

San Antonio BOMA

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"Take Me To Your Trade Show!"

**Thursday, May 10, 2001
at the Airport Convention Center
4:30 p.m. - 8:00 p.m.**

Attention, Earthings! An odd assortment of alien spacecraft has been spotted in the skies far above San Antonio, Texas. It appears these visitors will make contact Thursday, May 10, 2001 at the Airport Convention Center. While it is unknown where these beings originated, their message is clear: to spread peace and harmony throughout the commercial real estate industry.

Please join the members of San Antonio BOMA and the San Antonio Association of Building Engineers as we welcome our alien brothers. In exchange for valuable information on products and services available to building owners and managers, we will offer delicious food and valuable prizes.

You might even consider wearing a space-themed costume. Our high-tech friends may snicker at your homemade astronaut suit, but they will certainly appreciate the attempt to provide them with familiar surroundings. Besides, costumes are lots of fun, and the best one gets a prize of \$100. We hope to see each and every one of you at this incredible event!

President's Letter —

Lessons From a Past Master

Fellow BOMA members, please pardon me if the thoughts that follow are a little personal. I tried to think of some pertinent commercial real estate issues to write about, but my thoughts this past week have gravitated to another and far more important area. You see, my lifelong mentor, close friend and mom, unexpectedly passed away. Wow. What a blow. It all seemed like a dream. I just could not believe it. The week that followed was not what I would have ever anticipated it would be like...because it was...beautiful. Never have I felt so much love. Never have I loved so much. It seemed odd to me that I could feel so blessed during such a traumatic time. Yet I did. Oh, don't get me wrong, I cried my eyes out too (Mom always told me it was okay for a man to cry) but through it all, I grew. I grew as a Christian, a man, a son, a father, a brother and a friend. I experienced first hand there is a tremendous amount of love still in this world.

So now that you understand I have been consumed with thoughts of my mother all week, perhaps you will understand why I'd like to share with you just a handful of her favorite business principles. The ones she repeatedly told me as she was preparing me for the business world are simple, but will give you a little insight to the God given wisdom my mother had. Here we go...

"Being a successful husband and dad is far more important than making a lot of money at your family's expense. Mind your business at home first."

"Dress nice and keep your car clean. As sad as it is, until people get to know you, they will judge you by your appearance."



"Your word means everything, no one can take that away. Never, under any circumstances, break your word."

"When you make a mistake, do not be afraid to admit your wrong, it's a bigger man who can admit his errors."

"When someone helps you or pays you a compliment, say thank you."

"Be sure and look people in the eye when you are talking to them. Good eye contact is important and indicates self confidence."

"A good firm handshake and warm smile will always be well received."

"Be a good listener and ask questions — it is amazing what you can learn."

"When someone asks you to keep a secret, do just that."

"Treat people the way you would like them to treat you. Look at it from their perspective too."

"Don't ever let any success go to your head, because it is only by the grace of God you have been successful in the first place" and lastly, and most importantly,

"You are a Christian, so use those principles as the cornerstone upon which to build your career."

Great advice. It continues to amaze me how easily tough decisions can be made when you have the right guidance and perspective.

Thank you for allowing me to share. Oh, and, next time you see your mom, be sure to tell her that you love her.

*David Held,
President*

Teleconference on Energy Management and Conservation

As part of BOMA International's Energy Policy Action Plan, BOMA has scheduled a teleconference for Friday, May 11, 2001 on Energy Management and Conservation. The Trane Company has generously donated its production facilities and satellite network for BOMA's use.

The objective of this broadcast is to educate commercial real estate professionals on challenges and solutions to keeping the lights on in today's uncertain energy climate. By viewing this broadcast and participating in the interactive question and answer segment, you'll understand the energy crisis in California and its impact throughout the United States and Canada. More importantly, you will learn solutions to these problems, both from a public policy perspective and building management perspective. Finally, you will learn about the innovative approaches your colleagues have

implemented in their portfolios and how these technologies can improve your building's energy efficiency and lower your energy bill.

When and Where

Friday, May 11, 2001

The Trane Company, 3650 Highpoint

Registration and refreshments - 10:30am

Approximate broadcast start time - 11:00am

Approximate broadcast length - 1.5 hours

Registration Fees

\$59, BOMA International Members; \$69, Non-members

To register, call BOMA International at 202-326-6331, or refer to www.boma.org (on line registration available).

Team BOMA plays D

By Gerard Lavery Lederer, Esq., CAE

The Telecommunications Subcommittee of the House of Representatives reported favorably a major broadband telecommunications bill on April 26, 2001. Passage of the bill itself, however, is not why the events of April 26th are of major importance to property professionals.

The importance of the event to property professionals is that despite the efforts of mandatory access advocates, not a single member of the Subcommittee would introduce an amendment to the bill to mandate access to office buildings. Property professionals should not read this near term victory as it is ok to relax, but rather an affirmation of what happens when we act as an industry and communicate the facts and law on issues in a unified fashion.

A lifetime in the day of Lobbying

The events of April 26, 2001 also provide an insight into the oft boring, but sometimes absolutely panic-filled art of advocacy. The day also proved the value of the science and power of grassroots lobbying.

The call came early at 7 am from Mike O'Rielly of the House Commerce Committee staff. O'Rielly stated that an amendment to the Chairman's broadband bill would be considered in just two hours. He needed to know what information BOMA could share with the Chair and why the amendment should be opposed.

Within 30 minutes, all the Real Access Alliance advocates were sent a voice message letting them know that Team

BOMA was in full response mode. At eight am, the first return call came in. It was David Leach, one of BOMA's Real Access Alliance counsels, stating that he would get to the Hill with previously created briefing papers to hand out before the hearing and do his best to run down who was offering the amendment.

We emailed the BOMA position paper to Mike as well as a background paper on the issue found on the Real Access Alliances' homepage. Within an hour, the Chairman had our papers in his hands. While the battle would not be won in the next hour, we were in a position to remind committee members of the visits they had received in the previous months from BOMA and other real estate professionals.

An email alert went out to the members of the Real Access Team and, with hands full of BOMA Issues books and a BOMA International directory to show any member of the Committee, Team BOMA headed to the Hill.

The room was packed. Seeing the advocates for the CLEC industry circling the wagons in a corner of the hearing room was not dispositive that the amendment was going to be offered, but then again, it was not comforting.

Roger Platt, a colleague from the Real Estate Roundtable was already on hand. Platt reported that while he had talked to the Chair and that they feared the amendment would be offered, no member of the Subcommittee had informed that Chair that they would be offering it. Still, there was lots of

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Seminar Offers Three Legal Hours of MCE

(approved by TREC, course #03-03-051-2083)

San Antonio BOMA is pleased to offer an MCE seminar titled "Legal Issues Arising in the Management & Maintenance of Commercial Real Estate". The half-day course will be held at the Airport Convention Center Thursday, May 10, 2001 prior to the 7th Annual BOMA/SAABE Trade Show.

Legal issues are frequently encountered in today's complex business environment. Items such as premises liability, negligence, contracts, and tenant/landlord relationships have significant legal consequences and implications. This course, instructed by attorney Gay Gueringer, will provide you with a foundation in the basic principles of the law, helping you deal with legal issues you encounter every day.

Cost: \$95 for BOMA members; \$125 for non-members. Please call Lynn Forester at (830) 981-5223 for registration information.

Major topics include:

- Premises Liability
- Negligence and Gross Negligence
- Mechanics and Materialmen Lien Laws
- Contracts

Key Concepts:

- Recognize potential legal liability situations
- How possession and control of land impose premise liability on owners, managers, tenants and purchasers
- Standards of care owed to trespassers, licensees and invitees
- Case studies on negligence
- Necessary elements of a contract
- Common means of discharging contracts

Alas, a New Season Is Upon Us

Colin R. Ellison, Security Analyst — Smith Protective Services, Inc.

With the change in seasons, should also come a change in our security operations. The days are becoming longer, and the hours of darkness shorter. What then should we consider in reappraising our security plans?

Is it time to adjust security service hours of coverage? As with the automated control systems in a facility, timers need to be adjusted for security as well. There are a wide variety of security services available, and these services need review annually and seasonably.

Security lighting (energy costs), as most managers and homeowners recently experienced, is a cost that can surge unexpectedly. It is again time to plan on current lighting patterns, and continue to adjust through the daylight savings time change period. Courts have ruled that tenants have the right to expect a reasonably safe work environment. Safety and security lighting is certainly a segment of this responsibility.

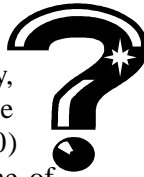
Conduct a survey of your property, and not just in the day time: Are walk way, parking area, and entry lighting fixtures clear of obstructions, which would diminish their

intended lighting capacities? Are all fixtures satisfactorily working? Have expansion or renovation projects previously not included in your security plan been properly lighted? Do exit doors have proper exit signs as required by code? Should timers be changed to adjust for the rapidly expanding periods of daylight? Very importantly, have reported accident and incident reports been reviewed to ascertain if additional lighting is needed in specific areas, and were the adjustments completed? Was a recent risk index report of crime in your neighborhood been reviewed? Has your current vendor of lighting merchandise informed you of new industry fixtures that are less costly to operate, yet produce a more satisfactory light projection?

Ask your security provider, or facility maintenance department to assist in obtaining this information. Once a survey and report has been generated, walk the property and assure the information was correct. Security and safety is a team effort, and by working as a team a safer environment is obtained.

Whatsit?

Here's something that most of use every day, but rarely ever see! The first person to call the BOMA office at (830) 981-5223 with the name of this object will win a free BOMA luncheon!



Congratulations to last month's Whosit winner, Rose Olejniczak. She identified Rosemary Bailey in the photo. Good luck to all on this month's contest!

People Tracks —

- **David Thorse** with Excel Realty is now managing Centre Plaza.
- **David Camilleri** is now a BOMA representative for PJS in addition to Scott O'Brien.

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time to offer such an amendment, and with twenty CLEC lobbyist huddled in the corner, it was clear they had the firepower to bring the issue up for a vote.

Was this for Real or a Probe?

If they did call for a vote on the amendment, we felt that we would win. The Chairman stated that he would move on a point of order that mandatory access was not germane to the bill and therefore the amendment not offered in good form. Absent winning on a procedural vote, he also felt we had had a positive head count. We believed that we would win, but then again, we didn't anticipate a real challenge this early in the Congress, let alone an amendment even being offered to a bill being stewarded by the committee's leadership. Just how good was our intelligence?

The Chairman and the Ranking member had both expressed their extreme opposition to mandatory access. Even the most junior member of the Committee had introduced no bill against us, and the corporate leadership for the mandatory access forces were busy in bankruptcy court. Still, an amendment had been drafted the previous night for a member of the subcommittee whose name would not be revealed by anyone.

Almost five hours after it started, and despite numerous sarcastic side comments from CLEC advocates, the hearing concluded with no amendment offered.

Post Mortem

In a post mortem with the Chair's staff, fellow Real Access Alliance advocates and friends from within the CLEC camp, what transpired on the 26th and the days leading up to the hearing became clear.

The CLEC industry understood that it was not going to carry the day on a number of major issues in their battles with the Bell companies. Given that fact, they tried to roll out a mandatory access provisions as a give back to them or as a poison pill for us so that they might draft us into their opposition camp. The CLEC team had succeeded in having one of the members of the subcommittee request that legislative counsel craft a mandatory access amendment, but that member had not promised to carry the bill. He told the CLEC forces they would have to find some one to do it for them.

Sources in the other camp revealed that they are still committed to trying to enact such legislation, but in a candid comment stated they "tried everything including the kitchen sink" to get someone to offer the amendment. They couldn't do so, because every one of the members of the Subcommittee had been visited by their real estate constituents and had effectively educated the members of Congress that mandatory access was unnecessary, unmanageable and unconditional.

They also indicated that when they attempted to build some steam for the effort a month ago, they were thwarted from the start when BOMA Seattle uncovered the plan through its close relations with the state of Washington's congressional delegation.

Lessons Remembered/Reaffirmed

Absent grassroots support, amendments are destined to fail. BOMA was fortunate to have had that support established as a base line in January and reaffirmed through letter, calls and events such as Advocacy Day.

BOMA members have been incredibly generous with both time for advocacy and a strong financial commitment to the effort. The financial support of the Real Access Alliance, the paid counsel's assistance, the web pages to store information, the email technologies to distribute those messages and the knowledge that the membership would back this fight as long as need be to win resulted in carrying the day.

No amendment was ever moved on April 26th, but the day was far from a non-event. An old sports saying that applies equally to advocacy is that a good offense puts fans in the stands, but championships are won with defense. If that's true, the advocates of BOMA are honored to ride the bench and watch "BOMA's Grassroots Defense" stop the opposition cold.

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Mark Your Calendar —

May

- 10** Legal Seminar, Airport Convention Center, 1:30 p.m.
 - 10** SABOMA/SAABE Trade Show at Airport Convention Center, 4:30 p.m.
 - 17** RPA/FMA Course Begins "Design, Operation & Maintenance of Building Systems II"
 - 17** Membership Luncheon, Oak Hills Country Club, 11:45am
 - 31** Board of Directors Meeting, 12:00 p.m.
-

May Luncheon —

KellyUSA: Past, Present & Future

The program for our luncheon will focus on the privatization of Kelly Air Force Base. The speaker will be Robert K. Rasmussen, Deputy Director of the Greater Kelly Development Authority (GKDA).

Prior to assuming the position of Deputy Director of the GKDA, Mr. Rasmussen was a senior manager in KPGM Consulting specializing in economic development, utility privatization/outsourcing, financial management, and supply chain management activities. As a consultant he had significant experience with multiple facets of the closure, transition, and privatization activities at Kelly Air Force Base. He has also directed multiple initiatives to reengineer production and supply chain management activities within the DOD. He is a Certified Professional Logistician. As the Deputy Director for the GKDA, he is playing a lead role in the strategic planning and execution of multiple real estate, utility privatization, and financial activities associated with the redevelopment of KellyUSA.