

“IN AN EFFORT TO FIND SOME ELEMENT OF CALM DURING BOARD MEETINGS AND IMPROVE THE GENERAL COMMUNICATION AND OVERALL RESPECT AMONG DIRECTORS, MANY BOARDS HAVE STARTED ADOPTING A ‘BOARD MEMBER CODE OF CONDUCT’ TO HELP GUIDE THE GROUP AS A COHESIVE UNIT.”



CIVILITY STARTS AT THE TOP

Do you ever wonder if it is just you? Maybe I wasn't driving fast enough as I merged onto the freeway and the obscene gesture just received from the hotshot flying past me was somehow warranted? Or, maybe it wasn't obvious that

I was next in line at the check-out counter because I had turned to talk to my four-year-old who was asking for another bag of M&Ms. Or, maybe people are just as rude as they seem.

Incivility is rampant in all sectors

of society, and is often magnified in a homeowners association. There is no doubt that common courtesy must be the rule, not the exception. Though we try to remember to be cordial to our neighbors, most of us need a refresher on good old fashioned

manners. After all, members of an association should be interested in maintaining camaraderie and civility in the community. Still, as we all know, folks get a rise out of torturing each other. What would a board meeting be without a bloodbath? Is it possible to be courteous to your neighbors at a board meeting? Can we effect change, implement a sound business plan and be respectful all at the same time? In society at large, civility starts at the top. Thus, an association's board of directors should be a model for the entire membership when it



comes to working together and making the community peaceful and enjoyable for all of its residents.

In an effort to find some element of calm during board meetings and improve the general communication and overall respect among directors, many boards have started adopting a board member "Code of Conduct" to help guide the group as a cohesive unit. The Code can also be a useful tool to get the group on the same page, when one or two pesky directors insist on rocking the boat. The Code of Conduct is a simple list of do's and don'ts that breaks down California law regarding fiduciary duties into laymen's terms.

Examples of Code of Conduct provisions are as follows:

1) Association board members shall respect the confidentiality of information exchanged in executive sessions. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance personal, financial or other private interests.

Confidentiality is the hallmark duty of a board member, who acts in a fiduciary role with the power and authority to exercise discretion for the benefit of the entire group. The information known and received by a director should not fuel gossip or result in judgment of the parties involved.

2) Association board members may not attempt to exercise individual authority over the association. Each Board Member has the right to cast his or her single vote, but must accept the will of the majority of the board members.

Board members necessarily bring individual experience and opinions to the table, but must be flexible and gracious enough to listen, learn and adapt when faced with decisions championed by the majority of their peers. Petty squabbling and personal attacks among board members, whether at meetings or in the community, can undermine even the most diligent board. How many association members can trust a board comprised of angry or small-minded dictators?

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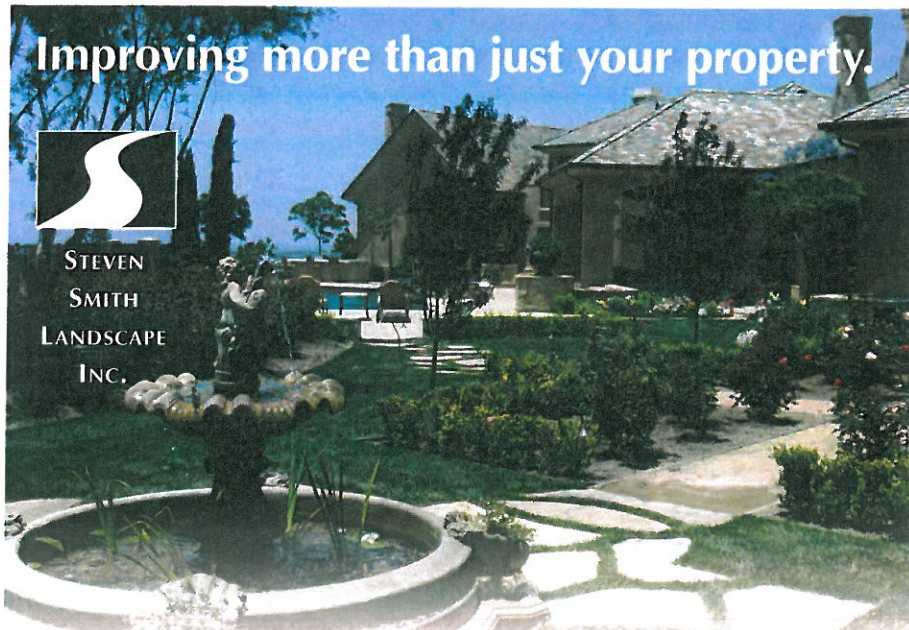
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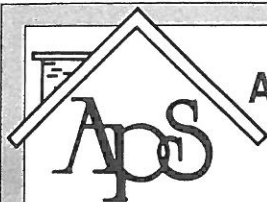


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CIVILITY STARTS AT THE TOP

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3) Association board members shall base their decisions on the merits and substance of the matter at hand, rather than unrelated considerations.

It does not matter if the delinquent owner recently parked a brand new car in their driveway. Maybe it is a company car or a vehicle borrowed from a sibling. It does not necessarily mean they have money hidden under a mattress and are withholding payment to the association out of spite.

4) Association Board Members shall not take any special advantage of services or opportunities for personal gain that are not available to all Association members. They shall refrain from accepting any gifts or promises of future benefits which might compromise or give the appearance of compromising their independence of judgment or action.

Along with embezzlement and obvious financial conflicts of interest, personal advantage-taking and putting oneself ahead of ones neighbors are the cardinal sins every board member must take pains to avoid.

5) Association board members are required to abide by the same rules, restrictions, and provisions that apply to all other association members. They shall not receive any kind of special or preferential treatment or deferral of penalties based on their status as board members. At all times board members shall act in a manner which sets a good example for the community, and never act to a manner contrary to the policies, procedures, and rules that govern the association and its members.

Yet, board members are, after all, human, and bring to the board individual perceptions and attitudes which reflect a variety of upbringings, cultural influences and emotions that are sometimes difficult to push aside. The key is for board members to recognize their responsibilities as good neighbors and


model this behavior for the membership. Board meetings should include lively debate and an exchange of ideas, not viral personal attacks that spread throughout the community. Board members should respect each other, even if they diametrically disagree. An attitude of compromise is essential to a community's wellbeing.

After a reoccurring debate about the state of the economy and increasing the association dues, I recently had a very astute board president tell a member, "Do not divide this group."

Doesn't that say it all?



Elizabeth Hensley is a community manager at The Helm Management Co. located in La Mesa, California.



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SAN DIEGO 2012 CAI-CLAC HONOR ROLL

By Sam Dolnick, CAI-CLAC Delegate-at-Large

The CAI-CLAC Honor Roll is being presented for the third year. All individuals involved in common interest communities, whether they are associations, homeowners, professionals, managers or business partners, who have contributed funds to CAI-CLAC in 2012 to assure that our voice is heard in the halls of the California legislature are to be congratulated. CAI-CLAC monitors legislation regarding common interest developments (condominiums, planned developments, stock cooperatives and community apartment projects) that the legislators are asked to deliberate and vote upon each year.

A heart felt thanks to all contributors. ABSOLUTELY NO FUNDS are given to any political party or to any candidate. All funds are used solely for issue oriented legislation affecting CIDs. However, our legislative advocate must be paid and items like stamps, stationery, phone calls, rent, maintenance of web site and other similar expenses must be paid.

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