

## [D. Berman Gets It Wrong—Again!](#)

Anthem Voice, April 7, 2008 by [admin](#).

David Berman said on his blog:

*“Readers may recall that a few weeks back I published the faxed response to a question I asked of homeowners-association expert/newspaper columnist Barbara Holland regarding the campaign promise of a Board candidate (John Briggs) to change our rules so that homeowners would have to vote to approve a dues increase as part of the annual budget ratification.”*

*“My purpose in asking the question was to confirm that Briggs is making a promise he cannot keep because it would be illegal.”*

Untrue. As usual, DB distorted the issue, created a false straw man, and shot down his own incorrect assumption.

**Facts:** John Briggs and Bob Frank have proposed that SCA CC&Rs be updated to comply with changes in the NRS 116 where it only requires 50% plus one member voting to REJECT a budget during the month of the annual meeting. This would be a change from the current 90% of members showing up at an annual meeting to reject a budget. This change would only require a simple majority vote to reject a budget via a mail ballot. So, if the **majority of homeowners have not elected to reject a budget via ballot**, they have **agreed to its approval**.

John and Bob have also proposed that the (draft) annual budget and a ballot be sent to homeowners at least one month before the annual meeting. The budget would include a **pro** statement from the Finance Committee and **con** statement(s) from homeowners—similar to local and state government propositions.

John’s approach would require a CC&R change—not a law change. This would provide the honest opportunity for each SCA member to participate in the annual budget ratification process.

So, when John Briggs is given an opportunity to explain why he is in favor of homeowners being allowed to approve or disapprove dues increases, he says that the point is to bring our CC&Rs into line with state law in this area.

This would have the net effect of allowing the majority of homeowners to choose to say little or nothing, and thereby ratify the budget through their silence, or to return a ballot to reject the budget.

Either way, the majority would rule, and that is the way it should be.