

THE COMMUNITY BUILDER

Board Resolutions - What Do They Do?

Every day we all resolve to do things, whether they are relative to our homes or home-life or in our business life and world. In your role as a Board member, resolutions are formal statements of the Association's policies. They should reference the source of the board's authority (either the Declaration, the Articles or the By-laws) to act on an issue and state the purpose of the resolution with sufficient detail to enable those reading the resolution to understand its purpose and meaning as it applies to the subject.

Resolutions can state the Board's intention as to collections, covenants enforcement, fining, or other operating policies of the Association. They are important because they set out the guidelines that enable the Manager to effectively manage the day to day business of the association with the understanding of what is expected of them and the Board to know what process the manager is following.

Board Resolutions are easier to adopt than declaration or bylaws amendments because they do not require a vote of the membership. Resolutions generally are binding on all members of the community, so long as the resolution does not contradict the language of the declaration, bylaws or articles of incorporation or state statutes. In some communities, if not all, the resolution cannot impose a greater restriction on an owner's use or development of his property than the documents do. Because a resolution may affect an owner's right of use of their property or use of common areas, they should be adopted in an open manner and to ensure compliance, mailed or posted on the association website or otherwise distributed to all members prior to their effective date. Once adopted, their adoption should be recorded in the Minutes, but retained separately from the Minutes as part of the

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overall operational guidelines of the community.

Resolutions may change with the make-up of the Board or may need to change in order to comply with local ordinances or other outside influences. A good example of a resolution complying with local ordinances would be resolving to use only green practices for maintenance of the landscaping, ensuring less use of chemicals, less water for irrigation and plants and grasses more suited to the location and climate.

There are generally three types of resolution:

1. Administrative resolutions: These will address the internal operation of the community association such as:
 1. covenants violations and the process for handling them
 2. collections of past due accounts from owners
 3. a fining process
2. Policy Resolutions: These will affect owners' rights and obligations
3. Special Resolutions: These state the Board's decision about an individual situation, such as clubhouse use, Architectural Review Board or Committee guidelines, landscape maintenance requirements, etc.

So, the next time you're thinking, "We need to do something" think about what needs to be accomplished and use your documents as the basis to accomplish your goal with a resolution.