



PERSPECTIVE

The CC&R's must be re-searched carefully to see if this document created the requirement to have certain committees and to see what powers they have been given.

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ROLES AND RESPONSIBILITIES OF COMMITTEES

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Most community associations have some form of committee process or activity to assist the Board in meeting its responsibilities.

Legal Basis
Association Legal Documents

- 1) Nevada general authorizes the Board to create and appoint members to such committees as may be required from time to time.
- 2) Specific identification of certain required committees, such as Architectural Review, and a delineation of their role, responsibilities and membership in the governing documents.
- 3) May contain specific discussion of time sensitive committees which expire or go out of business at a certain point such as a Transition Committee or Advisory Board.
- 4) Board Decision – most association committees are created by and serve at the pleasure of the Board,

even those explicitly required in the legal documents.

- 5) Board Resolution – formal action by the Board to establish a standing or ad hoc committee setting forth the Committee’s scope of responsibility and authority, membership, term of office of its members, relationship to the Board and to other Committees, etc.
- 6) Committee Job Description /Charter – an annual document setting forth the key features of the Board Resolution and the major items of the annual work plan of the Committee.

Committees are the training ground for future members of the board.

Role and Relationship of Committees

Committees serve a number of important roles to the association process and the Board. Below are just a few:

- 1) Serve as training ground for future leaders.
- 2) Serve as a conduit through which the Board receives “grass roots” input—opinions and attitudes of owners.

- 3) A vehicle through which Board actions are explained.
- 4) Enhances effectiveness of Board by providing research analysis and advice needed for policy decisions.
- 5) Can, under careful guidance, be an instrument for initial implementation of Board policies such as with an Architectural Review Committee.

Relationship of Committees to the Board

Generally, committees are advisory to the Board and serve at the pleasure of the Board.

Some Committees, in addition, may have implementing authority, such as the Architectural Review Committee, but to be successful must operate under or within guidelines established by the Board. (Board can delegate authority but not responsibility. Hence, oversight is essential to protect the Board.)

An appeals process must be established to permit access to the ultimate authority – the Board. Committees are an important linkage between the Board and Owners and thus must seek out owner input, involvement and participation.

To assure continued functioning of Committees, the Board must give each Committee a “real” job to do, adequate authority to complete the job, due consideration of the Committee’s recommendations or actions and appropriate recognition for performance.

What Committees Are Wanted and How Many are Needed?

Size of the community – The greater the number of owners in relationship to size of the Board, the more important committees become in providing involvement.

Complexity of Association Activities – The more complex and involved the Association activities, the more the Board may need additional groups to conduct research and analysis and to undertake

time-consuming tasks as enforcement.

Typical areas of Committee Involvement

Architectural Review

- 1 Recommend standards for Board adoption
- 2 Establish Procedures for submission, review and approval.
- 3 Implement enforcement procedures.

Rules/Compliance

- 1 Recommend rules and penalties for Board adoption.
- 2 Establish procedures for identification, notification, and enforcement.

Newsletter

- 1 Recommend standards and policies for Board adoption.
- 2 Establish procedures for generation, review and approval of copy.

Budget and Finance

- 1 Establish process for receiving input to the budget development from Board, committees, staff (if any), contractors and owners.
- 2 Conduct research and analysis in preparation for and support of proposed budget.
- 3 Submit formal budget proposal to Board for consideration.
- 4 Monitor and oversee financial management system to identify areas for the Board where significant budget deviations have occurred and why.

Social and Recreational

- 1 Establish a process for identifying needs and desires of the community and the development of program proposals to meet those needs.
- 2 Ongoing monitoring and oversight to current programs and submission of recommendations to Board for improvements and changes.

Ad Hoc Committees

In addition to standing Committees, the Board should consider the use of ad hoc Committees. By having a limited purpose and life, those Committees can attract individuals who have much to offer the Association, but cannot make a long-term commitment of volunteer time. Examples of ad hoc committees include:

1. Management Search Committees
2. Election Inspectors
3. Bylaw or CC&R Revision Committees
4. Research and investigate committees on warranties, cable tv, satellite dishes, pet problems, etc. Special Capital Improvement Committees.

Statutory Requirements

NRS 82 states the following, which must be followed as closely as possible:

NRS 82.206 Committees of board of directors: Designation; powers; names; membership.

1. Unless otherwise provided in the articles or bylaws, the board of directors may designate one or more committees which, to the extent provided in the resolution or resolutions or in the bylaws, have and may exercise the powers of the board of directors in the management of the business and affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers on which the corporation desires to place a seal.

2. The committee or committees may have such name or names as may be stated in the bylaws or as may be determined from time to time by resolution adopted by the board of directors.

3. Each committee must have at least one director. Unless it is otherwise provided in the articles or bylaws, the board of directors may appoint natural persons who are not directors to serve on the committees.

4. No such committee may:

(a) Amend, alter or repeal the bylaws;

(b) Elect, appoint or remove any member of any such committee or any director or officer of the corporation;

(c) Amend or repeal the articles, adopt a plan of merger or a plan of consolidation with another corporation;

(d) Authorize the sale, lease or exchange of all of the property and assets of the corporation;

(e) Authorize the voluntary dissolution of the corporation or revoke proceedings therefor;

(f) Adopt a plan for the distribution of the assets of the corporation; or

(g) Amend, alter or repeal any resolution of the board of directors unless it provides by its terms that it may be amended, altered or repealed by a committee.

(Added to NRS by 1991, 1267)

THE TEN COMMANDMENTS OF COMMITTEE INDOCTRINATION

Committees can be a very strong asset to any community association if given the proper tools and guidelines. Below are a few guidelines to help in that area.

Though shalt appoint committee members who are either knowledgeable about or interested in the committee's area of activity.

Thou shalt know thy chairman

Thou shalt make committee members knowledgeable of the responsibility of the committee and give them goals.

Thou shalt make committee members knowledgeable to the association's practices, policies, and procedures.

Thou shalt make committee members knowledgeable of staff responsibilities to the committee.

Thou shalt make committee members knowledgeable of past committee performances.

Thou shalt set up a reporting procedure to the Board of Directors.

Thou shalt get all committee members involved.

Thou shalt establish only realistic goals.

Thou shalt give recognition to thy committee chairperson.



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Complete Community Association Legal Services

LET THE CLARK COUNTY NEIGHBORHOOD JUSTICE CENTER HELP YOU HELP YOUR OWNERS

Many times neighbors have unique problems matters in which one of the parties refuses to participate willingly. Association issues or authority to intervene. We want to let you know about a service provided by Clark County, which provides free mediation between neighbors or individuals. The service is called the Neighborhood Justice Center and can be reached at (702) 455-3898. They are located in Las Vegas and are open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Mediation is a process that assists disputing parties to resolve their differences and reach a mutually satisfactory agreement with the help of a trained, neutral third party.

The Center will not handles disputes where the problems are such that they can't be settled through negotiation, where matters involve violent activity or

Benefits of Using NJC

Some of the benefits of the Center are: Cost effective, faster than litigation, process is personalized, issues are discussed in depth, parties control the outcome rather than having a decision made for them and it is private and confidential.

The Association can only get involved in those issues for which it has authority in the governing documents and may tell you that they cannot help resolve a specific problem. Please consider contacting the Neighborhood Justice Center who will help you come to a resolution.