Inside This Issue:
Fall Golf
Water Wise
Managing the Maze
Preventing Sticky Fingers
Are You Ready for Winter?

The mission of CAI is to provide the leadership for successful development and operation of Community Associations through information, research and education.
November brings a full house to many of our communities and marks the real start of the busy season ahead. Many community association managers are getting ready to send out their ever growing annual budget and disclosure packets, our business partners are busily preparing bids and proposals for anticipated up-coming community projects, and board members are re-visiting their goals and community needs.

Our Chapter is also busy re-evaluating the membership needs and looking for new and innovative ideas to bring interesting educational programs and networking opportunities to our business partners, managers and board members. With that in mind, please contact Wendy, our Chapter Executive Director at the CAI office if you have any ideas for programs you feel would benefit the membership as a whole. The Programs Committee is always looking for input from the membership and welcomes new ideas and fresh thinking.

Our October monthly “Breakfast with a Burglar” program proved interesting and informative. Don’t forget to mark your calendar for the November 12th Legislative Update Luncheon, “Hollywood Esquires,” where we will have a panel of experts related to HOA documents. November’s birthstone is the Topaz and Citrine (yellow in color) and its birth flower is the Chrysanthemum.

As this is a time for thanks and being grateful for what we have, whether family, friends, or the people we work so closely with, I’d like to take this opportunity to thank the many volunteers once again for their hard work and talent that they so generously give to CAI. Speaking of talent, please join me in thanking the Business Partners Golf Cart Committee, chaired by Chris Meyer, Asphalt MD’s, for an outstanding job on the CAI Golf Cart submission for the Halloweeen Extravaganza Golf Cart Parade, held on October 31st on El Paseo in Palm Desert. A special thank you to all our members who supported the committee by attending and cheering on our volunteers down the parade route. Be sure and check out the pictures in next month’s issue of a well thought out and creatively decorated golf cart! And if you missed the CAI Chapter Annual Awards Program “An Evening in Paris,” you missed a fabulous event and one where our fellow members show their appreciation for other fellow members who take the time to share their talent, time and expertise throughout the year for our Chapter. Chaired by Rick Rapp, Monarch Management, the amazing Awards Committee was responsible for yet again an outstanding event! Look to the December Quorum issue for all the highlights and award recipients!

Happy Thanksgiving to all of you, from our family to yours!

Gloria Kirkwood, CCAM®, Coachella Valley CAI Chapter President

from your Editor

In our Case of the Month by David Kline, Fiore Racobs & Powers, get the answer about a former board member’s right to inspect HOA documents.

As the Thanksgiving holiday rolls around, let’s take time to take an inventory of all the things we have good reason to be thankful for: family, health, friends, jobs, traffic (which equates to seasonal visitors that create jobs) and sushi on Friday nights.

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CAI Quorum Editor
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Fall Golf Tournament
Caribbean Carnevale
By: Tad Black, Sign-a-Rama

The 2010 Fall Golf Tournament was held on Friday, October 1st at Palm Valley Country Club, on a day when the weather was as unpredictable and diverse as the tee booth decorations. As the golf was wrapping up in the early afternoon, the heat turned to howling winds. As everyone gathered inside for the luncheon and awards ceremony, the skies opened and it poured something fierce like is rarely seen here in the desert. Inside, the fun inside for the luncheon and awards ceremony, the skies opened and it poured something fierce like is rarely seen here in the desert. Inside, the fun.

The course conditions at beautiful Palm Valley were pristine. While the weather was as unpredictable and diverse as the tee booth decorations. As the golf was wrapping up in the early afternoon, the heat turned to howling winds. As everyone gathered inside for the luncheon and awards ceremony, the skies opened and it poured something fierce like is rarely seen here in the desert. Inside, the fun.

The field of over 110 golfers was welcomed with goody bags filled with swag from business partners and management companies, as well as a sprawling continental breakfast that got everyone started on the right foot. Once on the course, the sold out Tee Booth Sponsors ensured that no one went hungry or thirsty, and regaled participants with games and giveaways. A number of the tee booths went all out to decorate in the “Caribbean Carnival” theme for the judging contest. Décor ranged from the festive Carnival Party hosted by Desert Resort Management, to the Sign-A-Rama “Voo-Doo Lounge” and everything in between. In the end, the golf participants turned in their votes and selected Asphalt MD’s and its “Pirates of the Caribbean” themed booth as the Best Tee Booth winner!

For some, golf played second fiddle to the amazing array of food and drinks that were available. Some of the favorites were finger lickin’ good ribs and fixin’s from NPG Paving, hot breakfast sandwiches and mimosas from Del Mar Pacific, a sumptuous taco bar from AMS Paving, award winning truffles from Securitas and the ever popular ice luge shots from Verizon. A huge THANK YOU to all this year’s tee booth sponsors who also included Merit Property Management, Universal Protection Security, GDS Marketing, Animal Pest Management, Boyd & Associates, Western Pacific Roofing, Ben’s Asphalt, Peters and Freedman, Empire Community Painting, and M.C. Painting. Big thanks also go to Matt Lawton with Prendiville Insurance for taking foursome pics of all the groups and having them ready for pick up at lunch.

Between bites, golfers had the opportunity to win some fabulous skill prizes. Thanks go to our Special Contest Hole sponsors who came through big again, as they always do, with fabulous prizes valued at $100 each. The winner of the Women’s Long Drive contest was Haagy Holquin of Monarch, sponsored by Valley Pools. Men’s Closest to the Pin winner was Tim Salvador of Sunshine Landscape, sponsored by Powerful Pest Management. Women’s Closest to the Pin winner was Lee-anne Brock with Artistic Landscape.

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Trophies and golf balls donated by Sercuitas, as well as prizes, were awarded to the foursomes with best and not so good scores. With Professional Community Management, the foursome of Alisa Toalson, Nick Mokhlessin, Mark Ferrell and Jim Galen took home 1st place. Followed by the Green, Bryant & French foursome of Ronald Green, Terry Sin-

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Palm Desert, La Quinta & Indio

By: Tad Black, Sign-a-Rama
**Scholarship Fund**

**ATTENTION……..ALL MEMBERS** - we are in need of funds for our CAI Scholarship recipients. Many more individuals in recent months have applied for funds to further their education in seeking their PCAM designation. Management companies and associations may find something in their budgets to donate to this very worthy cause. It is our managers that CAI is sponsoring and helping to enhance their professional skills. We are also asking our very generous business partners to help us……and all other members, in order to fund the scholarships so we do not have to decline any applications. The applicants for their part need to be dedicated to CAI, be active members and volunteer for committees and events.

We will publish the names of all financial contributors in the Quorum and also thank you personally at our monthly meetings. Call any Board member should you have any questions, or email Wendy Van Messel at wvanmessel@cai-cv.org.

Thank you!

The following have contributed so far:

- Lori Albert / Albert Management
- Fiore, Racobs & Powers
- Jen Smith Design & Graphics
- Gloria Kirkwood
- LaBarre/Oksnee Insurance
- Robert Lang
- Zoe Lombard
- Kelly McGalliard
- Nena Rutherford-Milward
- Securitas Security Services
- Pat Smith
- Louise Stettler
- Mike Walker
- Gen Wangler

See a table full of goodies to raffle off. And finally, BIG THANKS to the wonderful team of volunteers that helped make the event run so smoothly. A round of applause for Jon Wilson, Becky Hayes, Brandi Scott, Nena Rutherford-Milward, Je-rod Panell, Vanessa Roberts-pon, Charles Walters-Clark, Dan Farrar, Kiet Phan and Kyle Albert. Rest up team, ‘cuz while there will only be one golf event in the Spring next year, it promises to be bigger and better than ever! 🎉

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**HAVE YOU HEARD?**

The Have You Heard column is here for you to help us get out your information. Send in your items of interest to Wendy at wvanmessel@cai-cv.org to get your news out to the membership.

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**F**or the first time in many years, CAI National held a CED Retreat at the National Headquarters in Alexandria, VA. CEDs from around the country gathered to share ideas and learn about anti-trust issues, CAI brand messaging and much more. In addition to putting names to faces of the people they work closely with in the National office, including Tom Skiba, CAI’s CEO, CEDs were treated to a wonderful dinner at Union Street Public House, a local restaurant in the historic downtown area. The National CAI website, at www.caionline.org, is a great place members can update their information, managers can register for educational classes and check their credentials. There are always great updates for homeowners, board members, business partners and managers. Set it as a favorite on your toolbar and check it out often. On the local level, we are working on updating our website and are looking forward to having it as a great resource for our members as well. Stay tuned.

With the blessing of 13 new members of the family, Kay Ladner, GM of Motorcoach Country Club/ Desert Resort Management had the opportunity to “pay it forward.” In July, Kay’s dogs, Roxanne and Renny became proud parents to 13 healthy Labradoodle puppies. Kay’s intent was to raise service dogs and she was pleased when The Guide Dogs of the Desert selected six of her puppies. After a long summer of caring for the 13 puppies, it was a mixed blessing when they were picked up on Monday, October 4th. Kay said she was sad to see them go, but happy to only have seven puppies left to care for.

Gary Butler with Asphalt MD’s is sporting a new ticker these days. Shortly after our Fiesta Bowl event Gary found himself growing tired and not up to his usual spunk. After a visit to the doctor it was determined that he needed a pacemaker implanted. As was noticed at the Fall Golf event, Gary has made a remarkable recovery to the Gary we all know and love with his pirate costume and all.

Babies are always so special and we have a new one in our chapter. Cayden John Contreras was born on September 16, 2010 to proud parents Carlos and Kara Contreras. Cayden was born weighing 6 lbs., 7 oz’s and measured 19 inches long. Daddy Carlos is one of our awesome Business Partners, and works for Sunshine Landscape. Congrats to the Contreras family!

Want some free advertising? Have you been a member of the Coachella Valley Chapter for less than 2 years? The “Welcome Aboard” column is an avenue for you to tell the Chapter about you and your company. Contact the CAI office to request a questionnaire.

If you have any changes in your contact information or business, please submit them to the Wendy Van Messel at wvanmessel@cai-cv.org. This way there is no lapse in receiving local Chapter and National material and information and helps keep our database current and up to date. 🌟

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In Wolf v. CDS Devco, the Court of Appeal considered whether a director loses his “absolute right” to inspect records if his term as a director ends and he is no longer a director. The Court of Appeals answer? No, the absolute right to inspect corporate records does not apply to a former director.

The Facts:
Walter Wolf had been a director of San Elijo Ranch, Inc. (“SERI”) for almost 13 years when he began to suspect the corporation was mismanaged by its parent company, Devco. Over the course of a year, he made several requests to inspect corporate records, but he was unsatisfied with SERI’s responses.

Shortly before the annual meeting in 2008, Wolf inadvertently sent SERI a civil complaint that he was preparing to compel SERI and Devco to provide more complete responses to his inspection requests. In response, Devco withdrew its nomination of Wolf for a fourteenth term as a director of SERI.

The day before the annual meeting, Wolf sued SERI, seeking a court order to compel SERI to allow Wolf to inspect the corporate records. He also sought a Temporary Restraining Order (“TRO”) to postpone the annual meeting. The trial court denied the TRO. Wolf amended his complaint to clarify that he was no longer a corporate director. The trial court then dismissed his amended complaint on the grounds that he lacked standing to assert his right to inspect the corporate records. Wolf appealed.

Discussion and Analysis:
Corporations Code § 1602 provides: “Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation of which such person is a director…” Corporations Code § 8334 is a parallel provision that grants association directors the same inspection rights.

Courts have limited this “absolute right” in the past. For example, in Chantiles v. Lake Forest II Master Homeowners Assn. (1995) 37 Cal. App. 4th 914, the Court of Appeal held that a former director could not use his inspection rights to inspect ballots in the context of a challenge to the results of an association’s election. The Court based this decision partly on the members’ privacy rights and partly on the fact that a former director lacks standing to assert rights under the statute.

The Court concluded that Wolf lost his standing to assert his inspection rights when he lost his status as a director.

The Lesson:
When a former director demands to see records that only directors are entitled to, such as attorney-client communications, the demand must be refused.

David A. Kline is an attorney with Fiore Racobs & Powers, A Professional Law Corporation, in Palm Desert. He can be reached at 760-776-6511, or at Dkline@fiorelaw.com.
Eeny Meeny Miney Mo – Preventing Sticky Fingers
By: Leslie Spoor
Executive Errands

At any given time, there are thousands of unoccupied homes here in the Desert – and empty homes are a vandal’s dream. In the last six weeks, and just to this author’s personal knowledge, five different homes in five different communities were burglarized. Losses ran the gamut from small electronics to handbags; large screen televisions to cameras; laptops, keys and cash. In all cases, the sense of violation is the same – intense, scary and unnerving.

According to several local police departments, homeowners should assume their home is being “cased” at least two or three times per week. They also advise that recent economic challenges have further increased the occurrences of home invasions, burglaries and crimes of opportunity.

Crimes of opportunity include handbags stolen from shopping carts and valuables snatched from unlocked cars. According to the FBI, a laptop is stolen every 16 seconds.

Sometimes all it takes is averting your eyes for a few seconds, only to turn back to an empty table space where your laptop used to be. These are all very scary prospects.

Most people believe if their home is in a gated community, it is safer than one that isn’t. Unfortunately, this simply isn’t true. In the cases mentioned above, every one of those homes is in a gated and patrolled community. The one thing they all have in common is the location of the home. Each one is located on the perimeter of their respective communities, their back walls butting up against a busy street.

That is not to say the inner homes are any safer. It is just that these particular homes were all on the perimeter which is a little easier to access by unsavory characters.

Most community associations have at a minimum at least one manned gate, but when there are unmanned transponder gates, access control is challenging, if not impossible.

Some communities may have cameras, but have you ever wondered who is watching them? Are they catching images on tape “just in case?” Manned gate security personnel, if they’re watching the monitor when the breach happens, will probably go investigate, but again, it is rarely their job to protect your private residence.

So what is the responsibility of your security gate personnel? It can vary greatly depending on what they’ve been hired to do. Their assignments could be any one of the following:

• To act as “greeters” for people entering the community.
• To be “limited access control officers” which means they verify people coming onto the property.
• To be “patrol officers,” which means they patrol the community and watch for moving or parking violations or obvious breaches.
• To be “guards,” which means they are usually armed and honestly, there are very few communities that actually pay for (or want) armed guard service.

So what does this mean for your home? It means you need to take the necessary steps to ensure your home is properly protected.

Some people take what appear to be reasonable precautions. They leave lights on timers and put poles or extra locks in their window tracks. They have exterior lighting on motion detectors or tied to a solar cycle. They make sure their windows and doors are locked and may even utilize motion sensors or full blown security alarms in their homes.

However, what happens if a light bulb burns out? What if your smoke alarms are constantly beeping? What if trash blows into your yard in places where common area gardeners don’t work? Is your air conditioner turned up so...
high during your absence, it rarely kicks on? What if your housekeeper inadvertently leaves a door unlocked?

Each and every one of these situations happen on a regular basis and it only takes one small incident to reveal your home is empty and thus ripe for the picking.

Even if you’ve had no problems so far, all it takes is one time – one breach of your security – and it may be costlier than you ever imagined. So implement absentee home checks whether you are gone for three days, three months or three years. The best way to insure your home is safe and intact is to have someone you can rely upon and trust to make the security of your home a priority. Ms. Leslie Spoor is the founder and president of Executive Errands, a locally owned and operated Personal Concierge service. For more information about Executive Errands, please contact Leslie at 760.469.2487 or www.executiveerrands.com

So what can you do to further help ensure your home will be safe from vandals? The best thing you can do is to schedule weekly absentee home checks to keep activity in your home and to have someone local who is both regularly checking your home on your behalf and who knows what to do in the event of a breach.

And if you’re one of those longtime absentee homeowners who’ve been leaving your home empty for years with no problems, you may find that your luck is running out. It is a fact, crime is on the increase. Bank robberies, serious crimes and petty crimes have all logged increases throughout the country over the last several months. Whether the increase in crime is due to the economic situation facing our country or due to other reasons, the fact remains that we are all encountering more crime.

So, how can we reduce the chances of becoming a victim of crime? We can do so by preventing opportunities for criminals. It may sound elementary, but each of us can reduce the likelihood of being the victim of crime by taking basic precautionary steps.

1. Don’t leave items of value in plain sight in your car. Items such as sunglasses, laptop computers, purses, shopping bags, etc. attract attention and can result in a “smash and grab” crime. Remove these items from your car or at least hide them in the trunk where they can’t be seen.

2. Lock the doors to your car and home. Many people feel safe in their home and don’t lock their doors. A locked door is often enough of a deterrent to cause a criminal to go elsewhere. Breaking into a locked door takes time and creates noise. These are two issues that no criminal wants to encounter.

3. Be aware of your surroundings. Pay attention to what appears to be “normal” in your neighborhood. If something or someone looks out of place, pay attention to details and either contact your local police dept. if warranted or at least make note of the irregularity in case you learn of an incident at a later time.

Many crimes are “crimes of opportunity”, meaning that the criminal was provided with an opportunity to commit the crime. If you can reduce the opportunity available to a criminal, you reduce the likelihood of becoming a victim of crime. Sky Security offers a Homeowner Association Security Training Program and is the only security company in the United States owned by a certified manager of community associations.

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Don’t Be a Victim
By: Keith Leedom, CMCA
Founder & President – Sky Security Services

...
File Transfer In Three Flavors
(Moving Data Around Has Never Been Easier)

By: Brian Rouley
Rouzell Enterprises, Inc.

Transferring files between computers is one of the most basic methods of information exchange. In layman’s terms, it is how you get your data from one computer to another computer. The number of methods for doing this would be hard to define, so here we will look at three very common scenarios that generate the need for file transfer.

As soon as you or your business has more than one computer, the need to share data between machines and users becomes obvious. Way back before we had all of this networking technology, we had floppy disks. One person would create a file; a finished word processing document, for example, and having written that file to a floppy disk, he would walk over to his associate with disk in hand and complete the file transfer. This was known as (seriously, look it up) “sneakernet”.

It took only a few of those exercises for even the most casual personal computer user to realize that there had to be a better way. Early networks had to be a better way. Early networks were implemented in 1977. They were the forerunners of our global network. From there, we backtracked to 1971 to find the original specification for FTP (file transfer protocol – the rules that govern this type of exchange over the wires), which was revised in 1980 and again in 1985 to the current specification.

Lastly, the third scenario is more personal. Let’s say you go out and buy a new Windows 7 based PC, or you get a shiny new Apple Macintosh. Moments after you boot that new computer, you may find your files are inaccessible. Yes, your old files; the many years of collected intelligible data you’ve been storing on your less than full multi-giga-byte hard drive on your old computer. Now you need to transfer those files from the old to the new. If your computer is a Mac, the method of transfer is incredibly simple. You attach a cable between the two devices, tell the software which is the old and which is the new and a few mouse clicks later, the files will transfer to the new computer. On a PC, the task is slightly more arduous, depending on the amount of advanced planning you’ve done. If your old PC is still up and running and connected to the network, you can set up file sharing between the computers and pull or push the files to the new PC. If you had already been backing up your files to some external data repository, you could just run a restore job to put the files into a directory on the new computer. In some cases, my clients want to dispose of the old PC, and are concerned that their old hard drive contains sensitive information that should not fall into the hands of the enemy. If that hard drive is still in good condition, it often makes sense to remove the hard drive from the old PC and install it either inside the new one or put it in an external drive enclosure and attach it via a USB cable to the new PC. This allows for the data transfer and provides a convenient method for storing the old hard drive in a safe place.

There you have it. Three ideas on file transfer, each having its own purpose and scale, have been presented for your entertainment and edification. References to answers.com were made on purpose, as this resource has provided many hours of research results to this author. You may have noticed that we did not discuss the very basic transfer of files between folders on your computer. That is a topic for a very different article on file naming, folder creation and data management. For now, it is safe to say, that without a network you’ll probably not be transferring files between computers. Or, if you do, you’ll need a sturdy pair of sneakers to get the job done.

Brian Rouley is VP of Operations with Rouzell Enterprises, Inc. which specializes in computer and network support, as well as training for individuals and groups. Brian can be found at http://www.rouzell.com, emailed at brian@rouzell.com, or phone him at (760) 902-5898.

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**Are You Ready for Winter? Now is the Time!**

By: Julie Villelli  
Del Mar Pacific General Contractors, Inc.

Fall is a great time to think about getting your home or community association ready for what qualifies as “winter” in the Coachella Valley. While our weather is often mild even during the coolest months, we can all enjoy saving energy and money this winter with these eight easy tips:

**Check Your Heating System**  
- Stock up on air filters for your furnace, and replace them monthly. Your heating system will be more efficient, and it will use less energy.  
- If your heating system is old, you might consider updating it. According to the California Energy Commission, a pre-1977 gas furnace is probably 50 percent to 60 percent efficient today. Modern gas furnaces, on the other hand, achieve efficiency ratings as high as 97 percent. Replacing an old heating system can cut your natural gas use nearly in half!  
- Check your heating ducts for leaks. Ducts can become torn or crushed and flattened, and leak for years without you knowing it. Have any damaged ducts repaired or replaced.

**Use Your Programmable Thermostat**  
- If you have a programmable thermostat, use it! If you don’t have one yet, make getting one a priority. You can automatically turn down the heat when you’re away from home or when you’re sleeping. It takes less energy to warm a cool home than to maintain a warm temperature all day. Using a programmable thermostat can cut your heating costs from 20% to 75%.

**Reverse Your Ceiling Fans**  
- Reverse the switch on your ceiling fans so they blow upward. This is especially important in rooms with high ceilings, where heat that naturally rises is forced back down into the room.

**Inspect Your Fireplace**  
- Make sure the top of your chimney is capped or screened to keep out birds and rodents.  
- If your chimney hasn’t been cleaned for a while, or if you used your fireplace regularly last winter, you may want to contact a chimney sweep to remove creosote and soot.

**Check Your Doors and Windows for Leaks or Drafts**  
- Weather-stripping and caulking are inexpensive and effective tools to help you save energy and money. Add weather-stripping or caulk any holes that allow heat to escape.  
- If your windows leak badly, consider replacing them with newer, more energy efficient ones.  
- Make sure your doors seal properly.

**Insulate Your Wall Sockets - Really!**  
- Believe it or not, electric wall plugs can let cold air inside. You can use pre-cut, foam gaskets that fit behind the switch plate, or in a pinch, just insert child-proof socket covers in unused electrical outlets.

**Inspect Roof, Gutters & Downspouts**  
- Check the flashing to make sure water can’t get into the building.  
- Replace any broken roof tiles.  
- Clean out rain gutters.

**Update Safety Equipment and Emergency Preparedness Kits**  
- Test smoke and carbon monoxide detectors to make sure that they work.  
- A good time to replace batteries in all safety equipment is at the end of Daylight Savings Time.

**Cooler weather is just around the corner. Taking the time now to implement just a few of these tips will help you save energy and money, and even stay a little safer when the thermometer drops.**

Julie Villelli is the Director of Marketing of Del Mar Pacific General Contractors, Inc. The local office in Palm Desert specializes in renovations, reconstruction, enhancements and maintenance of community associations. Julie can be reached at jvillelli@delmarpacific.com.
Managing the MAZEd of Business Partner
Insurance Requirements

By: Patrick Prendiville, CIRMS
Prendiville Insurance Agency

L

et's face it. Managing an HOA means long hours, lots of continuing education, and the patience of Mother
Theresa in dealing with certain homeowners. At any
given time, you may have a homeowner on the phone from An-
gry Hills HOA complaining about the neighbor's barking dog
for the umpteenth time, 14 e-mails from the board at Late Pay
Lane HOA about the reserve summary, and now you need to
review paperwork from a contractor. As busy as you are, be
to be sure to give this last bit your full attention—here's why:

Here are some suggestions I hope you will find helpful
for the association to be covered, you need to ask for and
receive a separate document that is specifically called an
"Additional Insured Endorsement," naming your HOA and
your management company.

When issued properly, this endorsement will provide li-
ability protection against claims related to the contractor's
work, the most basic being an injured person or a claim
for damaged property. However, a huge concern is "Prod-
ucts and Completed Operations" and the A/I Endorsement
must grant this coverage in order to be truly effective. All
parties involved want to know that when the work is done
and the contractor has gone on to another job, any sub-
sequent damage caused by the contractor's previous work
will be covered.

Unfortunately for all parties involved, A/I Endorsements
are not all created equal as there are many different ver-
sions. Each version either restricts or grants coverage
and the consequence and meaning of each form is often chal-
len ged in the courts. So, how do you tell which version
you have? It's actually quite easy. Each version is given
a specific number followed by the date it was created or
modified. For instance, a popular endorsement is the CG
2010 11 85. The CG 2010 is the version of endorsement
and the 11 85 refers to November 1985. When the CG
2010 was modified in July of 2004, that version was
shown as 2010 07 04. Fun, isn't it? Ok, I admit it's not.
But it is actually quite important to identify which version
you have received, as they all have different conditions.
To go through all of the different versions and subsequent
modifications would really be quite exciting, but I think the
editor of this publication would appreciate me wrapping
this explanation up.

Here's the bottom line: To be safe, you should consult with
your HOA attorney and decide which A/I Endorsement to
request when hiring contractors. If a contractor gives you a
different version, have the attorney review it and advise you.

For added protection, require the endorsement to be "pri-
mary and noncontributory" which is a shorter way of say-
ing that the business partner insurance policy will pay first
and will pay the entire claim until the limits of insurance
are exhausted. By adding this language to the A/I Endorse-
ment, the association will be further removed from involv-
ing their own insurance coverage.

The importance of an additional insured endorsement:

Protecting the association from a negative financial impact
is perhaps the most important job of the manager and the
board. Paying careful attention to the details of an A/I En-
dorsement is key in delivering protection. Let's take a look
continued on page 25

Attention Managers!!!
Want to earn the
PCAM designation?

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to CAI manager
members.
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for more details.
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email wvanmessel@cai-cv.org

Check your Contractor's
license type and status: Before you
select the winning bid, you should have already checked
the contenders’ license status which will verify that their
licenses are active. Also check the classification of each
license, making sure they’re a match for the job at hand.
After all, you don't want to hire a painter to re-roof your as-
sociation. These checks can be easily performed at www.
cslb.ca.gov. You can also verify that the contractor has a
valid license bond which greatly helps out should a legal
dispute arise. For contractors with ongoing jobs at your as-
sociations, this process should be done annually. Consider
adding this action on your HOA’s annual calendar.

Get an additional insured endorsement (A/I): This docu-
ment, separate from a certificate of insurance, protects the
HOA and management company with extra coverage.
So while a contractor's certificate of insurance does a great
job of proving coverage by listing the insurance company,
policy number, coverage dates and limits of coverage, it
don't tell you much else. Even if the certificate states
"Whispering Winds HOA and Great Management Compa-
ny" are named as additional insured this doesn't guarantee
that the contractor actually has an additional insured en-
dorsement and should not be accepted as such. In order

3 WAYS TO CUT YOUR
FALL WATER BILL

- Adjust your irrigation
controllers for the cooler
fall temperatures

- Participate in CVWD’s
Large Landscape Smart
Controller Rebate Program

- Convert your grass to
Lush & Efficient Desert
Landscaping

For more information,
call Coachella Valley Water District
at (760) 398-2651 or visit www.cvwd.org

Adjunct Information:

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Adjunct Information:
Fall Golf Tournament
CARIBBEAN CARNEVALE
October 1, 2010 - Palm Valley Country Club
Managing the Maze
continued from page 21
at two scenarios:
Randy the Handy Roofer slips on the Spanish tile roof he’s working on and one of the tiles bonks Mrs. Squeakywheel on the head while she’s watering her hydrangeas. Mrs. Squeakywheel ends up needing 13 stitches. Same deal: Randy the Handy Roofer slips on the Spanish tile roof he’s working on and one of the tiles bonks Mrs. Squeakywheel on the head while she’s watering her hydrangeas. Mrs. Squeakywheel ends up needing 13 stitches. She sues and the claim is filed to each carrier. Because there was either no A/I Endorsement or an invalid one, Randy the Handy Roofer’s insurance carrier tells the HOA and its carrier that while they are defending their contractor client, they will not be providing a defense for the HOA.

As the HOA is named in the subsequent lawsuit, their carrier mounts a defense. During the investigation, you are required to have multiple phone conversations with the defense team that the HOA has been provided. A deposition is scheduled to investigate who was hired, why they were hired, and was there a game plan in place for safety issues that may arise. Oh, by the way, don’t forget that one or more board members will also likely be involved in the process.

Nobody is happy. Endless amounts of time and money are being burned, and your workload on the 57 other things you’re supposed to be doing is looming and growing larger by the minute. A satisfactory outcome would result in the HOA’s insurance carrier convincing Mrs. Squeakywheel’s legal team that the HOA was in fact not responsible for the bonk on her head. However, besides the wasted time of the manager and board, the HOA’s carrier would have spent potentially thousands of dollars and the result would be to potentially increase the insurance rates of the HOA due to the claim payment. And now, you’ll most likely start the entire scenario over again, since the management company will also be a party to the claim. Again, the ultimate goal is to protect the HOA. And, in doing so—you yourself.

When to ask for an additional insured endorsement: Any time you have a business partner working on the premises, you should secure an A/I Endorsement. This includes not only “Tiles From Italy” hired for a special one-off hand-glazing job, but business partners who work on an ongoing basis, like landscapers and pool service providers. For these business partners, it’s a good idea to have a set system of knowing when to update all documents. Again, this is where your HOA annual calendar may help you out.

continued on page 26
Some managers request the A/I Endorsement from all contractors in the bidding stage. While there is no harm in this, it may make more sense to obtain the A/I Endorsement only from the winner of the proposal. During the bidding process, the manager can certainly verify proper insurance coverage and limit the possibility of a winning bidder not being able to produce the appropriate documents later.

Whom to Name on the Additional Insured Endorsement: Without question, the association and the management company need to be named as additional insured. Lately, there has been a trend of allowing catch-all wording for contractors that work at multiple HOA’s within the management company. This wording implies that the additional insured is the management company, and de facto includes all associations managed by them. With this wording, one endorsement may work for multiple associations. I am unaware of any challenges to this wording; it’s probably a creative way to reduce the workflow. But even so, you should check with your attorney for the proper wording and validity.

Policy Exclusions: As powerful as an A/I Endorsement is, it will not speak to any policy exclusions, and those can be very important. Due to an explosion in claims, some contractors have had policy exclusions that prohibit or limit the contractor’s involvement in certain jobs for multi-family housing, including condominiums. There are two ways to verify that there are no such exclusions: Order a complete copy of the policy and ask your attorney to review the policy and its exclusions to identify language that will limit coverage. Or, you may also have the contractor’s insurance agent or carrier write a letter certifying that there are no exclusions or limitations allowing the contractor to perform a specific job. I prefer the first option but the latter is better than doing nothing.

Limits of Insurance: The limits of insurance should always start out at $1,000,000 per occurrence and $2,000,000 aggregate. This means that the contractor is covered for $1,000,000 in a single event, but no more than $2,000,000 will be paid out in a year if there were more than one claim. Depending on the job and the advice you get from legal counsel, it may be more appropriate to ask for higher limits.

Auto and Workers’ Compensation: Make sure your contractor has provided auto liability including owned, non-owned and hired auto coverage with the same limits as above. Also, it is imperative that the contractor carry Workers’ Compensation. Over the last several years, we’ve all seen the press surrounding this issue, so I will skip the details. Suffice it to say, this is a critically important aspect in protecting the association, as well as the management company.

So, there you have it. Even if you handle all these matters perfectly, you still may not be selected to be the Grand Marshall of the Rose Parade, however, by avoiding some major pitfalls, you also won’t have to move into The Dog House HOA.

Patrick Prendiville is the owner of Prendiville Insurance Agency in San Juan Capistrano and Rancho Mirage. Mr. Prendiville holds his CIRMS designation and can be reached at 760-770-5868.
Did you and your landscaper irrigate this summer the same as one year ago, or did you monitor and adjust for the actual temperatures? Since the number of large landscape customers who met their water budgets decreased this summer compared to spring and winter months, I suspect many people didn’t adjust properly to the uncharacteristically cool summer.

While an impressive 80% of homeowner associations and others with dedicated landscape meters met their water budgets in January and February of this year, the numbers started slipping as we headed into spring. Approximately 63% met their May water budgets; the numbers kept slipping as we moved into summer with only 54% meeting their budgets in August.

For large landscape customers to get back into the 80% range this fall and winter, it’s important to remember that landscaping needs in the desert vary significantly from season to season. Grass typically needs only 1/3 to 1/4 the amount of water in the fall and winter than it needed in the summer. Since many homeowner associations overwatered this summer, the water use needs to be cut back significantly by November and December.

Those who took advantage of increased water budgets for grass reseeding will have to make an even larger adjustment to their irrigation time. Remember: For the most part, grass in the Coachella Valley doesn’t need daily irrigation in the winter; and desert landscaping is happy with only two days irrigation per week.

If it rains this winter, please remember to turn off your irrigation systems and keep them off until the soil surface has substantially dried. Because water budgets are based heavily on weather, this will be an important step in meeting your budget, as well as being an obvious way to eliminate water waste.

Also remember that if brown spots emerge in grass areas, it doesn’t mean the sprinkler time needs to be increased. If that was the case, the stressed grass would be a blanket of brown. Smart irrigators know brown spots are early indicators of an irrigation problem.

Broken or misdirected sprinkler heads and improperly matched sprinkler nozzles are among the most common causes for brown spots. Other causes are problems with pressure or wind drift, both of which can prevent the water from reaching full coverage. The culprit can also be a shrub that has grown over a sprinkler head and is blocking the water flow. Regardless of the cause, the sooner the problem is identified and fixed, the less likely it will affect your ability to stay within your water budget.

Throughout the Coachella Valley, residents are getting smarter and smarter about proper irrigation techniques and the numerous benefits and beauty of desert landscaping. Large landscape customers are learning how to communicate with their landscape professionals to understand and set common water conservation goals. By reducing water waste and better managing water usage, we’re collectively making a difference in the Coachella Valley’s future groundwater supply.

Regardless of the cause, the sooner the problem is identified and fixed, the less likely it will affect your ability to stay within your water budget.

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Summer, typically, has a reputation for being the slower time of the year in the Desert. Bucking that trend, numerous HOAs and management firms began or completed some large undertakings at their associations this summer, in order to be ready for the winter season and all of the folks returning to the Desert.

Planning and budgeting for these projects was a particular area of interest, so we also delved deeper into the funding requirements for many of the projects to discover if there was adequate preplanning and pre-budgeting (reserve funds) or if special assessments were needed in order to adequately fund such projects.

Cathedral Canyon HOA #11 completed its Virginia Greame Baker pool retrofit project this summer. The Association used The Leak Detectors to accomplish the job and were quite satisfied. They also continued with landscape refurbishing, making certain areas desert-scape. These improvements were funded out of reserves and through special assessments, according to Steven Shuey of Personalized Property Management.

Palm Desert Resorter was in the midst of completing the second tract of its desert landscaping redesign as well as completing a new website that utilizes and electronic mailing system, all paid though reserve funding, according to manager Sherry Arnswald of Albert Association Management.

Rancho La Quinta finished another pool conversion to solar (for a total of nine spas and two pools in two years), all previously reserved for; completed smart irrigation installation for the entire club in April, which was paid out of reserves. All trees were trimmed, road slurry completed, new lighting for tree up-lights to LED’s, new signage throughout the community and 150 trees removed, again all paid for with reserve funds. Their big project was the installation of a new dog park, (better known as the RLQ Kennel Club), costing approximately $100,000, funded through user fees according to manager Mary Walker of Desert Resort Management.

Palm Springs Villas I, Palm Springs Villas II, Desert Shores Resort and Cathedral Canyon # 2 worked on pools to be in compliance with the Virginia Greame Baker Act. All were funded out of reserves except for Cathedral Canyon # 2, which funded from both reserves and a one-time special assessment, according to Cyndi Gould of Personalized Property Management.

Laguna De La Paz repainted the interior of their Clubhouse and installed new carpeting, funded by reserves. They expanded their maintenance yard parking lot out of general operating expenses. Additionally, they rehabilitated their second tract of its desert landscaping redesign as well as completing a new website that utilizes and electronic mailing system, and also fixed a leaking pool that was wasting 18,000 gallons of water each month. Additionally, with funding assistance form the Coachella Valley Water District, the Association installed 19 smart irrigation controllers, according to manager Donna Gorton of Desert Resort Management.

While this list is extensive, it is by all means not a complete listing of all the many projects that were underway or completed over the past few summer months.

If your association has recently completed any required projects or “glamour” projects, please feel free to let our editorial staff know of them so we can highlight your association and management firm as well.

Send your projects to: editor@cai-cv.org. Be sure to let us know if they were funded with reserves or special assessments.

Tim Bloom is owner of Brite and Clean, Inc. and Shelly Ruesgségger is a manager with Personalized Property Management.

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CAI Monthly Meeting
Palm Valley Country Club • Palm Desert

“Breakfast with a Burglar”
Business Partner Appreciation Night
Strategic Marketing
in 2011

First of all, we would like to thank all those that attended the first annual Business Partner Appreciation Night on October 5th. At the event, the new 2011 CAI Marketing Plan was unveiled by Gloria Kirkwood and Cyndi Koester. The Plan outlines what opportunities exist for CAI business members to better promote their services and products to other CAI business members, managers, homeowners and board members.

In response to challenging economic times, the Board of Directors elected to offer discounts on selected marketing opportunities. The Platinum, Gold and Silver sponsorships are being discounted by 15%, 10% and 5%, respectively.

Akin to the old-fashioned “lay-away” program that department stores used to offer, the CAI chapter is offering a new program that allows advertising members to reserve their advertising for a mere $50 per event. Basically, this gives members the ability to reserve the opportunity before it’s gone, and then gives them the ability to pay for it before the event happens. There is some fine print details you need to look over, but this is an incredible opportunity that members should act quickly upon before the opportunities are gone.

In a nutshell, members have both educational and social events that they can use to promote their companies. Each event has its own strategic benefit, so do take some time to read the 2011 Marketing Plan and decide how your company can best benefit from all the CAI events on the new year’s calendar.

A great big thanks goes out to the Business Partner mixer sponsors; Desert Resort Management, The Merit Companies, Glenda Scott from See’s Candy who discussed discount programs available, holiday purchases and joint purchases between the business partners for greater value and Bob and Linda Turner with One Prime Source, who discussed promotional items from golf tees to fountain pens that would be very attractive gifts during the holidays and next year for board members and managers.

The next business partner mixer will be December 7th at 5:30 p.m. at Tommy Bahama’s restaurant in Palm Desert. We hope you can all attend this event.
How to Reduce Your Household Waste

By: Valerie Ward, Director of Community Affairs
Burrtec Waste & Recycling Services

Recycling Tip of the Month

Here’s how to do a trash audit:

1. Pick a time period – A week is a good place to start.
2. Get everyone on board – If they live in your house and they make trash, they are involved.
3. Throw stuff away – Go about your normal routine, and throw away what you usually do. It is important that you be honest with yourself and not try to be on your “best behavior.” Remember, you are trying to get an accurate measurement of your waste output.
4. Weigh in – If you can, weigh your trash. Each time you take a trash bag out of the house, plop it on the scale. This way you can have a baseline for comparison (sort of like before and after photos when you’re starting a new workout program). Though you will visually be able to see your trash dwindle, the satisfaction of cold, hard facts is the icing on the cake.
5. Put on some gloves – Check daily to see what you threw away that could have been recycled, composited, reused or avoided. This part is the “eeewwwww” moment – we are talking about trash here. But, by doing it daily, it won’t be as bad. Don’t be deterred by what you find. Remember your mission; you can do it!
6. Get graphical – Make a list, chart, pie graph, power point...whatever you want. Just write down your findings, and use those findings to make a plan. What can you recycle that you are currently tossing in the trash? What can be composted? What can be reused and, in turn, what didn’t need to be there in the first place?

Review your findings

Once you have some data on what you’re wasting, it is necessary to take a seat and review it. Just by going over what you found, some easy fixes will pop up. For this reason, it is essential to make a plan.

These items are the flashy neon signs that say “Duh!” The criteria for this section should include things that don’t take any money and very little time. They often focus more on breaking bad habits than learning something new or making major changes. These things might include:

- Recycling basic items in your curbside program
- Reusing those glass jars to get more uses out of them
- Taking reusable bags to the store

Reduce Your Trash

Now that you have goals, it is time to get moving. Reducing the trash your house puts out is pretty easy once you get the hang of it. However, there are some major themes to follow:

1. Recycle – Know the rules

For many people, knowing exactly what goes in the recycling bin, and what to do with stuff that doesn’t, is the challenge. Check with your local government, use the Earth911.com Recycling Search to find recycling locations near you and utilize mail-back and drop-off locations.

2. Buy Better Trash

When at the store, check out a product’s trash profile before you purchase it. If you can choose between a few options, pick the one that has the least amount of waste associated with it, such as a product using less packaging or packaging made from recyclable materials.

3. Measure Your Progress

This is the best part of any process. Taking a moment to look back at what you have accomplished has a few benefits:

- Everyone deserves a pat on the back – good job on your first home audit!
- In what areas have you excelled and why?
- In what areas are you slacking? What can you do to change?
- What is the next step? Fix what’s not working, move on to new goals or maintain what you have already built?

Valerie Ward is the Director of Community Affairs at Burrtec Waste & Recycling Services, the local trash hauler. Valerie can be reached via email at vward@burrtecdesert.com

For many people, knowing exactly what goes in the recycling bin, and what to do with stuff that doesn’t, is the challenge.
A CLAC Perspective

CLAC Prepares For The Next Legislative Session

By: Steven Shuey, PCAM, CCAM, Committee Delegate
Personalized Property Management

On October 7th delegates from around the state gathered in Laguna Woods to have a great dinner and socialize in preparation for an all day meeting to follow the next day. The food was great and the social interaction was, too.

The next morning, October 8th, these delegates and more, 30 in all, gathered in a fairly large assembly room to discuss issues that concern communities throughout California. They were preparing for the upcoming legislative session in our state capitol.

Who are these folks and how does it work?

California has eight chapters of the CAI throughout the state. Each chapter has two delegates and one liaison to the chapter board, which, as a group, represent the eight chapters as well as all the communities within the state on the California Legislative Action Committee (CLAC). Their purpose is to work with our state legislators to make laws that benefit California’s community associations. This also involves preventing laws from being developed that would be harmful to our communities.

The 2011 committee chairman, Dick Pruess, opened the planning session, made sure everyone was properly introduced, and asked our lobbyist, Skip Daum, to give the group a run-down on the kinds of things being discussed at the Capitol in Sacramento. From a fairly lengthy list of topics, the committee had to choose those issues that could make the biggest impact on and do the most good for the communities and their homeowner associations throughout the state. The discussion involved how to approach those specific bills.

The Coachella Valley Chapter was represented by delegates Jennifer James and Steven Shuey, and liaison, Sharron Badham. These folks are highly respected and have a valuable voice on the committee. They will be reporting on the committee’s activities and discussions at the local Chapter’s regular monthly education breakfasts. From time to time they will call upon you, the reader of this article, to help communicate the committee’s recommendations to the state legislators.

Next month you’ll be reading about the specific laws under consideration for committee work. If you have questions regarding CLAC activities, the monthly education program is the place to ask.

Steven Shuey is a certified, professional community association manager. He consults with communities throughout the nation for Personalized Property Management. He may be contacted at IslandMgr@aol.com or by calling (760) 325-0059.

First West Nile Virus Positive Dead Bird Found in the Valley

The Coachella Valley Mosquito and Vector Control District (District) received confirmation from the California Department of Public Health (CDPH) of the first West Nile virus (WNV) positive dead bird. The bird, a northern mockingbird, was found on September 23rd in the Palm Springs area. There will be increase in the District’s adult mosquito surveillance and control measures in this area. The District remains in Emergency Planning mode. Please visit the District website for additional information and the CVMVCD Mosquito-Borne Virus Surveillance and Emergency Response Plan. Currently, the Districts has had 67 mosquito samples, 33 sentinel chickens, and 1 dead bird test positive for WNV.

To date, in California, there have been 62 human cases with one fatality, 1,244 positive mosquito samples, 385 dead birds, and 241 sentinel chickens that have tested positive for WNV.

WNV is transmitted to humans and animals through a mosquito bite. Mosquitoes become infected when they feed on infected birds. Most individuals who are infected with WNV will not experience any illness. Young children, the elderly, or individuals with lowered immune systems are more susceptible to WNV.

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The District continues its extensive surveillance, prevention, and treatment programs throughout the Coachella Valley and urges residents to help reduce mosquito breeding sources by inspecting their backyards and neighborhoods for standing water sources at least once a week.

Individuals can reduce their risk of mosquito-borne diseases by taking these precautions:
- Avoid outdoor activity at dusk and dawn.
- When outdoors, wear long pants, long-sleeved shirts and other protective clothing.
- Apply insect repellant according to label instructions.
- Make sure that doors and windows have tight fitting screens. Repair or replace screens that have tears or holes.
- Eliminate all sources of standing water on your property that can support mosquito breeding.
- Contact your local mosquito and vector control agency if there is a significant mosquito problem where you live or work.

Contact the Coachella Valley Mosquito and Vector Control District at 760-342-8287 or 1-888-343-9399 to report mosquito problems, request mosquito fish, to report neglected pools or standing water. Service requests can also be submitted online at www.cvmvcd.org.

Legislative Update Mini Trade Show
November Monthly Lunch Program
Palm Valley Country Club
12 pm - 1 pm

A discussion and explanation of all the legislation that has gone through the California Legislature in 2010. There will be nine attorneys discussing the different regulations and laws that have been implemented, vetoed or defeated over the 2010 legislative year.

CAI's 32nd Annual Community Association Law Seminar
January 13-15, 2011
Venetian Resort Casino, La Vegas

CAI’s Law Seminar is brought to you by the College of Community Association Lawyers (CCAL). The purpose of CCAL is to acknowledge CAI members attorneys who have distinguished themselves through contributions in the field of community association law.

The Annual Law Seminar provides a unique learning opportunity to discuss emerging trends and legislative issues important to the practice of community association law as well as excellent opportunities for professional networking.

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Schedule of Events

NOVEMBER 5
Awards Evening
Heritage Palms Country Club

NOVEMBER 12
Legislative Update & Mini Trade Show
“Hollywood Esquires”
Palm Valley Country Club
Palm Desert
11:30 am

DECEMBER 7
Business Partner Holiday Social
Tommy Bahamas
5:30 pm

DECEMBER 10
Monthly Breakfast
“State of the State”
Palm Valley Country Club
Palm Desert
7:30 am
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