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Reply to: Reno

July 24, 2023

Sent via email mikkenzy.lipkowitz@fsresidential.com

Dayton Valley Community Association
c/o MikKenzy Lipkowitz
FirstService Residential
639 Isbell Road, Suite 320
Reno, NV 89509

Re: *Dayton Valley Community Association*
Neighborhood Watch

Dear Members of the Board:

I have been asked to provide a non-privileged letter that the Board may provide to Owners. I am providing this communication for this purpose.

The general opinion shared and expressed by community association professionals, is that a neighborhood watch committee or any type of crime watch committee should not be formed or promoted by the Association, nor should such a committee be under the control or overseen by the Board. That said, the Owners, on their own, could form such a committee. The Association and a separate neighborhood watch committee can co-exist and the Board can provide a supportive role by publishing announcements in the newsletters or allowing a report at a Board meeting.

It is very important to ensure a neighborhood watch program operates independently of the Board, and should always operate under very strict parameters and guidelines which the police or sheriff can explain. In its supportive role, the Board may want to consider inviting a police department representative to a general meeting of members to discuss the formation of such a committee. But the Association's role should only be to provide information on neighborhood watch programs, not to start and manage a watch program. Although Lyon County does not have such a program presently, there are many online resources for formation of a neighborhood watch program. *See for example,* http://www.reno.gov/government/departments/police/community-action-and-outreach/neighborhood-watch.

Another reason the Association should not be involved in a neighborhood watch program is that providing security for units is outside the scope of the Association's responsibilities. The Association cannot provide security of any kind, and Owners in the community should not rely on the Association to provide security. The Association is not a law enforcement agency, has no authority to prevent crime or address crimes that have been committed, and is ill-suited to do so.

While the Association has many obligations, it is not charged with keeping the owners safe. That is a function for law enforcement.

The duties and responsibilities of the Association are a matter of contract set forth in the Association's governing documents. The Association, acting through its Board, besides enforcing the governing documents, is charged with construction, maintenance, repair, or replacement to benefit the Common Area. *See* Declaration, Section 3.2(h). The Association and the Board should not assume a responsibility which is not specifically noted by the Declaration. To do so would be to act contrary to the terms of the Declaration and would be outside the scope of responsibility of the Association.

If the Association were to form and oversee a neighborhood watch committee, it would not only be acting contrary to the terms of the Declaration, it would be taking on a responsibility it otherwise would not have. As a result, neither the Board members nor the Association should become involved with the committee other than to facilitate information to community members who wish to start a neighborhood watch independent of the Association.

Though the Lyon County Sheriff's office does not currently run a local Neighborhood Watch program, Owners can organize and register with the National Neighborhood Watch, which is recognized by the National Sheriff's Association as a well-known and well-established program for crime prevention. I recommend you contact the Lyon County Sheriff's office and see if they would agree to be involved with one if the community organized a neighborhood watch. It would be beneficial if the homeowners who are interested could involve local law enforcement.

Please let me know if there are any questions or if I can be of further assistance.

Sincerely,



Brooks P. Kern, Esq./electronically signed