

If It Feels Good, Then Why Can't We Do It?

By Kelly McFadden

There has been quite a bit of discussion of late in our PIPOA community as to what exactly our CAM funds can be spent on. Specifically, is it allowable to mow property owner lots and to improve homeowner fences on Whitecap using PIPOA funds and resources?

I love the fact that our community is debating these issues.

One side of the discussion to allow the spending is based on a line in Article 4 of our Articles of Incorporation. It says the PIPOA is authorized for "furthering the benefit or common good of all of the property owners". And, many are making the case that mowed lots and nicer fences "benefit" our community.

But the devil is in the details. In the same section of the Articles of Incorporation is the qualifier that limits spending to any "property which shall be owned by it" – meaning property owned by the PIPOA. Additionally, is the statement "The corporation is not authorized to provide exterior maintenance to private residences".

What this says is that no PIPOA money, no matter how well intentioned, shall be spent on private property.

And just to make sure this specification is clear, we can look at section 2.05 of our Bylaws which says our Board has authority to "maintain, operate, repair, and replace, on a non-profit basis, common areas".

So, our Articles of Incorporation specifically prohibit spending to maintain private property. And our Bylaws go further to say that the ONLY authorized spending is for "common areas" owned by the PIPOA. No mowing of private lots and no upgraded fences for homeowners are allowed.

I get it, we all want to do what feels good here and just take the easy path to solve some of these issues in our community. But this is not about what feels good, it is about what is allowable based on our governing documents.

Our governing documents were put in place to protect the property owners and our trust funds. We don't get to pick and choose which sections we follow and which we ignore. They must be followed in their entirety. If not, then what good are they?

<http://padreislespoa.net/wp-content/uploads/2018/06/20180614123037.pdf>

<http://padreislespoa.net/wp-content/uploads/2014/03/Articles-of-Incorporation-2.pdf>