



## Ten Things Every HOA Board Should Know!

1. Your primary role should be to protect and enhance the value of your community.
2. As directors and officers of a non-profit corporation, you have a legal fiduciary duty. Your actions and liability as a board member are generally protected by governing documents or state statutes for non-profit corporations based on duty of care, duty of loyalty, and acting in good faith. The board should also be protected with directors and officers insurance.
3. The Board should adopt and adhere to a written Code of Conduct.
4. The board must comply with federal, state, and local laws and ensure that the association's governing documents are followed in a fair and consistent manner.
5. Board members have no individual authority separate of the board and should not make any commitments on behalf of the board. Sensitive communications with other board members should be done by phone since email may be introduced by discovery in the event of a lawsuit.
6. Know the basics of parliamentary procedure; participate with etiquette; and support the chair.
7. The board president votes on motions unless there is a conflict of interest. In at least one state, Florida, the president must vote and is considered to have voted in the affirmative unless he or she votes against the motion or specifically abstains.
8. Communication with members is key. Do not govern in secrecy except when executive sessions are required. Treat residents with the same respect that you would expect. Provide residents with an opportunity to address the board. This is usually done in a resident's forum at the beginning of some or all board meetings. Have a welcome package for new residents.
9. The board should not become 'condo commandos' by overly aggressive enforcement or fining practices. There are first time infractions that usually result from a resident's lack of knowledge and misunderstanding. There are minor issues, major issues and safety issues. There are repeat offenders, and there are the few that commit obvious rule violations; challenge the authority of the board; and stir up disharmony in the community. The challenge for the board is finding the right governing balance that includes objectivity, fairness, consistency, diplomacy, tolerance and measured response.
10. Always work to recruit new volunteers who have the time and skills to serve on the board and on committees. The board should also have an orientation or training plan in place for new members.

