

We Understand  
Community  
Associations.

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**LLC** is a law firm dedicated to representing community associations. We believe in building and maintaining long-lasting relationships with community associations and their managers by providing personal attention and superior services. We take pride in being a part of the team of experts you rely on to ensure the successful operation of your community.

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## 12 To-Do's ...in 2012!

### Now is the time to start planning ahead!

*2011 is quickly drawing to a close. Now that many associations have had their annual meetings and new boards of directors are in place, it is time to start planning ahead for 2012. Start the year off right with these 12 To Do's in 2012!*

#### JANUARY: Surveys

Community feedback is important. Understanding and recognizing the goals of the membership and the board can help tremendously with planning a successful year for any community. One way to do this is to start out the year surveying the board members and owners. The survey should be tailored to the information you seek and to your community. The goal is to find out if there are common goals and concerns that the board should be prepared to address in the coming year and to allow board members and the membership input on the direction of the community. The survey can be formal or informal. Remember that the shorter and more specific the questions, the easier it will be to tabulate the survey results. The more open-ended the questions, the longer it will take to read through the answers and summarize them. Whatever type of survey you conduct – and there could be more than one throughout the year –remember to compile the results and provide them to the survey participants.

#### FEBRUARY: Review Association Books and Records

The beginning of the year is great time to review the Association's governing legal documents. Don't simply look through the documents to get to know them better. Consider and question what you read. Evaluate whether you like particular provisions and whether you will enforce them. Ask yourself what to amend and change in the next year. This review at the beginning of the year helps you frame your ideas and gives you a roadmap for future revisions and upgrades to the community's legal instruments.

#### MARCH: Community Promotional Packages

Most of us like to be where we feel welcome. This is true for real estate agents and home buyers. March is the perfect month to promote your community and make the real estate community feel welcome. There are different ways to promote your neighborhood. You can engage in internal and/or external marketing of your community. Internal marketing is promoting your community to the people who already live there. External marketing engages the public – people who may not already have a relationship with your neighborhood.

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\*Individual situations may vary. This document is not intended to use as specific legal advice.





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Prepare a package of positive information about your community. The package should include information about the amenities, community sponsored events, financial stability of the association, and how to complete the community association exhibit for the Georgia Association of REALTORS® purchase and sale agreement. When a real estate professional puts a listing sign in the front yard of a home in the community, consider contacting the agent to provide your community promotional information that can be passed on to a buyer. Or, go one step further and hold an open house in a common area of the community. Invite local real estate professionals to a gathering where the board presents information and answers questions about the community. Once someone feels comfortable in your “home,” they are more likely to come back – something you want real estate professionals to do over and over again in your community.

### APRIL: Create a Guest Policy

In April, community association managers and board members spend time preparing to open the pool for the summer swim season. As part of the 2012 pool opening process, boards of directors should pass a resolution establishing a guest policy for the community. The guest policy should be sent to all community owners and residents before the pool opens. One of the specific things that should be included in the guest policy is how to handle guests of the subdivision’s swim and tennis teams. Remember that community associations that allow the public to use their facilities could be considered “public accommodations” and potentially subject to the Americans with Disabilities Act (“ADA”). Allowing opposing swim or tennis teams to bring friends and family members with them to the meets could create the perception that the pool area is a public accommodation and then subject to the ADA. One possible solution to avoid this is to institute a guest policy reasonably limiting guests and requiring all guests to sign in when attending meets or visiting association amenities.

### MAY: Use Amenity Opening to the Association’s Advantage

Another important task that can be accomplished when everyone is working towards opening the amenities for summer is gathering updated contact information from the owners and residents in the community. If a community provides new gate codes or keys each summer, owners and residents can be asked for their contact information before access is granted to the amenities. Gathering this information can be done electronically through the association’s web site or with printed material to be completed and returned by hand. Valuable information to collect includes email address, phone numbers, resident names, and willingness to volunteer for community activities and committees.

### JUNE: Engage the Owners

June always seems to be a more relaxed month. Many people take family vacations with their children who are out of school, people spend more time outside (or inside in the air conditioning), and most organizations take a break from meetings. The PTA and school boards do not meet often, if at all, in June. Professional or trade organizations also usually have a much lighter schedule in June. Thus, owners in community associations do not feel as overwhelmed with activities and obligations. For this reason, June is the perfect month to seek new volunteers for association committees and begin recruiting future directors. Usually, owners are more willing to accept a volunteer position when they do not feel overwhelmed by other commitments. This allows the association to enter the busy months of budgets, contract reviews and annual meetings with a strong team.

### JULY: Political Signs

As everyone knows, 2012 is a Presidential election year. We should expect, therefore, that the vast majority of associations will be addressing the



issue of political signs in the community. The covenants for most communities require owners to request and receive permission from the board of directors or architectural committee before placing signs on their property. Although owners often think they have a first amendment right to post political signs on their property, case law protects the association's right to regulate and even prohibit signs – even political signs. But, many communities want to allow some reasonable political sign placement.

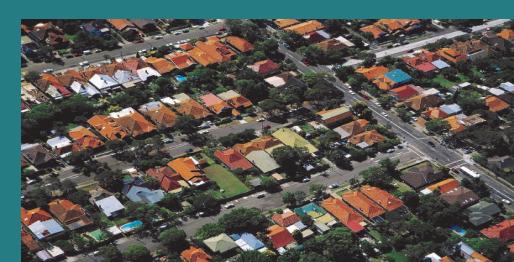
To make the political season smoother, review your current sign policies during the summer. If no changes are needed, distribute the sign policy to the owners sometime before September. To make changes to the sign policy, pass a resolution adopting a revised version of the policy and distribute the new sign policies to the owners as soon as possible during the summer months. New or old, the sign policies and guidelines should address the number of signs permitted on a particular lot or unit, the size and condition requirements (for example, only professionally lettered signs will be allowed) and the length of time such signs are allowed to be displayed (for example, signs may be displayed four weeks before an election and must be removed within two weeks after an election).

## AUGUST: Contracts

Every year the board should review all of the association's contracts. August is a good time to do this because the board members have been in place long enough to be familiar with each of the vendors. To make this review as efficient as possible, if you have not already done this, create a spreadsheet for the association's contracts. The spreadsheet should identify the companies with whom the association does business, the date the contract started, the date the contract expires, the date the contract renews (and for how long) and the payment requirements of the contract. The spreadsheet provides a quick reference guide for all the board members and the manager. A review of the spreadsheet can help determine when contracts need to be negotiated and what provisions need to be re-negotiated by the parties.

## SEPTEMBER: Start Electronic Elections Process with Attorney

Associations do not always have enough people in attendance at the annual meeting to meet quorum requirements to call the meeting to order and conduct business. This means that associations cannot always hold elections for new board members. We have helped many communities conduct electronic elections to avoid the issues created when a quorum is not present at the annual meeting and to simplify the annual meeting. The goal is to hold the elections and tally the election votes before the meeting, with a simple announcement of the results at the annual meeting. To do this, the association's legal instruments must allow for voting electronically or by ballot. If the legal documents meet the requirements of Georgia law for this purpose, the board of directors and attorneys would create a time line for the election process by determining the date of the annual meeting and working backwards. Conducting elections with this process can increase membership participation in elections, reduce conflict, and greatly simplify annual meetings.



## OCTOBER: Plan for Annual Meeting

Determine whether and when delinquent owners lose voting rights at the annual meeting and inform owners of this now – giving them ample opportunity to pay their past due balances before the meeting. Create the agenda for the annual meeting and discuss any special issues that might arise at the meeting. The board should

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## INNOVATORS.

The firm prides itself on taking chances and being the first to try something new that changes industry practices and opportunities. Our goal is to meet the goals of our clients and do whatever it takes to make sure that those goals are not compromised or neglected due to financial or other restraints. We consistently make efforts to think outside the box to find ways to assist our clients in meeting their goals.



## Contact Us:

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review and understand the check-in and registration process (even if a manager is coordinating this part of the meeting). Also, decide in advance about how to handle potential proxy issues and annual meeting etiquette. Finally, determine whether the association attorneys should assist in conducting the meeting and, if so, with what portions of the meeting the attorney should assist.

## NOVEMBER: Clubhouse Policies

With all the outside vendor contracts reviewed and the annual meeting plans already started, November is a good time to review the association's clubhouse reservation agreement – before owners start requesting to rent the clubhouse for holiday events. The board should check with the association's insurance carrier to confirm coverage if alcohol is served during such events and someone leaving the event has an accident. Based on information from the insurance carrier, the board should pass a resolution about clubhouse policies for alcohol and attach it to the clubhouse rental agreement with a space for the owner to initial. If not already included, the board should require a security and housekeeping deposit from the owner - one, both or neither of which can be returned to the owner after the event.

Another area in which the board can protect the association relates to the volunteers who decorate the common elements/areas for the holidays (or any other time of year). These volunteers should execute release forms holding the association harmless if they are injured on the common property. Release forms like this might encourage volunteers to take more care for their own safety when helping out the association.

## DECEMBER: Debrief and Train New Directors

December is a great time to debrief about the past year. Doing so will give the newly elected board of directors the opportunity to hear about what happened before they were elected, and it will allow the group to create a checklist of items that need to be carried forward into the new year. The newly elected directors also should be trained for their leadership roles. The directors need to understand their legal duties of care and loyalty to the corporation and they need to evaluate and explore the authority granted to the board in the association's legal instruments. Each director/officer should understand his or her position, the legal requirements of the position and the practical and realistic requirements for the community.

Throughout the year, numerous issues will arise that will skew and overshadow this monthly calendar of ideas. If that happens, remember that the calendar is only a road map. The directions a board uses to get from the beginning to the end of the year always change, but there are plenty of chances to find a route back to an opportunity that was missed along the way. Please let us know if there is anything we can do to help make the journey smoother, more efficient and more effective for all of you.

**Happy holidays and we look forward  
to working with you in 2012!**

**Lazega &  
Johanson**  
Attorneys at Law

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