

ROLE OF THE BOARD

The Board of Directors has control of the association property and is legally responsible for the operation of the association. The Board may delegate its functions to a committee or management, but the Board remains fully responsible for all actions and functions relating to the association. A community association combines the characteristics (without the legal power) of a local government, a business, and a community, and the Board has responsibilities in all three areas:

- To protect, preserve, and enhance the value of the assets of the association and its owners.
- It is the Policy-making body responsible for maintenance, administration, and financial well being of the association.
- Community Building body responsible for fostering and developing the desirability of life in the community

RESPONSIBILITIES & DUTIES OF THE BOARD

- Exercise care in all matters
- Loyalty to association and owners
- Must act in the “best interest” of the community

Each Board member has a duty to the Board and to the community. The Board should speak with one voice. Each Board member has the right, and perhaps the obligation, to voice dissent during the course of a board meeting. However, once a Board vote is taken and an action approved or rejected, each Board member has a duty – a duty of loyalty - to accept the decision and support it, even if the member voted against the action. Public dissention among board members diminishes respect for the Board and confidence in the Board’s ability to act.

MUST ACT IN ACCORDANCE WITH THE GOVERNING DOCUMENTS AND LAW

SCOPE OF AUTHORITY

- The word “may” in governing documents empowers the board. The documents may provide that the board may promulgate rules and guidelines.
- The word “shall” obligates the board to act. If the board fails to perform the acts it is required to do, the board and even the individual board member may be liable.
- Generally, the board does not have power to amend the Declaration – only members have this authority.

SET POLICY

- Adopt policies for orderly operation of the association.
- Adopt policies for the maintenance, use, and enjoyment of the common areas and facilities.
- Develop short and long term plans for the association.

PERSONAL LIABILITY

- Decisions are to be made by the Directors on an informed basis, in good faith, and in the honest belief the decision is in the best interests of the association.
- Board members are legally obligated to perform the required functions as stated in the governing documents and State Law of Texas.