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Q2 | 2024

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Q2 Photo Contest Winner: Bonnie Cook

SOUTHERN COLORADO
CHAPTER
community
ASSOCIATIONS INSTITUTE



CALENDAR OF EVENTS

January

9 - Education Luncheon:
January Jumpstart

February

9 - Axe Throwing Event
13 - Education Luncheon

March

12 - Education Luncheon
20 - New Member Breakfast

April

9 - 2024 Trade Expo

May

14 - Education Luncheon
17 - Switchbacks Event

June

TBD - CLAC Trivia (South) TBD
11 - Education Luncheon

July

19 - Golf Tournament

August

13 - Law Day

September

TBD -CLACsic Golf Tournament
10 - Annual Meeting/Top Golf
Event

October

8 - Education Luncheon
TBD - Board Leadership
Development Workshop
16 - New Member Breakfast

November

12 - Education Luncheon

December

10 - Holiday Celebration,
Awards, Board Installation &
Charity Donation Event

CAI National Events

COMMUNITY ASSOCIATION
LAW SEMINAR
Feb 14-17, 2024

COMMUNITY ASSOCIATION
NATIONAL CONFERENCE
May 8-11, 2024

COMMUNITY ASSOCIATION
CEO-MC RETREAT
Oct 16-19, 2024

Vision & Mission Statements & Values

Vision

To be the recognized leader and primary resource for education, advocacy and networking in the community association industry.

Mission

The mission of the Southern Colorado Chapter of CAI is to provide the resources and tools to best advance and support the HOA Community, expert service providers, and community association leadership.

Values

The core values of CAI SoCo that guide our business and culture are:

- INTEGRITY FIRST
- ETHICAL
- WELCOMING & INCLUSIVE
- PROFESSIONAL & KNOWLEDGEABLE

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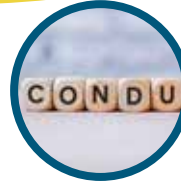
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2024 EDITORIAL CALENDAR

ISSUE	ARTICLES DUE	ADS DUE
Q3	14 June 2024	14 June 2024
Q4	13 September 2024	13 September 2024

All materials must be received no later than the dates listed. Materials received after these deadlines are at the discretion of the Editorial Staff for inclusion.

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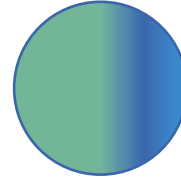
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PRESIDENT'S LETTER



JESSICA WALKER
*Chapter President,
CAI of Southern Colorado*

As we head into the second quarter of 2024, I'm happy to take a moment to reflect on the Chapter's focus for the upcoming months: Ethics.

The community association industry is not an easy one by any means. Managers, homeowner leaders, and business partners have some of the most dynamic roles when it comes to our partnerships with our communities. We are expected to be customer-service focused with the fortitude of a saint. We are entrusted with the stewardship of communities ranging from single-family homes, townhomes, condos, and office parks with careful consideration of each communities' needs and nuances. Our recall is expected to include information ranging from the latest rulings on federal regulations, the most suitable type of paint for stucco, de-escalation tactics, to basic accounting principles, and anywhere in between. We champion everyone and no one, treating everyone uniquely but fairly and consistently.

And yet, as I reflect on the many challenges we face and roles we take on, the one unifying concept at the heart of our industry and our work should be our continuous commitment to ethical conduct. Community Associations Institute's mission to inspire professionalism, effective leadership, and responsible citizenship begins with the groundwork of setting forth your ethical standards. The industry pulls each of us in a multitude of directions at any given time, so how do we operate under these circumstances when it feels like the goalposts are constantly shifting?

1. Define your moral principles that will guide your behavior, conduct, and interactions in the industry.

Consider the values that are important to you as an individual and surround yourself with those who have similar values.

2. Be consistent in your behavior, conduct, and interactions with others by ensuring your decisions and actions align with your defined moral principles.
3. Promote honest and open communication. This is crucial for building and maintaining trust and ensuring that others' voices are heard.
4. Be respectful to everyone. Valuing those around you and their contributions will lead to more meaningful relationships.
5. Take responsibility for your actions, decisions, power, and duties that come with your position.
6. Always lead by example. Demonstrate the behavior you want to see in others, and then inspire and challenge others to do the same.

If you are a Homeowner Leader in your community, I encourage you to read CAI's Model Code of Ethics for Board Members that can be modified and adopted by any common-interest community.

As a Professional Manager, I expect you to know and understand the ethical standards laid out for you while representing the community association industry. If you are unfamiliar with these expectations, read CAI's Professional Manager Code of Ethics and Clarification document.

While there are no guidelines defined by CAI specifically for business partners, CAI does provide general ethical principles that can guide all members of CAI and help build respect and transparency in your partnerships.

With each of us committing to strong moral principles and being consistent in our behavior and actions in alignment with these principles, we all can contribute to the improvement of and continued success of the community association industry. 🏡



Photo CONTEST

**Everyone wants their 15 minutes of fame!
Here's a chance to grab yours!**

Not everyone can be featured on the cover of National Geographic, but one lucky CAI SoCo amateur photographer can grace the cover of our brand-new magazine each quarter in 2024!

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How a code of

C O N D U C T

can make it easy for your board members to fulfill their legal duties of care



ALYSSA CHIRLIN
Smith Jadin Johnson, PLLC

Board members are an invaluable resource to homeowners associations, which literally could not function without their dedication of time and energy to keeping their associations running. This great power comes with, as they say, great responsibility and the law makes sure of that. To protect associations from Board members with bad intentions, Colorado law imposes certain duties on Board members, one of the most prominent of which is a duty of care. This duty is imposed by the Colorado Revised Nonprofit Corporation Act, which requires a Board member to perform their duties:

- 1 in good faith;
- 2 with the care of an ordinarily prudent person in a like position and under similar circumstances; and
- 3 in a manner the director reasonably believes to be in the best interests of the association.

The three prongs of the duty of care seem straightforward enough—to act in good faith means to act with honest intentions; to act prudently means to be informed and to act cautiously; and to act in the best interest of the association means to put the interest of the community as a whole before the interest of a few owners or of the directors themselves—but how do these concepts translate into daily governance?


This is where a code of conduct can be helpful. It interprets a Board member's legal duty of care into concrete standards that Board members can consult and use to guide their actions. For example, a code

of conduct's prohibition on spreading misinformation demonstrates a Board member's duty to act in good faith; a requirement to consider all available information when making association decisions defines a Board member's duty to act prudently; and a ban on using information obtained as a Board member for personal gain reflects a Board member's duty to act in the association's best interest. In this way, compliance with a well-drafted code of conduct can shield an association from legal liability.

Beyond that benefit, a code of conduct is also just a great tool to summarize and remind Board members of their duties, such as their duties to keep certain information confidential, to refuse gifts, and to act without bias. A code of conduct may even go beyond documenting only legal duties to create a set of professional standards that will facilitate Board cohesion and productivity. To that end, a code of conduct may require Board members to support final Board decisions (or at least refrain from public disapproval of such decisions), even when a vote was not unanimous, or may prohibit personal attacks on other Board members and association members.

While a code of conduct establishes the behavior that is expected from Board members, a Board member's violation of the code does not automatically incur consequences. In order for a breach to bear a penalty, an association's governing documents must substantiate such action, such as when an association's bylaws disqualify a Board member from their position if they violate the code. Even without automatic penalties, however, a code of conduct establishes a uniform interpretation of Board members' responsibilities and serves as a handy reminder to Board members of their duties to act professionally and in the best interest of the association.

A further, perhaps underrated, benefit to adopting a code of conduct is the message that doing so sends to the community. If homeowners know that Board members are holding themselves to a code of conduct, it maintains the association's credibility and promotes accountability. And by complying with the code, the Board will conduct association business respectfully and with the common goal of serving the community, which will set a standard for homeowners to meet in their own dealings with the association.

If your association is interested in adopting a Board member code of conduct, CAI has developed a model code, which can be accessed through its website. This model code provides a solid foundation upon which any association can build a code of conduct tailored to their community. 

Alyssa Chirlin is an attorney at Smith Jadin Johnson, PLLC, a law firm that handles all of an association's legal needs, from daily governance issues such as collections and drafting governing documents to insurance claim underpayment or denial and other litigation.



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Fiduciary Duty & Ethical Practices

Homeowners Associations play a pivotal role in maintaining and enhancing the value of properties within a community. Central to their function is the management of finances in a manner that ensures transparency, accountability, and ethical management. By focusing on the fiduciary, ethical practices, HOAs in conjunction with those that provide management services for HOAs can effectively manage resources, foster trust among residents, and sustain the overall well-being of the community.

1. **Transparency:** HOAs should maintain transparent financial operations. This entails keeping comprehensive records of finances, budgets, and meeting minutes easily accessible to all members. Transparent practices build trust among homeowners and foster a sense of accountability within the community.
2. **Accountability:** Accountability is fundamental in HOA financial management. Board members and management must be held responsible for their decisions. Regular audits and reviews serve as checks to ensure that financial decisions are made in the best interest of the community, promoting transparency and trust.
3. **Fair Treatment:** Equity in financial matters is crucial for maintaining harmony within the community. HOAs should enforce policies and practices that ensure fair treatment of all homeowners, regardless of their background or status. This involves avoiding biases in dues, assessments, and fees, fostering an inclusive environment where every member feels valued.
4. **Prudent Financial Management:** Prudent financial management is essential for the sustainability of an HOA. This includes responsible budgeting, maintaining adequate reserves for future expenses, and seeking competitive bids to optimize resource allocation. By managing finances wisely, HOAs can mitigate financial risks and ensure long-term stability.
5. **Compliance:** Compliance with laws, regulations, and governing documents is non-negotiable for HOAs. It's imperative to adhere to state and federal regulations governing HOA operations, tax laws, and accounting standards. Compliance ensures legality and ethical conduct in financial management, safeguarding the interests of the community.
6. **Confidentiality:** Protecting homeowner privacy and confidential financial information is paramount. HOAs must handle sensitive data with discretion, safeguarding financial records and homeowner information from unauthorized access or disclosure. Upholding confidentiality builds trust and fosters a sense of security among homeowners.
7. **Professionalism and Integrity:** Professionalism and integrity are core principles guiding interactions within the HOA community. It's essential to conduct all dealings with honesty, integrity, and professionalism, honoring commitments and resolving disputes impartially. Upholding ethical conduct strengthens the reputation and credibility of the HOA.
8. **Regular Reporting:** Regular financial reporting promotes transparency and accountability within the community. HOAs should provide homeowners and the Board with comprehensive financial reports and updates regularly. This practice ensures that stakeholders are informed about the HOA's financial health, fostering transparency and trust.
9. **Continuing Education:** Investing in ongoing education and training for Board members and management staff is crucial. It's essential to stay updated on best practices, industry trends, and regulatory changes affecting HOA management. Continuous learning empowers stakeholders to make informed decisions and navigate complex financial matters effectively.
10. **Responsive Customer Service:** Responsive and courteous customer service is pivotal in homeowner satisfaction. HOAs should address homeowner inquiries, concerns, and maintenance issues promptly and courteously. By providing excellent customer service, HOAs enhance homeowner satisfaction and contribute to the overall well-being of the community.



CONOR SMITH
BankUnited

Fiduciary, ethical practices are integral to the effective management and governance of homeowners associations. Embracing principles of transparency, accountability, fairness, and prudence, HOAs can uphold the trust and confidence of residents while ensuring the long-term financial stability and well-being of the community. Through proactive engagement, education, and adherence to legal and ethical standards, HOAs can fulfill their fiduciary responsibilities and effectively serve the interests of their members. 🏠

Conor Smith is a Vice President, Relationship Manager for BankUnited's (NYSE:BKU) specialized National HOA and Property Management Group. Conor has been living in Denver, CO for the past four years following a move from North Jersey. In his free time, Conor enjoys taking advantage of Colorado's robust arts scene, competing in triathlons, reviewing Colorado restaurants, and cheering on his five nephews.

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ELIZABETH PITINO

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WHERE MEMBERS CONNECT



Ethical Issue in Reconstruction Projects



JEFF KERRANE, ESQ.
Kerrane Storz, PC

At some point in the life cycle of every community association there will come a time, probably multiple times, when the association will become involved in a large-scale reconstruction project. As communities evolve and structures age, every component of a community will reach the inevitable end of its life cycle. Sometimes, that end could come sooner than expected, when a community is hit by a natural disaster. Other times, the end of the life cycle could be hastened by construction defects or by inadequate maintenance.

When an association embarks on a reconstruction project, ethical obligations of the individuals involved will come into play, including the community association manager and the Board of Directors.

Ensuring Transparency

Over the past several years in Colorado, many community association management companies have begun to offer construction and construction management services either directly, or through affiliated companies. Transparency is a particular concern when the community association management company provides these services. Because management companies have long standing relationships with contractors and other service providers, management companies should disclose these relationships to the association, especially when the management company has a financial interest in the transaction. Colorado law and CAI Ethical Rules require this transparency. C.R.S. § 12-61-1004.5(3) provides:

“[A] manager shall disclose to the executive board all remuneration the manager or any subsidiary, affiliate, or related person or entity receives or will receive, directly or indirectly, in connection with its relationship with the common interest community.”

CAI’s ethical rules provide a similar disclosure: CAI Ethical Rule #6 provides:

The Manager Shall disclose all relationships in writing to the Client regarding any actual, potential, or perceived conflict of interest affecting any relationship between the

manager and the Client. The Manager shall take all necessary steps to avoid any perception of favoritism or impropriety during the vendor selection process and negotiation of any contracts.

CAI Ethical Rule #7 provides:

The Manager Shall provide prompt written disclosure to client of any compensation, gratuity, or other form of remuneration from individuals or companies who act or may act on behalf of the Client.

Avoiding Conflicts of Interest

In any reconstruction project that may involve repairs or improvements to units (or even to common areas) Board members should consider whether they may have actual or apparent conflicts of interest. For example, in a painting project where all buildings will be painted at the same time, it is less likely that a homeowner would accuse a Board member of receiving preferential treatment by the contractor. However, if the contractor performs extra work, such as painting the front doors of the Board members, homeowners will inevitably see this as corrupt. Even if it is later disclosed that the Board members paid the contractors personally for the extra work, the damage will be done.

Maintaining transparency with owners about the repair scope and schedule is key to preventing such problems. Throughout the reconstruction process, Board members must ensure that they avoid even the appearance of a conflict of interest.

In determining the scope of the project, the Board must avoid any appearance that they allowed their personal interests to affect their decision making. When repairs are not performed in an identical manner across each building or unit, the Board would be wise to have a third-party engineer or architect prepare the scope of repairs, so that the Board will have an unbiased repair plan that they can rely upon.

Managing the Bid Process

Determining the appropriate number of bidders involves balancing competition and efficiency. The Board should consider industry norms and the complexity of the project. While three to five bidders may be common for some projects, the number of bidders will depend on the project scale and market for the construction work. Many Board members are under the impression that “the law” requires every project to have a minimum of three bidders. Although some states do have a requirement for an association to obtain a minimum number of bids, this requirement does not exist in Colorado. The manager and board should still review the association’s governing documents to see if any bidding requirements exist.

Qualification of bidders should occur before allowing a contractor to bid. Preparing a bid can be a complicated

and costly task for contractors, and it is unprofessional to waste a contractor’s time by having them bid on the project and then later determining that they are not qualified to perform the work. Associations should check references and even conduct preliminary interviews before inviting a contractor to submit a bid. A Board can be seen as acting improperly if they allow a contractor to bid, and then choose a higher bidder because the Board later determines that the low bidder was not qualified to perform the work. If all bidders are pre-qualified, the Board can choose the low bidder every time.

Investing the Reconstruction Funds

Many declarations require a vote of the membership before the association can borrow money for a reconstruction project. Typical bank funding for association projects requires the association to use its assessment income stream as collateral for the loan. C.R.S. 38-33.3-302(1)(n) permits an association to use its assessment income as collateral, but only if expressly permitted in the declaration.

C.R.S. § 7-128-401 requires Board members to act in good faith, with ordinary care, and in the best interests of the Association when it comes to investing association funds.

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Conclusion

This article touches on just a few of the ethical obligations for managers and Board members that might arise in the context of a reconstruction project. If a manager or Board member is unsure of their obligation when an issue arises, they should seek a legal opinion from the association’s attorney. By relying upon proper legal advice, the manager and Board will shield themselves from personal legal liability. ⬆

Jeff Kerrane is a shareholder with the construction defect law firm Kerrane Storz, PC. Jeff has helped to coordinate dozens of reconstruction projects over the past 30 years, primarily occurring after the conclusion of a construction defect lawsuit. Jeff can be reached at (720) 898-9680 or at jkerrane@kerranestorz.com.

THE ETHICAL LINE

Between Homeowner and HOA Board



SHARYN MCWHORTER
Pine Creek Village

Fiduciary responsibility. It sounded important; I was intrigued with the two simple words that were stressed upon me by the HOA Board President when he asked me to fill a short-notice vacancy on a Board servicing 1,420-plus homes. I learned, after eventually serving 5-1/2 years on that HOA Board, how incredibly important those two words really are. I learned that there is a line between being a homeowner with a vested interest in the outcome of decisions impacting me and those decisions that are impacting the community at large. It was important to understand the viewpoints of the other homeowners and the other Board members, but decisions impact everyone a bit differently. In the end, compliance was key, not opinions. Focusing on prudent decisions based on an ethical standpoint is difficult; however, it is incredibly important in maintaining standards and consistency in a community of your neighbors.

Fiduciary responsibility is what separates out the single homeowner from the HOA Board member charged with seeing the community as a whole and ensuring fairness and equity for everyone's interest. There are three common elements of this responsibility: duty of care, duty of loyalty, and duty to act within the scope of the Board's authority. Duty of care means Board members will act in the good faith of a 'normally prudent person' and make decisions that are thoughtful, well-informed, and non-arbitrary. Duty of loyalty means that the Board members will not vote with their own best interests in mind but will put the community decisions above themselves and their personal interests. Duty of scope means that the Board members understand what their guiding directives are, they know the covenants and declarations, and they allow the governing documents to guide them in their decisions. They understand what the State and City laws and statutes are, and know they have a duty to comply.

That makes sense, doesn't it? Well, easier said than done. When homeowners become a part of the Board of Directors, they really have to shift the way they think about themselves as members of the community. In my 5+ years on an HOA Board servicing 1,420+ homes—all who I consider my neighbors—I learned that homeowners see a situation from their own lenses. For example, they may not understand why they can't do what they want to do with their home, even if the modifications do not match the HOA-guideline-driven aesthetics. They ask, "But why can't we [fill in the blank]?" And at first, I asked myself, "So why can't they?" But I quickly learned that my opinion was

not germane to the decision. It was about compliance to a standard—not to me and not to an opinion.

Herein lies the issue of the Board member. We are trained by HOA attorneys on Day 1 to understand the basic tenets of responsibility and to make ethical decisions, even though it may go against our own ethos. Board members are trained to put aside personal opinions, so that compliance and the consistency of the community is maintained. We ask ourselves, "Can we live with this decision? Can we live with the result of the choices we make? If this decision leads to a 'new normal,' have we changed the paradigm, or are we upholding the standards as set forth in our governing documents and the vision of the community developers? Can we look our neighbors in the eyes and tell them why we decided what we decided? Can our decisions hold up in a court of law?"

For personal decisions, it is natural to inject our own, often energized opinions. When a Board is faced with decisions, however, they must adhere to governing documents, which are the foundation of ethical principles in community leadership, bring down the temperature in the room, and reduce the energy of opinions. As a Board president, I always told the other Board members that I was but one vote, and I did not dictate the final outcome of any decision. I needed all votes to be heard. We collectively needed each other to keep each other accountable to the declarations and guidelines to keep focused on the community at large and not on our personal biases.

Differing views certainly are healthy in decision making, but compliance and fairness, not opinions, are critical in determining the line between HOA responsibility and mere opinion, between the Board member and the homeowner. As a Board member, I was assigned that all-important fiduciary responsibility to lead with purpose and honor and set the standard to make decisions for individual homeowners on behalf of the 1,420+ voices in my community. Keeping informed and educated on our guiding principles and using those to base our decisions on, not our opinions, is what draws the line between the homeowner and the Board member. ⬆

When Sharyn is not volunteering for her HOA, she is a program manager for a large Department of Defense contract. She also teaches ethics and leadership for a college-level course. She stresses the importance of compliance with laws and policies, and she focuses on ethics in decision making, the ability to weigh alternatives, and making choices based on an evaluation of policies, principles, and potential outcomes.



2024 Magazine Quarterly Themes

Technology/Advancement

Ethics

Acceptance/Inclusivity

Mastery/Knowledge

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The Moral Compass

of a Contractor



DEREK BRASE
EmpireWorks Reconstruction

Construction is more than brick and mortar. What we do is about shaping communities, forging connections, and fostering relationships. As contractors, we understand the power entrusted to us, and with that power comes a distinct responsibility - to uphold the highest ethical standards. While regulations set the boundaries, it is the commitment to ethical principles that truly defines who we are as builders.

Trust lies at the core of every successful construction project. Clients entrust us with both their vision and their finances. This trust is built upon transparency, which starts with being upfront about capabilities, timelines, and potential challenges. It means open communication, clear expectations, and delivering on promises.

Cutting corners or offering misleading information might seem attractive in the short term to some. Not only is this unethical, but the consequences can be devastating. A single instance of an unmet timeline, poor workmanship, or lack of follow-through can tarnish a reputation. This leads to lost partnerships, financial repercussions, and a damaged brand image. Building trust is an ongoing process, and no good business wants to unravel years of hard-earned credibility.

Staying “safe” not only refers to compliance with regulations. Safety is also a moral obligation ingrained in the fabric of every good contractor. We are responsible for the well-being of our employees, subcontractors, and everyone potentially impacted by our work. This translates into prioritizing safety training, implementing, and enforcing proper procedures, and fostering a culture of zero tolerance for safety risks.

Compromising on safety is never an option, as an unsafe workplace could be potentially life-threatening, leading to serious injuries, lawsuits, fines, and even project shutdowns. Every life deserves to be protected, and every worker deserves to return home safely, making safety a non-negotiable commitment in our professional framework.

Fairness and equity are the cornerstones of ethical contracting.

We must ensure all individuals, companies, and communities have equal opportunities to participate and benefit from the construction industry. Subcontractors and suppliers should be hired based on merit and qualifications, not personal biases, or discriminatory practices. It also means adhering to contractual terms, ensuring fair and timely payments, and avoiding exploitative tactics.

The construction industry undeniably leaves an imprint on the environment. We should strive to minimize this impact and contribute to a sustainable future. This involves efficient planning and material usage in order to minimize waste and implementing energy-efficient building techniques where possible.

Responsible contractors engage in responsible waste disposal, adhere to environmental regulations, and actively explore eco-friendly alternatives whenever possible. Making this commitment ensures that the structures we repair leave a positive impact on the community and the planet for generations to come.

Upholding ethical contracting standards is not just about meeting legal requirements; it is a conscious choice to build a legacy of integrity, trust, and responsibility. These standards contribute to constructing a better future for ourselves, for our communities, and for the environment we share. This requires continuous commitment, but the rewards – a thriving industry, empowered communities, and a more sustainable future – make the effort undeniably worthwhile. ⬆

Derek is a proficient and experienced construction professional who has served as Vice President of EmpireWorks since 2015. EmpireWorks Reconstruction is a full-service General Contractor specializing in complex exterior HOA projects.

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LEADING BY EXAMPLE:

EMBRACING ETHICS



To display your ethical standing proudly is to prominently tip your hand of your vulnerabilities which may feel risky. THIS is where I stand. THIS is right and THAT is wrong. It may help your adversaries calibrate to detect your weaknesses. Your soft spots. In this competitive and controversial climate, soft spots are perceived as detrimental.

But this is an article about teaching ethics through example, not my insecurities. Displaying and outwardly exhibiting your ethical standing is also very rewarding to those you lead and those you serve. The foundational professional tenants of "ethics" I have selected to focus on are **Integrity, Respect, and Compassion**. I am newer to leadership in the Association Management realm and have spent most of my management career collaborating with Homeowner Leaders.

You name 'em, we managers and business partners have worked with them! Military leaders, software engineers, OB/GYNs, actors, pastors, homemakers, and real estate brokers. Offering their energy and expertise gratis for the good of their community. Often, they enter this form of selfless servitude with a healthy suspicion and distrust of the one PAID party to this party...the dreaded HOA Manager.

This distrust is sometimes disguised as contempt - which makes it very hard to grow collaborative relationships with people.

How do we break through this shell and get to business? Get to productivity? Get to greatness for the community they are exhausting countless hours volunteering for?

Show them your underbelly. Show them who you are. BOLDLY tip your hand through your words and your ethical actions that firm up your ethical standing:

**You are a
person of
Integrity**

"I deserve the benefit of the doubt; I am always doing what I am supposed to be doing in a quality manner and I have the humility to come forward to the team with a solution when I have made a mistake in the midst of my productivity."

You are a person of Respect

"I am here to execute my duties to the best of my abilities and will unquestionably and intentionally treat everyone with equity and dignity at all times."

You are a person of Compassion

"I care about the people that I serve with and those they call 'neighbors.' I want to contribute to making this a good place to live, and I do my best to nurture community over contempt."

Consider stating your professional and ethical standing to those you collaborate with, serve, and lead to nurture a working relationship of trust and respect. And then show them with every interaction, every email, every hardship, that those are your hard lines.

When a Homeowner Leader sees their Community Association Manager consistently act within ethical boundaries, it promotes this as the standard culture for their Community. If we have an irate homeowner at a meeting, and the Manager meets that anger with compassion and respect, it nurtures an environment in which they can trust that all owners are being treated equitably and respectfully. It builds a clear vision to operate under mutual professionalism and partnership, simultaneously opening our Homeowner Leaders to being brave and displaying their professional ethics.

This bold, ethical environment is not only exclusive to our relationships with Homeowner Leaders; it can also be a benefit to the TEAM that Community Association Management is composed of. Colleagues from management companies we do not work with but continue to learn from via platforms like our CAI SoCo Chapter's quarterly magazine and luncheon presentations; contractors we may partner with to accomplish big and small feats; and volunteers directing and navigating their community needs, will all benefit from setting an elevated ideal for our industry team's ethics.

Embrace and exhibit your professional ethics proudly and consistently and watch your collaborations strongly bloom into the most beautiful garden you are proud to come to work in. 🏡

Jourdan Winters is a Senior Manager at Dorman Association Management and currently serves on the CAI Southern Colorado Chapter's Editorial Committee.



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The Value of Civility & Personal Interaction



AARON J. GOODLOCK

*Orten Cavanagh
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This is not a mundane article about board member duties. Much has been written about the traditional duties of care and duties of loyalty in the context of community associations. Instead, the focus of this article is encouraging and promoting civility, as a subset of the customary fiduciary duties and roles of board members.

Anecdotes of incivility and animosity within homeowners' associations abound in recent news media, oftentimes portraying associations as the antagonist regardless of the circumstances. As boards of directors and management are often the focal point of negative media bias, it underscores the role that individual board members and managers have in assuming responsibility to renew their commitment and restore integrity, civility, and trust among homeowners, neighbors, and community business partners. Together, board member leaders and management can create vibrant, sustainable communities in which everyone can thrive.



As with any organization, civility starts with the **leaders** at the top— e.g., the directors and officers—who set the tone for the rest of the community.

That CAI has led the way for cultivating professionalism and is committed to ongoing engagement on civility is refreshing. Many communities and board of directors have adopted the CAI Civility Pledge or have implemented similar policies of their own. However, there is no doubt that instances of incivility still occasionally arise. After all, varying degrees of incivility have almost always existed in some fashion and are arguably intrinsic in any community.

An emerging challenge that many communities face is the lack of personal interaction. The recent proliferation of Zoom has brought to the surface the value of in person meetings to develop and maintain relationships with fellow board members, homeowners, and neighbors. During and after COVID, many communities stopped holding in-person meetings. In turn, the lack of accountability and in-person interaction has led to more vitriolic and invidious behavior, which, if not moderated, can be self-perpetuating and harmful.

Despite the convenience of virtual platforms, there are distinct advantages and benefits of meeting in person, beyond just the items on the agenda. Boards and management can assess the temperature and sentiment of the community at large and implement changes based on personal interactions. Directors, managers, and homeowners can also temper malcontent when seated across from or next to one another, as opposed to meeting virtually. Oftentimes, issues can be resolved precisely due to the face-to-face environment. Sometimes, board members and homeowners visit before and after meetings to get

to know one another, cutting through the formalities of board meetings and virtual/electronic community barriers.


Taking the time to get to know one another and to listen and learn from each other, so that associations can support and achieve common goals, is a critical element of fostering inclusiveness and civility. Building the best communities possible requires

everyone to connect and work cooperatively with one another. Boards of directors and management can promote these values through personal connections, interactions, shared purposes, and belonging.

With that said, not all interactions need to be in person. Associations can utilize technology and other communication tools to connect members to each other and to community resources through community newsletters, the Association's website, etc. Associations can also promote homeowner engagement through in-person and hybrid community and social events geared towards recognizing, understanding, and appreciating the collective efforts of volunteers and all members' contributions to shared success.

The value of civility should not be dismissed or ignored. Board members and managers can't always control the actions of others, but they can control how they interact and communicate with residents and homeowners in the community. Board members and managers can also be assertive and effective while remaining courteous. While incivility exists, it should not originate from or be perpetuated by community leaders.

Most communities are comprised of a diverse group of homeowners and residents. As a result, community leaders are tasked with balancing a wide variety of interests, with various different beliefs and opinions. Civility is reciprocal. Fostering civility requires board members and managers to listen carefully. In turn, homeowners and residents will demonstrate respect for organizational leaders that value connection, belonging, equity, integrity, respect, and honesty.

Collectively, we can all improve our communities one step at a time by investing in ourselves and implementing practices of civility, to ensure all members feel valued, supported, and respected. 



Aaron J. Goodlock is a partner at Orten Cavanagh Holmes & Hunt, LLC. He provides general counsel and transactional services to community associations throughout Colorado and serves on the Colorado Legislative Action Committee for CAI.



ETHICS

Honoring the Code



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Picture this: You are a portfolio manager whose best friend is the project manager for a general contractor, with whom a Community Association you manage just won a large construction project. Every week, you and your friend meet for lunch. This time, the Board President of that community sees you at lunch with this project manager. The President is furious and smells a “kickback.” What do you do?

How about this: You have just been elected to the Board of Directors of Always Sunny HOA. The Board President and Vice President are engaged. They both own units in the HOA but live together. Is there a problem with this?

There is nothing unlawful about either of the above scenarios. However, from an outsider’s point of view, they create the perception that an individual or individuals may be personally or financially benefiting from a specific relationship. Essentially, it creates a conflict of interest. How so, and why should you care?

Because of **ETHICS.**

Former United States Supreme Court Associate Justice Potter Stewart defines ethics as “knowing the difference between what you have a right to do and what is right to do.” As Community Managers and Volunteer Leaders, we barely notice this, but it affects our day-to-day responsibilities and decisions.

Seasoned and inexperienced professionals and volunteers in the HOA industry have no doubt been introduced to the concept of fiduciary duty, defined as acting in the best interest of the entity, with due care, as any normal and prudent person would act in the same situation. In other words, acting ethically! Managers, other business professionals, and volunteer leaders should be familiar with the two parts of fiduciary duty: Duty of Care and Duty of Loyalty.

Duty of Care is responsible for making ethically sound decisions based on all available information, attending Board meetings, and participating in the meetings. Board members should attempt to be informed and reach a basic understanding of governing documents, legal issues, and other best practices affecting their community associations. In addition, Board members should be prepared to make decisions at Board meetings. Managers should strive to be educated about each community they manage and stay informed about legislation or other publications affecting their clients’ communities. Examples of Duty of Care include the following:

- Attend industry education luncheons, CAI Law Day, or take additional classes in CAI’s Professional Management Developer Program.
- Sign up for legislative updates through the Association’s law firm’s website.
- Obtain additional information about a proposal to replace the Association’s roofs. Review the Reserve Study, the type of roofing materials, and the manufacturer’s warranties; contact the roofing contractor’s references.
- Review the Board packet in advance of the meeting and email the Community Manager additional questions about its contents.

Duty of Loyalty is a responsibility to maintain confidential records and prioritize the corporation’s fiduciary interests over one’s personal interests. It also requires an additional responsibility to avoid potential conflicts of interest arising when an individual’s personal interests clash with their professional duties and obligations. Managers should

attempt to obtain requests for proposals from several vendors when a specified project is due to begin. They should also avoid accepting gifts (lunches, gift cards) from trade vendors, especially when one of those vendors is scheduled to complete a large project for an association they manage. Examples of Duty of Loyalty include the following:

- Keep all Executive Session discussions confidential.
- Act as a unified body even outside of Board meetings. For example, even if you, as a Board member, did not vote to paint the clubhouse this year, you support the Board’s final decision.
- Make all decisions about contractors based on bona-fide qualifications, not because one of the employees is a friend or relative.
- Maintain the confidentiality of all Association records, even if you no longer represent or live in the Association.

There are times when a conflict may be unavoidable. In those instances, make sure you:

- Disclose the conflict in writing BEFORE the conflict occurs!
- Ask the Board for approval and put it in the minutes.
- If it’s a Board conflict, the member involved must abstain from all votes about the subject that created the conflict.

In many other scenarios, ethics play a part in our everyday interactions with vendors, board members, and homeowners. Sometimes, ethical lines can be blurred. CAI’s website contains several articles related to ethics and developed Codes of Ethics for Community Managers, Board members, and other industry professionals. While not an exhaustive list, people in our industry should understand how and when to recognize an ethical dilemma. When in doubt, ask an Association attorney. I follow my gut and ask an attorney!

What would you do about the two scenarios mentioned at the beginning of this article? Think about them and have a lively debate with your colleagues.

You just might be right. ⬆

Diane Hampson, MPM, CMCA®, AMS®, PCAM® has been in the industry for more than 20 years. She is currently General Manager of the Satellite HOA and Hotels. She is also on the CAI National Faculty and owns a Community Management Consulting business.



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17** Family Evening with the
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30** CLAC Trivia (South)

JUNE

**TUESDAY
11** Education Luncheon

**THURSDAY
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