule, the following satellite antennas are covered:

- Direct broadcast satellite antennas that are one meter or less in diameter or any size in Alaska;
- Antennas that are one meter or less in diameter or diagonal measurement and are designed to receive or transmit video programming services through multi-point distribution services, including multichannel multi-point distribution services, instructional television fixed services, and local multi-point distribution services;
- Antennas designed to receive television broadcast signals; and
- Antennas used to receive fixed wireless or broadband Internet signals.

Furthermore, under the OTARD Rule, the term "fixed wireless signals" means "any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.

## What Types of HOA Restrictions are Permitted?

Homeowners associations can enforce reasonable restrictions relating to satellite dishes and TV antennas that do not impair (or unreasonably increase the expense of) installation, maintenance, or use of the devices. A rule that designates specific areas where antennas and dishes may be placed is enforceable if an acceptable signal is available in the area and the restriction does not unreasonably increase the owner's costs.

Restrictions expressly intended for safety or for historic preservation are enforceable under OTARD under certain circumstances. Safety-related restrictions must be no more burdensome on the owner than what is necessary for the safety objective. The historic preservation exemption only applies if the property is included within the National Register of Historic Places, or eligible for inclusion. If a restriction is challenged, the HOA has the burden of showing that the restriction does not violate the rule.

Please join us in welcoming  
**these new communities!**

### **Bosque Montano**

Homeowners Association

### **Campbell Farms**

Homeowners Association

### **De La Reina**

Homeowners Association

### **Eagle Mountain Estates**

Homeowners Association

### **La Privada**

Homeowners Association

### **Laughlin Ranch**

Homeowners Association

### **Lincoln Commons Rows I**

Homeowners Association

### **Los Prados de Guadalupe**

Homeowners Association

### **Pinewood Fairway**

Condominium Association

### **The Ranch**

Condominium Association

### **Rio Compuesto**

Homeowners Association

### **Sun Mesa**

Homeowners Association

### **SunPointe at Lakewood Estates**

Homeowners Association

### **Westwood Estates**

Association

### **Woody Mountain Estates**

Homeowners Association

WELCOME TO  
**HOAMCO**

# Proficiency Practices FOR BOARDS

# Staying Educated as an HOA Board Member

Undertaking the leadership to operate and maintain a community's health is a vast responsibility. Below are 5 ways you can stay educated and informed to best serve and support your community:

## **Collaborate with your Community Manager**

As a professional in the industry, your Community Manager is one of the best resources to help your Board stay informed on new laws and ordinances. Not only can you partner with your manager to explore how these directly affect your community, but also to discover what action needs to take place to ensure you're in compliance. Lastly, your Community Manager can assist you in developing your skills and knowledge of the industry by recommending a variety of seminars and trainings.

## **Join a Professional Association**

There are many professional organizations and associations HOA Board Members can join to connect with others in the same role, utilize educational opportunities, as well as stay up-to-date on local events and news. Community Associations Institute (CAI), HOAleader.com, and Community Associations Network are some of the most popular; however, there may also be many local chapters and groups in your area worth looking into.

## **Participate in Board Training**

Whether you're new to your HOA Board or just need a refresher, Board training can help you serve your community to the best of your ability. HOAMCO's virtual Board trainings cover everything from which documents and laws "control" a community, to the roles and responsibilities of Board Members, to keeping meetings productive, to how to interpret Association financial reports. Having a strong foundation of knowledge as a Board Member is key to effectively operating your community.

## **Consult with Your Attorney**

Your HOA Attorney will have a deeper understanding of what is happening in the industry at a local, state, and federal level. Utilize your legal team to stay up-to-date on HOA legislation as well as how new laws may affect your community. We recommend subscribing to a legal newsletter to receive streamlined updates regarding HOA laws.

## **Enroll in Educational Courses and Free Seminars**

There are countless seminars and educational courses available to HOA Board Members.

Aside from HOAMCO's free virtual seminars on such topics as compliance, how to run an effective Board Meeting, budgeting, and fiscal management, Community Associations Institute (CAI) also offers a Board Leader Development Workshop that provides Boards with the tools necessary to effectively lead and govern their Association. There are countless other educational opportunities and resources available to you that will set you, your Board, and community up for success.

Board Members have an obligation to utilize the resources and connections available to them to best arm themselves with the skills, tools, and knowledge necessary to create an efficient Board and community.

HOAMCO is committed to nurturing knowledgeable, effective Board Members. Reach out to us today to learn more about how we can help your Association!



# VIRTUALLY PERFECT?

by **CLINT GOODMAN,**  
EXPERIENCED HOA ATTORNEY

## A BRIEF GUIDE ON LAWFULLY CONDUCTING VIRTUAL ASSOCIATION MEETINGS

**The** global pandemic rocked the status quo across nearly all industries, and community associations are no exception. This article focuses on concerns related to open meetings laws and voting requirements that arise as association governance goes virtual amidst the health crisis. After all, the virtual association meeting is likely here to stay after the pandemic ends because of the flexibility and convenience this technology offers. However, the law has not kept pace with these developments, meaning associations must navigate new risks as they adapt to this changing paradigm.

Board Meetings must generally be open to the members, and owners often have a right to speak before the Board votes. Statutes or community documents may also require meeting notices to state the date, time, and place of the meeting. A video conference might be a virtual "place," but the contemplated meaning arguably was a physical location. As a result, owners struggling to access a virtual forum may complain meetings are not sufficiently open or notices are deficient, especially owners intending to give the Board an earful on a particular agenda item. To mitigate these risks, a best practice is to adopt and distribute rules governing how the Board will moderate virtual meetings, including procedures for taking homeowner commentary, such as muting and un-muting, time limits for speakers, and how owners can virtually "raise their hands" to speak.

Statutes or community documents often also require members have an opportunity to vote "in person." Owners may then cry foul when an Association attempts to conduct a vote only by absentee ballots or online voting at a virtual meeting. Setting up a physical location can help satisfy an "in-person" requirement. There are other options as well, but it depends on each community's specific documents. Until public health officials advise otherwise, providing a physical location carries logistical complications related to proper sanitization and social distancing. Communities without the infrastructure to provide a safe physical space must weigh the risk of technical procedural complaints by litigious owners against the health and safety of the community.

During the pandemic, courts are likely to be more forgiving on technical defects relating to an Association's efforts to safeguard its members' wellbeing, so long as the Association can show it did everything it practically could to make the virtual meetings as open as possible and to protect owners' voting rights to the greatest extent feasible. As the health crisis wanes, though, what is practical will change. Boards should start laying the groundwork now for procedures and practices to mitigate risks associated with virtual meetings if they plan on taking advantage of this technology after the world transitions to its "new normal." We recommend you consult an attorney who practices in this area to discuss the specific requirements of your governing documents and the applicable statutes to develop the plan that works best for your community.



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SMITH**

**Goodman Holmgren Smith**  
HOA Attorneys in Arizona and Colorado  
(844) 346-6352 [www.goodlaw.legal](http://www.goodlaw.legal)

# HOAMCO® Community Spotlight

"Community management solutions as individual as each community we serve."



HOAMCO's partnership with American Ranch began in August of 2002 and we are proud to showcase their prestigious, master-planned Equestrian Community, set in stunning landscape, complete with full-service amenities.

Adjacent to the Prescott National Forest, American Ranch offers the perfect balance of outdoor adventure, diverse amenities, and authentic cultural heritage. American Ranch has two hundred acres of common area and just over two hundred spacious homesteads, ranging in size from one to thirteen acres each.

American Ranch is honored to offer a fully-staffed Equestrian Center for your boarding needs. The Equestrian Center is equipped with over forty stalls, covered arena, outdoor arena, dressage arena, round pen, hot walker, trail course, bathing stations, and several turnouts.

There is direct access to the National Forest trail system that offers endless riding and hiking! Other great amenities include the Community Center which is equipped with a fitness room, ranch house and kitchen, billiards room, game room, beach entry heated pool and pool house, tennis court, basketball court, sand volleyball court, and a catch and release fishing lake.



## HOAMCO® LOCAL OFFICES

### Prescott

(928) 776-4479  
3205 Lakeside Village  
Prescott, AZ 86301

### Scottsdale

(480) 994-4479  
14861 N. Scottsdale Rd  
Suite 201  
Scottsdale, AZ 85254

### Flagstaff

(928) 779-4202  
523 N. Beaver St  
Flagstaff, AZ 86001

### Sedona

(928) 282-4479  
35 Bell Rock Plaza,  
Suite A  
Sedona, AZ 86351

### Show Low

(928) 537-1067  
641 S. 20th Avenue  
Show Low, AZ 85901

### Bullhead City

(928) 296-8181  
2755 Silver Creek Rd,  
Suite 203  
Bullhead City, AZ 86442

### Albuquerque

(505) 888-4479  
8700-A Education PL NW  
Albuquerque, NM 87114

### Albuquerque East

(505) 888-4479  
10555 Montgomery Blvd, NE  
Bldg 1, Suite 100  
Albuquerque, NM 87111

### Santa Fe

(505) 954-4479  
1421 Luisa St, Suite R  
Santa Fe, NM 87505

### Las Cruces

(575) 523-1337  
201 N. Church St,  
Suite 202  
Las Cruces, NM 88001

### Los Lunas

(505) 865-6102  
526 Sun Ranch Village Loop,  
Los Lunas, NM 87031

### Reno

(775) 446-4479  
5484 Reno Corporate Dr,  
Suite 2  
Reno, NV 89511  
**NEW OFFICE!**

### Denver/ Thornton

(303) 280-0474  
12500 First St, Ste 6  
Thornton, CO 80241

[hoamco.com](http://hoamco.com)