

CONSENSUS BUILDING FOR COMMUNITY ASSOCIATIONS

Winning the Support and Approval of Your Community
For Board Decisions

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I. Success Can Depend Upon Cooperation or Consensus

Community Associations, their board members and managers are responsible for carrying out business that protects literally hundreds of thousands to millions of dollars worth of real estate. Daily problems arise that range in magnitude and importance, but all require sound business judgment to resolve.

Many times what is also desired or required is the cooperation or consensus of Association members and residents, who have different interests, values and personalities. Their cooperation may be critical.

Obtaining support or cooperation from all members/residents is not required or feasible. To determine what level of support may be required, check with your Association attorney and Association manager.

Too many times a board of directors will have a proposal rejected (and members angry) just to have one very similar approved at a later time. This is usually due to the “damage control” efforts (i.e., some type of outreach, orientation, education or mediation process) that the board pursues after their proposal is rejected and many members are angry. The outreach, orientation, education, mediation process simply does something the board should have done prior to its decision-making. That is simply to involve the members in the results and in the decision-making process. If members are “on board,” they tend to cooperate. Think about the time, money and feelings that would be spared if consensus building efforts were employed each time a board had to make an important decision.

What level of consensus or support is needed? The minimum to avoid political and legal repercussions to the Association, if not more.

II. The Dynamics of Decision Making in Common Interest Communities

Gaining support for decisions of the Board of Directors of the Association is dynamic in the following three ways.

1. Unanimous Support is Not the Goal. It is difficult to solve big or complex problems without having adverse effects on at least some interests. Consequently, on a big or complex problem the final community based decision to address it will not get unanimous support.
2. Conflict is a Part of the Process. Community involvement includes conflict between the Association management and members.

3. Process is Important. A good community participation process may not make the Board and management popular, but can earn respect and support from a minimum portion of the community.

Association leaders and managers must often act in ways that do not please some or all members when they are striving to meet the needs of the entire Association/community. When conflicting opinions on what should happen occur, the result can be costly in both a social and financial sense.

III. The Formula for Building Consensus

Many Associations and managers have identified a formula for successfully generating support for the decisions they must make. They have found that by engaging in a proactive process of strategic communication and collaborative decision-making, conflict is avoided or minimized and many attempts to “thwart the system” are replaced by support and approval. At the very least, they are replaced by a “reluctant willingness” to go along with a course of action simply because the decision-making process included members early on. Cooperation, on any level, means the freedom for the directors, officers and management to implement a solution with minimized social and financial costs.

IV. What is Consensus for Decisions of the Board/Management?

Consensus does not mean that every member must enthusiastically and totally support every aspect of a particular course of action that the board decides it must pursue.

It does mean that the decision is supported (sometimes reluctantly so) because nearly everyone believes that the action is, overall, in the best interest of all members -- because it addresses, to some extent, the majority of needs.

V. How to Develop Consensus

Developing consensus does not always come easily. In fact, members often fight a board-proposed course of action if they do not believe that it is addressing a serious problem and that the process used to develop the course of action was not legitimate.

The single most important criteria that members use in deciding whether a problem is serious is: *Does the problem, or the proposed solution, substantially jeopardize their property or quality of life?*

What is the proven means to determine whether “the” process to arrive at a solution is legitimate? This answer is the “process.” *Did the process take into consideration the members’ input and needs early on and was their input used in making decisions? Or, was their input addressed adequately?*

The success of the process followed may be determined by some of the following:

- ✓ Was apathy overcome? This is critical to obtain broad community support.

- ✓ Were members who might be hurt by the project (or think they will be) asked and allowed to be directly involved?
- ✓ Members who benefit, or are not affected, frequently prefer to remain on the sidelines.
- ✓ Members who do participate, or have the opportunity to participate, generally, do not and cannot take extremist or irresponsible positions as readily as those who do not participate.
- ✓ A member (even a potentially powerful member) that refuses to participate early in a project's planning process loses a lot of credibility in the eyes of his/her peers - provided that it is clear that his/her participation was actively solicited and that he/she refused.
- ✓ Some members, who do participate in the Association's decision-making process, have motives of their own that have nothing to do with the project itself.
- ✓ The community and members, as well as board members, officers and management, tend to base action on their perception of reality. To change perceptions, orientation and education are needed.

The key to preventing conflict, and even generating support, depends upon the following areas of accomplishment:

1. Responsibility/Authority of the Board and the Association: Members must believe that the Association and board are acting wholly and totally within their proper powers and responsibilities.
2. Reasonable and Fair : Members must believe that the Association and board are being reasonable and fair in the course of action that is being proposed.
3. Shared Values are Served: Members must believe that the proposed course of action corresponds and generally aligns with their values and interests and that any tradeoffs are equitable and fair.
4. The Board and Management Listen and Compromise: Members must believe that there is an effective two-way communication between them and the board, officers and Association manager, and that there exists a strong desire to listen and compromise.

VI. How to Begin to Build Support for Community Decisions

There are many techniques that can be used, within an outreach or consensus building process, to build shared agreement and prevent major conflict. Before these are reviewed, it is important to discuss some general recommendations that Associations and management should consider in developing a process to build support.

1. Identify the Problem. Begin with the introduction of a compelling problem statement. This may include how the Association and its members are (or will be) adversely affected by the problem or situation.
2. Identify Who is Proposed to Address the Problems. Within the problem introduced, review and then express the Association's duty and responsibility for addressing the problem and advising the members that the feasibility of a solution is being examined.
3. Seek and Be Open to Member Input. Seek input from the members regarding the plan to address a situation and some options that might be used.

Obtaining input is not always easy because members typically do not voice what is important to them. What seems to be easiest for them is to react to something, in the form of options proposed by the board, as long as those options are multiple and it is clear that they have not been finalized. Why? Providing only one option makes people feel trapped, and any option in final form would mean that homeowner concerns were not considered.

4. Get Members Involved. What gets members involved? Persistence and an "open door" to their input. Other than a decision they are upset with, consider the following:
 - It is difficult to get people involved in the planning of a project until there is a proposal - something to react to.
 - Providing options provides freedom.
 - Providing only one choice seems more like dictatorship.
 - Choosing the "best" course of action from the alternatives is essentially a political process for the community.
5. Allow Members Time to Respond. Provide sufficient time for member education and input so that members have ample opportunity to ask questions, add further options, refine options, and decide on what works for them and the Association.
6. Allow for Reconsideration. Don't force decisions until the community is ready. Take the time to make a final review of the proposed course of action with members prior to implementing that action. Not all people can visualize what a proposed course of action will be like, by reading a report, reviewing a set of plans or reviewing documents. In fact, they may not even admit that they cannot understand something that is presented to them for review.

VII. Involvement Techniques

There are several “public involvement” techniques that can be used to build support for the decisions. A few of these techniques are briefly examined below.

1. Meetings of Members or Neighborhoods of Members/Create a Sense of Community in the Community. When members know other members, association business decisions, and the ability to build consensus is much better.

How does an owners association get its members to become acquainted with other members? It is not easy! Social events and an open inclusive atmosphere will be very helpful. Consider possible social functions, from picnics, to car washes, to bake sales, to community spring clean up days (on spring clean up days, consult with your attorney first) or whatever fits in with the community. Then, choose and support these events, at least on a midterm basis (5 -7 years). All members should be invited, literally. And by nature of the governance policy actually practiced by the association, all members are allowed to participate in discussions of the board. (See Senate Bill 100, Senate Bill 89 and the Association’s Governance Policies and Procedures.)

Whether they attend or not is not the measure of success of a social event. All members had the opportunity to attend, and may plan to attend next year or attend the next event.

Holding meetings to communicate and manage conflict can be useful. Meetings, however, are typically overused. Many are willing to call a meeting at the drop of a hat but less willing to plan and execute the meeting in a way that proves productive (and painless). Questions to ask before a meeting is called include:

“What would be the purpose of the meeting?”

“How can we maximize the chances of accomplishing that purpose?”

“What should be on the agenda?”

“What discussion guideline should be imposed to ensure maximum efficiency and order?”

Meetings do more damage than good if they leave people frustrated and dissatisfied. If people cannot adjourn a meeting without saying that they feel a sense of accomplishment, to some degree, the meeting should be subject to serious evaluation as to whether it should have been called at all. One good way to discover whether or not meetings are well spent is to simply ask. Feedback may be painful, but it is important for board credibility.

One strong advantage of holding a meeting is that people have the opportunity to interact personally with one another. A disadvantage is that when people representing varying interests (and who are far from reaching consensus) meet, some have a tendency to become even more polarized.

If the purpose of a meeting is to gather concerns or vent, it may be advisable for the board not to attend, but, instead, hire a professional facilitator to lead the meeting. Residents who may be perceived as informal leaders in the community can be requested to lead such a meeting.

There are many types of meetings - working meetings, open houses, town meetings, public forums and more. Each is designed to accomplish different things related to managing conflict within community associations.

2. Working Meetings

Working meetings are designed for a small group (no more than twelve) to engage in a problem-solving process. Although these meetings are well planned with a specific agenda, they allow for free flowing, give and take, discussion. The primary goal of a working meeting is to reach consensus by clearly identifying areas of disagreement and agreement so that the participants can expand on the areas of agreement by talking through and addressing the difficult areas. A working meeting is essentially a group negotiation process. Such techniques as parliamentary procedure are not recommended for working meetings because they restrict open and creative discussion.

A purpose for holding a working meeting might be to address conflict between the board and architectural control committee over covenant enforcement methods.

3. Forums

A forum is not designed to accomplish a specific task or to negotiate an issue. Rather, it is designed to air differences through constructive dialogue. A forum comes in handy when the board must make a quick decision but feels that the issues are not yet well defined. Holding a forum allows the board to be as effective and responsive as possible ... in relation to the time at hand. To organize a forum, one should:

- extend an open invitation and publicize it widely;
- at the beginning of the forum, clearly state the purpose of having to make a quick decision with as much homeowner input as possible;
- have a neutral party moderate;
- invite each interest to briefly voice their viewpoint; and
- document concerns in a “verbatim” format, reporting their comments exactly as they said them.

For follow-up, it is important to make the documentation of the meeting available for the members to review. After the board develops the course of action that was, to the degree possible, based upon the input received at the forum, it should announce that resulting decision and explain how it took homeowner concerns into consideration. If it did not, it is also important to explain why. Although making quick decisions is not recommended for important issues, a forum is the best way possible to demonstrate responsiveness in an emergency situation.

4. Open House Meetings of the Association

An open house is an informal setting in which the association board of directors has the opportunity to provide information to members regarding some problem and the range of options available to address that problem. It provides the members time to review the information, ask questions, react to alternatives, and make further suggestions regarding solutions. It is best to schedule an open house over a few days to accommodate diverse schedules. Another advantage of having people attend at their leisure is that it discourages the “gang mentality” that exists when a large group of polarized interests convene. The board has the chance to bridge gaps through friendly, informal “one on one” discussion.

The open house should take place in a club house or some other public building such as a room in the local library or school. Since the purpose is for members to review material for consideration, it is essential that the board and association manager do their “homework” and are ready to effectively display information, through pictures, illustrations, and charts that depict the problem and proposed solutions. Care should be taken to provide displays of information that are clear and simply understood. Handouts should also be provided for members to take home. At the open house, it is helpful to ask members to complete some type of survey specifying their reactions to the information as well as their input regarding solutions.

Important note: Board members should appear genuinely objective about solutions and not place themselves in a position where they are defending any one particular option.

The open house is one of the most effective techniques for generating support for a major decision.

5. Town-Hall Meetings of the Association

The town meeting has been called the cornerstone of the democratic process. It is an exciting community event that is quite useful for generating community spirit and support for a whole menu of actions. Quite like the public forum, the town meeting is useful for the board of directors to listen to what association members have to say about the current issues as well as their sentiments, aspirations, and hopes regarding the place where they live. The town meeting also provides a time for two-way dialogue between the board of directors and the members they represent.

A town meeting should be a semi-informal event where members can feel comfortable interacting with their neighbors. Scheduling it on a Saturday morning with a pancake breakfast and child care can go a long way to ensure attendance.

The town meeting is an excellent first step within any strategic planning process because it assists in generating homeowner input in relation to prioritizing projects for the new year’s

budget. By gaining consensus on spending before it happens, the board can build support for its actions throughout the year.

6. Small Group Workshops

This technique is designed with the premise that those closest to a situation (i.e. members) can identify any problem associated with it as well as solutions to address it.

For maximum success, it is important to have as many members as possible participate in a nominal-group workshop. The board first gives background on the problem and gives members an opportunity to ask questions to clarify the information. Once it is understood that everyone is clear on all background information, the members break into small groups of four or five, are given small note cards, and are asked to confer regarding their perceived issues related to a particular situation. For example, the groups should respond to the question “What important issues do you believe our association should address over the next five years?” and “What might be one or two effective ways to address each issue?”

After each group addresses two or three important issues or considerations, they place them on the note cards and then reconvene into the larger group. After reconvening, each group shares their work with the rest. From this interchange comes a combined list of issues that is then prioritized, by vote, according to importance. This list of issues, and the suggestions made for addressing them, is then used by the board in its planning and decision-making throughout the year.

7. Committees and Task Forces

Committees and task forces offer the Board good forums to address members’ unspoken needs while accomplishing consensus-building and education. The key difference between a task force and a committee is the specificity of purpose and direction given by the board. Committees are given less focused tasks and greater discretion. Task forces are charged with specific tasks and asked to accomplish a specific goal. A combination of the two member participation formats allows the Board to break down responsibilities for a large project and to provide community members with a sense of participation and membership.

VIII. Key Points in the Process of Involving Members:

- ✓ Recognize all “white elephants” and any unspoken needs of the participants. Members object to proposed actions for a number of reasons. If you can look beyond the content of your members’ comments to their motivation in making the comments, you may be able to address their needs and wants without conceding much. Members generally actively oppose projects or board actions for four reasons:

Misinformation, misperception or exaggerated fears

Unmet emotional Needs

Conflicts of values
Conflicts of Interest

Depending on the members' motivation for actively opposing an action or project, the board can take various steps to eliminate or address the motivational concerns and obtain support from these individuals.

✓ Misinformation – Avoid it and correct it (if it occurs).

Opposition based on misinformation or misperceptions is the easiest type of resistance to overcome. Boards often rely on unilateral communications (board meetings, newsletters, and minutes) to educate people. Many of the meeting techniques listed above can assist in overcoming opposition caused by misinformation. However, the board should carefully consider the format and purposes of the meeting prior to scheduling one. Community meetings often do little more than introduce potential opponents to each other and allow them to hear and adopt each other's positions.

If opposition is not caused by a lack of information, disgorging endless data will simply stir people up. Rather, the board or committee members can correct misinformation problems by establishing their credibility and openly discussing the action or project and the steps taken to arrive at the decision to undertake the action or project.

✓ Unmet Emotional Needs

Some opposition stems from your members' unmet emotional needs. Perhaps the opposition comes from a past board member who made significant contributions to the community, but was not consulted on the proposed action or decision. Certain professionals within your community may also wish to be included in the process to meet their need to communicate expertise in a particular area. These people are best involved in task forces and committees where their involvement can be direct and visible.

Meeting your opponents' emotional needs is usually the least expensive way to reduce opposition to your action or project. You may need to allow your members to vent their anger toward you. You may need to apologize. And, you may even need to overcome your own anger and resentment and show your members the consideration they feel they deserve. BUT, you generally do not have to make costly or important concessions to overcome this type of opposition.

✓ Conflict of Values

Board decisions can be opposed because they conflict with the values of certain members. Remember that you cannot negotiate values. If you share your opponents' moral principles, then say so, e.g., "I too am on a fixed income and cannot afford to have my assessments raised too much every year." You should also evaluate the priority the opposition may place

on a particular value. While people may not want to see assessments raised, they may place more value on building an adequate reserve fund. When conflicts of value appear, try to focus on mutual interests and problems rather than on conflicting values. A focus on mutual interests can lead the way to resolution.

✓ Conflicts of Interest

Often board actions pit positive interests against negative interests. Members have a positive interest in gaining new benefits that they do not already have, such as building a second swimming pool in the community. Most members will support a proposal when it meets their positive interests. By comparison, members have a negative interest in losing benefits they presently claim. Not surprisingly, the loss of an existing benefit is considered to be significantly more important than the equivalent gain of a new benefit.

In addressing opposition based on a conflict of interest, the Board should attempt to couch its project or actions in terms of the negative interests which will be lost if the action or project is not completed.

IX. Be Political

Consensus building is a process of establishing a sense of “ownership” in a project or action which the Association and management wish to accomplish.

Without “ownership” in the proposed project or action, the board may watch a key benefit or interest wither in the hands of the members’ opposition.

How is consensus building done? By proposal to the members. Not by decisions made by the board and action taken by the association to implement the decision. Most individuals in community associations resent having the boards tell them “what’s good for them.” Consequently, the goal of “educating the community” by telling them what they need, or what the decision is, may not be a wise one. Instead, provide proposals and options and let the members reach their own conclusion on the items that are important to them.

Whether members with a specific interest will be willing to accept a particular solution to a problem depends not just on what that solution looks like, but on whether the solution is being “imposed.”

If members feel that a major decision was made in a manner that is not appropriate or legitimate, even though they might like the decision itself, they may not accept the decision.

If members perceive the decision-making process of a project to be “fair,” they may be willing to live with a project that impacts different interests unequally.

While the members with various interests are capable of voicing desires, listing wants and needs that may be unreasonable, in the end, they are capable of discerning between what is really legitimate and what is not.

Professionals working in the public arena today are not given much presumption of professional expertise. They have to prove why the recommended course of action is the best course of action. Today everyone is their own “expert.”

Credibility or “believability” of the Association, the board and management is one of the most indispensable resources in the consensus building process.

Consequently, if association leaders and managers can place before the members a range of alternatives (not quite in final form) offering members choices and an opportunity to enhance those options; then, there is a strong likelihood that their values and needs will be brought to light through their selection of an option and the process of refining that option.

Remember, doing nothing is an alternative that should always be considered. If the board does an adequate job, however, on educating residents of the negative consequences associated with “no action,” the members will not, as a rule, select it. If, nonetheless, they do choose to do nothing about the problem, there is a strong likelihood that it is not as important as the board thinks. Pursuing the particular problem might be better received at a different time.

The time given and the time it takes are critical for addressing interests of residents. Generally, if members feel that the board and management consider their viewpoints and concerns, they will support the substantive interests of the board.

Note that most people will not participate in a planning process unless: the issues are clear and tangible; the members consider the issues significant; and they consider themselves capable of making a contribution.

Usually the board must spell out intentions in a variety of clear and illustrative ways. For example, if buildings need to be painted, conduct a demonstration project where one building or one side of a building is painted with a proposed color so that residents can see for themselves what the color is actually like.

Remember, that despite how effective members consider a course of action to be, there is a strong likelihood that they will resist it if they believe that the process used to reach that action was not “legitimate.”