

Association of Condominium,  
Townhouse, and  
Homeowners Associations

# ACTHANews

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**JULY/AUGUST 2017**

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## 2017 Strategic Partners



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**ACTHA  
Fall Conferences**

**Sept. 9—Chicago  
Oct. 14—Naperville  
Details Inside!**

## When Unpleasant Conflict Arises in Your Association

**By: John Cabral, Conflict Specialist  
Oak Park Mediation and Conflict Support  
Oak Park**

Lots of different, very uncomfortable behaviors can start happening in the most peaceful association. One phenomenon we see now and then is an aggressive email campaign seemingly designed to discredit or intimidate the Board. An owner uses the association listserv to send frequent complaining emails to the whole community.

What to do?

Some boards just vote to change the “rules and regs” so that now, posting to the whole community is a “privilege” that can be rescinded if an owner is sending “abusive” messages.

But everybody will know who the new rule is directed at. Depending on the level of antagonism going on, this measure might soon bring attorneys into the picture. Discriminating against certain owners is illegal. And actually removing the offending owner from the listserv will be messy and awkward. The owner’s sense of victimhood will intensify.



This is the “legislative” method. You can improve the odds it will succeed, without leading to bigger problems, if the Board *consults with the community first*. The Board can take a survey of the owners to gauge support for restrictive measures: a high favorable response rate will legitimize the new measures considerably.

Better yet is if the Board consults directly with the angry owner about the proposed new rule.

In my experience, underneath this kind of behavior there is something else going on. Usually the person actually has a *deep need to contribute their knowledge or expertise to the community* but believes from previous experience that “nobody ever listens to me”. They would love to be seen as a valuable member of the community but have decided beforehand that nobody cares.

*Continued on page 4*

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## 2017-18 Board of Directors

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# ACTHA's Fall Conferences Empower You

Join us for new experiences at new venues this fall at an ACTHA conference! Experience tailored education and access to vendors that will enhance your community. All education sessions are presented by leading professionals in community association management, providing unbiased insight on today's important issues affecting community associations. And our ACTHA Connects session offers a reception-style environment to establish and build relationships between vendors, managers and association attendees.



Featuring Howard Dakoff, Attorney and Chicago Tribune contributor

## CHICAGO

Saturday, Sept. 9

Conference Chicago at University Center

525 S State St (Congress and State)



Featuring State Senator Michael Connelly

## NAPERVILLE

Saturday, Oct. 14

NIU Naperville Conference Center

1120 E Diehl Rd

## EXCHANGE IDEAS | FIND SOLUTIONS | MEET INDUSTRY PROFESSIONALS

### Schedule of Events (for each conference)

7:30 - 8:00 am	Registration and Breakfast
8:00 - 9:30 am	Opening Education Session
9:30 - 11:30 am	ACTHA Connects (with vendors)
11:30 am - 12:15 pm	Education Sessions
12:30 - 1:30 pm	Education Legal Sessions

### Session topics include:

- Contracts: Getting More and Spending Less
- Major Projects: Strategies to Control Costs
  - How to Make a State Law Serve You
- Learn How to Save Money on Your Property Taxes (Chicago)
- Understanding the Legal Obligations of a Board (Naperville)
- Secrets Revealed by the Grande Dames of Management (Naperville)

**FREE Early Bird Registration for ACTHA Association or Individual Members**  
Non-member association registration is \$25, rebated upon joining ACTHA within 30 days.

**Register by 8/31 for Chicago, 10/6 for Naperville**

To register, refer to the insert included with this newsletter or visit [www.actha.org](http://www.actha.org).

**Visit [www.actha.org](http://www.actha.org) for complete details**

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Therefore, it might lead to a real transformation if somebody—a board member, another owner who gets along with the offending emailer, a people-oriented property manager, or a professional conflict specialist—approaches this owner and *asks* her or him to please join the Parking Lot committee or the Tax Appeal committee or the Financial Committee. “We need more people and it’s obvious from your emails that you have some expertise.”

Whether you follow this course or not, it never hurts to make *concrete requests* for the behavior that you would like to see the owner adopt. And be sure to couch the requests in the needs the Board is ultimately trying to fulfill. For example, “We’re trying to build trust and safety and neighborliness in the association: would you be willing to send only one email message per day to the list”?

It always pays to *assume the best, not the worst*. This owner may actually want recognition and validation, not necessarily the destruction of the whole association.

## WELCOME! New ACTHA Members (June-July 2017)

### Association Members

Hampton Court Condo Assn II, Country Club Hills  
Lantow Lofts Condo Assn, Rockford

### Commercial Members

**Chicago Water and Fire Restoration** – Located in Elmhurst, a full service restoration company that has served 8,000+ homes and businesses in the Chicago area since 1988.

Contact: Zach Massell, 630-829-9000  
zach@cwafr.com  
www.chicagowaterfire.com

**Siding & Windows Group**– Recognized as a leader in the industry for originality, innovation, and architectural integrity for exterior design, this Glenview-based company serves Chicagoland and the North Shore.

Contact: Greg Bednarski, 847-251-4200  
gregb@sidinggroup.com  
www.sidinggroup.com

## Commercial Member News

The Building Group, which manages over one billion dollars in real estate along Chicago’s Lakefront, has moved to 1221 North LaSalle Street. Now more centrally located to serve its portfolio of luxury condominium, cooperative, rental and mixed-use properties, The Building Group’s new home is also a testing ground for green techniques. The redesign and repurposing of the building – which includes apartments, commercial and retail space – signals the firm’s continued pursuit of earth-friendly tactics that save money for clients.

President Jim Stoller explains that The Building Group’s commitment to maximizing the value of its clients’ real estate complements the firm’s commitment to sustainability. “The new facility is our ‘innovation laboratory’ where we explore ways to reduce the overall carbon footprint as well as the operating costs of a building.”

The building’s interior has all LED lighting and VOV-free paints, plus other green features such as an indoor bike rack and uses eco-friendly cleaning supplies. Lowering our environmental impact, however, takes many forms and “doesn’t necessarily mean installing windmills,” says Stoller. “It means being smart about resources.” For example, rather than a single temperature for an entire office, there are multiple zones for heating and cooling, resulting in more targeted control. And instead of traditional carpeting, carpet tiles are used which can be replaced individually if stained or damaged.

Ultimately, the systems and techniques that are successful at 1221 N. LaSalle are added to The Building Group’s toolbox of client services. Cost-saving green methods have been used for years throughout the Building Group’s real estate portfolio, concentrated primarily in the Streeterville and Gold Coast neighborhoods. These include paperless electronic communication and assessment/rent-collection systems; sophisticated recycling programs for paper, electronics, batteries and light bulbs; using high efficiency equipment; and roof gardens.

A licensed architect and MBA (Northwestern), Stoller founded The Building Group, Inc., over 20 years ago. Today, the firm is Chicago’s most technically and service oriented property management company. Its team of over forty in-house experts provide its many clients with rigorous and secure financial controls, extensive educational resources, superior communication and ethical and transparent operating procedures.

# Question of the Month: Can Minutes Be Changed Once Approved?

By: Scott A. Rosenlund, Attorney  
Fullett Rosenlund Anderson PC  
Lake Zurich | Chicago

**Question:** I recently joined the board of my townhome association and discovered that the previous secretary redacted meeting minutes, providing edited versions for real estate transactional purposes. Is this legal? If not, is there any recourse against the secretary/association?

**Answer:** Illinois statutes applicable to community associations and most association governing documents provide that the duties of association secretaries include keeping meeting minutes. If the association is subject to the Illinois Common Interest Community Association Act (“CICAA”), Section 1-25(f)(2) of CICAA requires election of a secretary “who shall keep the minutes of all meetings of the board and of the membership.” With respect to condominiums, similar language appears in Section 18(d) of the Illinois Condominium Property Act (“Condominium Act”). However, notwithstanding the division of labor amongst different association officers, an association secretary should not unilaterally revise or redact board-approved meeting minutes. Board meeting minutes and other association communications generally should be approved by the board as a whole at open board meetings.



Whether there is legal recourse against the secretary or the association will greatly depend upon any number of factual variables. For example, there could be potential exposure to claims if the minutes were, without disclosure, intentionally falsified to conceal material financial decisions (e.g., a large special assessment or association expenditure), a unit purchaser reasonably relied on the altered minutes when deciding whether to purchase a unit and the purchaser could prove that he or she incurred damages based on this reliance. Alternatively, if the minutes were redacted simply to omit information which might be considered sensitive or embarrassing to an individual (e.g., information regarding the name or address of a unit owner who was fined for a minor rule violation), such action might have been technically improper, but the purchaser would find it very difficult to establish that he or she somehow incurred damages due to the omission.



A more common concern would be ensuring that the association furnishes accurate and complete copies of approved minutes to unit owners who make proper written requests to review minutes under (depending on the type of association) Section 1-30 (i) of CICAA, Section 19 or 18.5(d) of the Condominium Act, Section 107.75 of the Illinois General Not For Profit Corporation Act of 1986, municipal ordinance and/or the governing documents.

The board also should make sure that board meeting minutes follow a proper format. The purpose of board meeting minutes is to create an official record of formal corporate actions (i.e., board decisions), rather than to serve as a transcript of a board meeting or to convey information more suitable for newsletters, websites or other types of communications. If the board meeting minutes have been approved by the board, are accurate and complete, use a proper format and tone and do not contain extraneous information, well-intentioned, responsible board members should have no motivation to edit or redact the minutes prior to dissemination.

## Best Practice

Since owners may request minutes of association meetings under both the Illinois Condominium Property Act (ICPA) and the Common Interest Community Association Act (CICAA), it is recommended that board/association minutes be kept permanently.



## What's New on the ORC?

ACTHA's Online Resource Center (ORC) continues to grow! This members-only area on the ACTHA website contains accessible content from past conferences, seminars and webinars. Recently added material includes presentations and handouts from all three *Up in Smoke: Dealing with Air Nuisances* sessions held in July and August.

Content is organized to easily obtain information on a variety of association-related topics including governance, administration, financial and more. And best of all, it's free for ACTHA members!

Members can easily access the ORC by logging in with their username and password.

Don't have a password? Visit [www.actha.org](http://www.actha.org) to request or reset your password, or call 312-987-1906 to gain access.

Check out free sample webinars on:

- Budgeting
- Sale of Units
- Conceal Carry Law
- Short Term/Vacation Rentals

Access Resources at [www.actha.org/ORC](http://www.actha.org/ORC)