

# Community Association Management *Insider*<sup>®</sup>

MARCH 2011

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## Texas Community Boosting Efforts to Stop 15 Years of Tire Vandalism

After 15 years of police efforts to find a pesky tire slasher, members of a community in Hyde Park, Texas, are taking matters into their own hands. Hyde Park Homeowners Association members agreed recently to spend \$10,000 on high-definition cameras to help police catch the suspect, who members say is a homeless man. Austin police said they have also been tracking a man for 15 years, whom they've arrested from time to time for petty misdemeanors in the area, but no one has caught him in the act of puncturing tires. The number of punctured tires is up to 80 a month. A senior police officer said the cameras could help police get the evidence they need to catch the suspect. That effort, he adds, has been extremely frustrating. Despite putting more officers on overnight patrol, conducting stings, and having initiatives dedicated to catching the vandal, the officer said they still haven't caught him.

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## FEATURE

## How to Conduct an Association Membership Survey

Suppose your board is considering allocating some of the association's resources to improving existing amenities or creating new ones in the upcoming year. The board may be considering converting an unused courtyard into a community garden or creating a gym, playroom, or lounge area for members to enjoy.

An important step in establishing priorities or making informed decisions is to get a true feeling for what members want. One way to accomplish this is to conduct a survey of the membership. "If you ask the right questions in the right ways, it lets the homeowners have a voice in their own community," says community manager Tammy McAdory.

Additionally, surveys can make members feel that something is being done about an issue they are passionate about, or surveys can start them thinking about possible changes the board will soon propose. In this article, we'll offer some tips for developing good questions, encouraging participation, and conducting the survey.

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## BEST PRACTICES

## Sustainable Landscapes Offer Associations Long-Term Value

Creating positive curb appeal is essential to maintain or even increase property values in your community. Positive curb appeal can create happier members who get more profit for their investment, as well as an improved profile for the building or association as a whole. Due to the importance of first impressions, you may think that an expansive, rolling green lawn contributes to your community's overall attractiveness, but maintaining it probably puts a huge dent in your operating budget.

You can halve your maintenance costs by replacing turf with low-maintenance shrubs and plants, says Steven Gustafson, green industry consultant and co-author of the IFMA Foundation's Sustainable Landscaping how-to guide. On average, the cost of turf maintenance is 40 cents per square foot compared with 20 cents per square foot for shrubs and ornamentals.

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## Member Survey (continued from p. 1)

### Decide If Survey Is Best Option

“Ideally, boards should vet the issues involved and then make a decision that is in the best interests of the membership,” says New Jersey attorney David Ramsey. Typically, board members are much more aware of the factors and implications of a decision than the average member, and so are better informed and able to make a clearer decision. Boards can obtain budget estimates for alternative projects, consult experts such as architects or designers to prepare alternative concept drawings for unused spaces in the community, and get feedback from area real estate experts as to how much a certain amenity would enhance the value of the community and affect the salability of members’ homes.

“Once the decision-making factors are defined, then there’s value in having the members weigh in on the priorities,” says McAdory. But getting member feedback doesn’t always have to be accomplished in the form of a survey. Member input can be obtained through a special meeting of the membership.

In fact, if a board has a distinct preference between two alternatives, it may be better not to do a survey, says Ramsey. At a meeting, membership input can still be obtained and the board’s preferred option can be thoroughly discussed. If necessary, professionals can be brought in to explain the benefits. Even if the majority of members who attend a meeting doesn’t support the board’s preference, at least the opposition isn’t as formalized as it is with a survey—and the board can still get the benefit of the members’ concerns and alter the proposal to address those concerns, notes Ramsey.

### Tips for Crafting a Successful Survey

If the board has done the requisite research and doesn’t have a clear preference between or among alternatives, it’s time to start crafting appropriate questions for a survey. Here are some guidelines to consider when drafting your survey:

**Target the right population.** It may seem obvious that the population you are surveying is made up of the members of the association. Actually, however, it depends on what questions you are asking. If you want feedback on the level of some type of service, such as window washing at a condominium building, then you would want to ask the members of the relevant group.

But if you want to know about the experience of living in the community, then you want to get the impressions of everyone living there, renters and members alike. Knowing the target population and their motivations will not only assist you in gathering meaningful answers, but also help you interpret the results. For example, McAdory’s community has 80 percent nonresident membership. The 20 percent wanted another pool; the other 80 percent didn’t want to participate in funding it. That was an important difference to understand.

Also, if you manage a large community, consider surveying representative samples in order to cut costs. In McAdory’s case, there

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## Member Survey

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are more than 4,000 units, so in recent years, the board developed a representative sample panel. "It's demographically equivalent to our overall membership base, and consists of about 400 people with online access," she says. With this method, she can do 12 surveys in one year, as opposed to one survey in 12 months using the paper method. It's fast, far less expensive, and statistically accurate to +/- 5 percent, she says.

**Focus questions on what the board is really considering.** One problem that some boards do not consider is whether a particular response has any value. For instance, if the association must undertake certain repairs or replacements, it doesn't make sense for the board to be asking members whether the work should be done, says Hawaii attorney Richard Ekimoto. Instead, it might be more appropriate to ask when would be a more convenient time to do the work, or what funding mechanism would be preferred, he says.

If, for some reason, the board cannot go with what the owners indicated was their preference, the board should be ready to explain its decision in a proactive way. For instance, if you request input on the color scheme and you have to drop the first choice because the expert has recommended against it, you should explain that to the owners before you implement the decision. Ideally, you would know the expert's objection before you ask the question on the survey, so that color isn't listed as an option, says Ekimoto.

**Avoid generic questions.** In McAdory's experience, asking

generic "Are you happy with the landscaping?" type questions inevitably results in expected responses, such as "We love the landscaping!" When her board asked, "Do we need another pool?" the survey respondents answered, "Yes!"

But when the board got more specific—for example, by asking "If you had \$100 to spend on an amenity, which of these five amenities would you spend it on?"—the pool suddenly was not the big deal it appeared to be.

For an example of a well-worded survey that McAdory used at her community, see our Model Form: Ask the Right Questions to Gauge Members' Use of Community Center.

### Encouraging Participation, Interpreting Results

You should be mindful of your survey participation rate to be able to trust the results. If only a few people respond, there's a tendency to rely on those responding, particularly if one group has very strong feelings.

For example, if 30 percent of the members responded, that might mean that very few people have strong feelings about the issue, rather than the indication from the bulk of the 30 percent responding, says Ekimoto.

To encourage participation, preface the survey with a letter explaining to members the purpose and importance of the survey, encouraging them to respond, and reminding them of the deadline for responding. You can adapt and use our Model Letter: Explain Purpose of Survey to Members.

An easy way to increase responses is to award prizes to members based on random draw-

ings of returned surveys. Prizes can be anything from HDTVs to rebates on assessments. This is especially popular in the current economic climate, says McAdory.

Another way to increase participation is to make the surveys as convenient as possible for the members to fill out. McAdory's board started out doing all paper surveys. Then it transitioned to a combination of paper and online surveys. Now, the board conducts them entirely online. The board finds participation is greater online, and it's very easy to send reminders through email.

You can use an online survey software program such as SurveyMonkey ([www.surveymonkey.com](http://www.surveymonkey.com)), Zoomerang ([www.zoomerang.com](http://www.zoomerang.com)), and Zarca Interactive ([www.zarca.com](http://www.zarca.com)). These programs offer associations a variety of questionnaire design formats that are fairly easy to use. Members' responses to each survey item are recorded electronically, and summary data are immediately available for review. Also, collected data may be downloaded in a variety of formats, including Microsoft's Excel spreadsheet format.

If you aren't confident coming up with unbiased questions and interpreting the results, McAdory recommends hiring a survey consultant from a market research company. Your board can work with the consultant to develop the questions, use a self-survey program to input the questions, and then take the results back to the consultant for analysis. There's a big difference between how volunteers will phrase questions and how professionals will. The pros know the right way to ask a question to get a meaningful, measurable response, says McAdory.



## Communicating the Results

Clear communication at all stages of a survey is essential to minimize any backlash from the members. You should consider holding an information meeting after the survey is completed and the results are processed. Doing this avoids speculation that the board is acting contrary to the wishes of the members. However, the board is not obligated to provide such information.

“In the early years, we did not publish survey results. They were a tool for the directors, to consider when planning for the long term,” notes McAdory. Now, she very much recommends publishing the survey results, though not the verbatim comments from the final “any other comments” box. “We found that a group of people in favor of a particular thing would point to the survey as supporting it, even if just one person mentioned it in the comment box,” she says.

Informational meetings offer members who disagree with the board’s goals or a particular proposal a way to voice their concerns. Ultimately, it should be communicated that the board has the power to make decisions on behalf of the association. Of course, if it wishes to specially assess the membership, then the membership is usually given the opportunity to vote on that issue. But where the bylaws do not give the members a right to vote on something, they do not have a right to decide the issue in place of the board, says Ramsey.

If members truly object to the board’s proposed actions, their remedy is to elect new board members who will more closely represent the members’ wishes, at either a special meeting or at the next annual meeting. This remedy can

be mentioned if there is much protest when the board announces its decision on what action to take.

Information gleaned from surveys is only one aspect of the decision-making process. Surveys are advisory to the board, and association boards should expect some resistance to any idea that’s implemented. Being able to clearly communicate the survey results and the reasoning behind the ultimate decision will go a long way toward minimizing dissent in the community.

## MODEL LETTER

### Explain Purpose of Survey to Members

Adapt the following letter to send to the members of your community you wish to survey. The letter conveys the importance of the member’s participation and explains how the members will be able to access the survey’s findings.

Dear Member:

This is the 2011 Member Survey that we discussed in the December newsletter and on the association Web site. Your participation is very important, and your answers will be used by the Board of Directors to help improve the services and amenities offered by the association.

The only way an organization such as ours can accurately learn how to better serve its members is by obtaining feedback from a large representative sample, so we hope that you will take a few minutes to complete the questionnaire—either on paper or on the Internet. Instructions will follow.

In order to ensure independent analysis as well as member confidentiality, we have contracted with a market research company to receive completed surveys and to tabulate and analyze the results. The board will see only grouped results. Your Board of Directors will use these survey results to help make decisions about *[insert topic]* over the coming year. When it is available, you will also be able to read a summary report of the survey findings on the Web site.

If it is at all possible for you to do so, we would appreciate your completing the survey by *[insert deadline date]*. Your timely completion will enable our survey firm to compile the results and quickly put this valuable information in the hands of the board for decision-making and planning.

If you have any questions about why we are conducting the survey or how the results will be used, please contact the association manager at *[insert office tel. #]*.

Thank you very much for your thoughtful help. Remember, your opinion counts!

Yours truly,  
James Jones, Board President

#### Insider Sources

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## Best Practices

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### Conversion Brings Quick ROI

Many new communities are turning to sustainable landscapes for the numerous benefits they offer. In addition to lowering costs by minimizing water usage, as well as chemical pesticides and fertilizers, sustainable landscapes require less maintenance, reduce groundwater and air pollution, and improve the physical appearance of the community.

One of the biggest misconceptions that people have about sustainable landscaping is that it's an all-or-nothing proposition that requires a substantial upfront investment, Gustafson says. But "once a plan is devised to convert

to sustainable landscaping, the plan can be phased in according to a financially feasible pace," he says.

What type of return on investment can associations expect from converting to a sustainable landscape? Depending on your geographic location, the estimates range from 35 percent to more than 100 percent, according to Gustafson. "Case studies have shown savings in water costs can range from 40 percent to 75 percent per year," he says. "In arid climates, the ROI for decreased water costs alone can result in recovery of investment in very short periods (one to 10 years). When other savings, such as decreased costs of fertilizer and pesticides, are factored in, the complete ROI can be amazingly quick (three years)."

### Consider Overall Community Objectives

Keep in mind that there are other types of return on investment for communities. "There are the tangible dollars and cents, and then there are environmental and human factors—livability issues," Gustafson says. "That's what sustainable landscapes are all about."

When thinking about landscaping options for your community, he advises associations and managers first consider the objectives that they want the landscape to achieve. Those should include:

- High level of curb appeal to encourage pride and ownership in the community.
- Safe, attractive spaces for children to play in.

### ► Tips for Cutting Water Costs for Lawn and Landscapes

Lawn and landscape irrigation wastes up to 1.5 billion gallons of water every day and accounts for 40 percent to 60 percent of urban water use, according to ET Water Systems, a producer of irrigation control systems. The firm offers the following tips for cutting your community's irrigation water use:

**Install an irrigation system that uses smart irrigation technology.** Smart irrigation technology, which includes "smart controllers" that apply water to landscapes based on current local weather conditions and specific landscape factors, including plant type, soil type, slope, sun/shade, sprinkler type, and distribution uniformity, can reduce irrigation water use by 20 percent to 50 percent.

**Put plants in the right places.** Water-loving plants require frequent irrigation while many trees, shrubs, perennials, etc., need less frequent irrigation. Be sure to group plants together depending on their watering needs and plant low-water users farther away from buildings or where irrigation may not be readily available.

**Irrigate efficiently.** To reduce evaporation, operate your irrigation system during the cooler hours of the early morning rather than during the heat of the day or windy weather. Make sure that misdirected water is not running off onto driveways, sidewalks, or streets. And water only as needed depending on the time of year and average rainfall.

**Appropriate maintenance.** Apply as little fertilizer to your lawn as possible. Applying excess fertilizer increases

water consumption and creates more mowing for your maintenance staff. Make sure staff use a broom instead of a hose to clean driveways and sidewalks, and have them set lawn mower blades one notch higher. Longer grass means less evaporation.

**Prepare the soil.** The texture of the soil has a direct influence on water retention, drainage, and aeration. Before planting, ensure that existing weeds are removed; they compete with desired plants for soil moisture, sunlight, and nutrients.

**Limit turf areas.** A lawn is almost always the largest user of water. Use lawn turf only where it serves a purpose, such as in a play or entertainment area.

**Select low water use plants that are appropriate for your climate.** Consider using native species from your climate zone. Once established, they'll need dramatically less water.

**Apply mulch.** A thick layer of mulch acts as insulation for your soil and significantly reduces evaporation of soil moisture. Mulch can also reduce weed growth, reducing competition for soil moisture.

**Water thoroughly.** Deep watering is better than frequent, shallow watering because it encourages deep roots.

**Check with your municipality for watering restrictions.** Outdoor watering restrictions exist on both state and local levels; failure to comply can result in monetary fines.

- Good lighting to ensure safety and security.

- Large, well-cared-for trees (their presence is correlated with decreases in crime, higher property values, and healthier residents).

Next, put together a sustainable project team (landscape architect, contractor, installer,

maintenance staff, etc.) to develop a plan for converting areas of the property to healthier, more economic landscaping.

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**EDITOR'S NOTE:** "The Sustainability How-To Guide Series: Sustainable Landscaping" can be downloaded from [www.ifmafoundation.org](http://www.ifmafoundation.org).

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#### Insider Source

**Dr. Steven Gustafson:** Horticulturist & Agronomist, The Groundskeeper; (503) 422-7470; [steve.gustafson@comcast.net](mailto:steve.gustafson@comcast.net); [www.groundskeeper.com](http://www.groundskeeper.com).

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## RECENT COURT RULINGS

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### ► Members May Be Liable for Defamation of Board President

**Facts:** The president of a condominium association and her father, the association manager, sued a group of members for defamation. The president alleged that the members conspired to remove her from the board. The complaint alleged that from August 2006 until May 2007, the members maliciously made false and defamatory statements about her and her father to other condominium owners in the building. The complaint further alleged that "throughout 2006 and 2007, defendants continued to make false and defamatory statements."

The group of members asked the court to dismiss the case on the grounds that the president had filed her lawsuit too late and because the defamatory statements alleged were not serious enough to warrant a lawsuit. The trial court granted the members' request, and the president appealed.

**Ruling:** A North Carolina appeals court reversed the lower court's decision for a few of the members.

**Reasoning:** Under state law, the statute of limitations—or the amount of time a person has to initiate a lawsuit after a wrongful act—for a defamation claim is one year. The complaint was filed in July 2008, and although one section of the complaint alleged a time period from August 2006 to May 2007 for some defamatory statements, another section alleged that defamatory statements were made throughout 2007. Therefore, the one-year statute of limitations would not bar alleged statements made from July 24, 2007, to Dec. 31, 2007.

Also, the statements allegedly made by the members accuse the president and manager of either misappropriating association funds or assaulting one of the members. The court concluded that being accused of simple assault does not reach the high thresh-

old level necessary to sue for defamation. However, the accusation of misappropriating funds qualifies because under state law embezzlement is a felony, which is a serious enough crime on which to base a defamation lawsuit.

- Richardson v. Mancil, December 2010

### ► Service Company Can't File Mechanic's Lien Against Association

**Facts:** A condominium association signed three service agreements with a company that provided management, security, and property services. According to the contracts, the company was to provide standard residential cleaning, maintenance, and concierge services to all common areas.

When the association did not pay the company, the company filed a lien against the association and more than 100 condominium units. The trial court granted a judgment without a trial in the company's favor and foreclosed on the lien.

**Ruling:** A Florida appeals court reversed the lower court's ruling and sent the case back to the trial court to dissolve the lien claim against the condominium property.

**Reasoning:** The lien that the management company filed was a mechanic's lien. A mechanic's lien is a security interest in the title to property for the benefit of those who have supplied labor or materials that improve the property. The condominium was not under construction at the time the company provided its services. The court decided that the services outlined in the service contracts, such as maintenance and cleaning, were not valid bases upon which to file a mechanic's lien.

- Parc Central Aventura East Condominium v. Victoria Group Services, LLC, January 2011

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