

Good Afternoon to all,

The date to submit your *Intent to be a Board Member* notification is quickly coming upon us and we have not yet received a full slate of Board applications.

As a homeowner, you have a big stake in the safety and cleanliness of your neighborhood. How can you ensure that your community will be properly maintained and cared for? The best way is to volunteer with your homeowner's association. Board positions are unpaid, however, the satisfaction of knowing your community is being well taken care of often outweighs any monetary compensation. We've come up with a list of top **10 Reasons to Serve on an HOA Board**. Perhaps this list will compel you to get involved with your association!

1. Protect Your Property One of the top priorities of every homeowner is to protect the value of his or her home. Being involved with an HOA will put you in a better position to make and implement rules in your community. Some of these regulations will directly affect property value, especially if they require decisions about the association's budget or routine maintenance.

2. Correct Problems Are you noticing problems in your community? You can take charge now and help to correct them by being a part of the board.

3. Meet More of your Expectations Did you have certain expectations when you bought your home in the community? Are your expectations being met? By serving on an HOA board, you can achieve your expectations of a more perfect community much sooner by working with your neighbors.

4. Gain Better Understanding of the Laws Volunteering as a board member will make you well-versed in laws and regulations related to community associations and maintenance. It will also give you a good grasp of finances and budgeting.

5. Have Fun Experiences Taking on some of your association's tasks does not have to be a boring. It can be fun, especially when you get to socialize, work with your neighbors and come up with creative ideas on how to make your community run better.

6. Learn Life Lessons As an HOA board member, you learn valuable life lessons about working as a team. You learn to share your interests and responsibilities with others, and at the same time, you understand the importance of valuing others' opinions before making decisions.

7. Help Build a Resume Did you know volunteering with a homeowner's association can help build your resume and perhaps help advance your career? Any kind of community volunteer service is favorable in the eyes of future employers.

8. Learn Leadership Skills Serving on an HOA can teach you more than what you imagine. It gives you a chance to hone, leadership skills, take charge of issues and work with others to fix

them. Your organizational skills are sure to take a leap too when you organize get-togethers in your community.

9. Give Back to the Community One way to give back to your neighbors and community is to serve on your association's board, which allows the opportunity to make good decisions that will have a positive impact on everyone.

10. Meet Neighbors An HOA meeting is the best place to meet your neighbors and to know more about them. It gives you a chance to socialize and make friends with others living in your neighborhood.

Sadly, communities sometimes experience a dilemma in which no volunteers are interested in stepping up to the plate to volunteer their time and effort as a replacement board member. Under Florida law, HOA directors are entitled to serve for their term and until their successor is *duly elected*.

With that being said, you may be asking yourself whether that means an existing board member is ever able to resign or step down from their position as a board member? The answer is yes. Any board member at any time can express their intent to resign as a director or an officer, but the resignation might not be without consequences because an HOA board needs officers and a quorum to conduct day-to-day business.

The definition of a quorum will change depending on the language of your governing documents, but the most common quorum definition is generally 51 percent director participation. For example, if an association is made up of a five-member board, a quorum would only be established after three of the board members decided to act. Failure to have enough directors to meet the definition of a quorum under your governing documents will prevent the HOA from being able to hold meetings and conduct meaningful business.

Resignations can also have a grave impact if the person stepping down is not only a director, but an officer.

Officers of the board include the president, secretary, treasurer and sometimes vice president. The roles and duties of those officers are outlined in your association's governing documents and provide each officer with certain abilities and powers. If a director who is also an officer decides to resign, the vacancy might impact the association's ability to sign checks to pay third parties, access the HOA's bank account or enter into contracts with vendors and other providers.

Up to this point, all scenarios have assumed that at least one director is willing to serve on the board, but what happens when all directors have resigned, and nobody is willing to replace them? Section 720.3053, Florida Statutes, provides that "if an association fails to fill vacancies on the board of directors sufficient to constitute a quorum in accordance with the bylaws, any

member may give notice of the member's intent to apply to the circuit court within whose jurisdiction the association lies for the **appointment of a receiver** to manage the affairs of the association."

There is a particular form for the notice, which is provided in Section 720.3053, that states that the petition to the court will not be filed if the necessary vacancies to establish a quorum are filled with 30 days after the notice is posted or transmitted to all owners. The Florida Legislature added this provision in hopes that the notice will conjure up enough volunteers willing to serve on the board to prevent the appointment of a receiver. If the 30-day window expires and nobody steps forward, the member who transmitted the notice can then petition the court for a **receiver** to run the association.

Unlike customary directors who take the position without compensation, Section 720.3053 provides that the **receiver is entitled to receive a salary** and reimbursement of all costs and attorneys' fees payable from association funds. It also goes on to say that the "association shall be responsible for the salary of the receiver, court costs and attorneys' fees."

The difference between free volunteer directors and paid receivers with their accompanying fees can be a large number that has a drastic impact on the reserves of an HOA. Monies reserved for common-area maintenance, repairs and just general upkeep could be directed to pay the receiver's salary to run your community. That's never a good idea, as it will inevitably take a visible toll on your community.

To prevent receivership from happening, I would encourage anyone who is even slightly pondering volunteering as a director to strongly consider stepping up and serving as a director. Your participation may have a greater impact than you ever realized before.