

Mallard Lakes – Authority to Seek Funding Summary

After reviewing the Mallard Lakes Code of Regulations (“Bylaws”) and related governing documents, there is no language stating that only the Board (Council) may seek or apply for funding such as federal, state, or other grants. What the Bylaws do provide is that the Council (Board) has the authority to manage Association affairs, including collecting assessments, contracting for services, and approving commitments that bind the Association financially. This means that while the Board must ultimately approve acceptance or participation in a funding arrangement, individual owners are not prohibited from researching, contacting agencies, or initiating inquiries into funding opportunities. In summary: - Homeowners are not barred from researching or contacting agencies about funding. - The Board must vote to accept or commit the Association to any funding arrangement.

Relevant Bylaw Excerpts:

ARTICLE III – COUNCIL Section 2 – Powers and Duties “The Council shall have the powers and duties necessary for the administration of the affairs of the Council and may do all such acts and things except as by law or by this Code of Regulations may not be delegated to the Council by the Unit Owners.”

ARTICLE VIII – FINANCES Section 2 – Operating Fund and Reserve Fund “The Council shall establish and maintain an adequate reserve fund for the maintenance, repair, replacement and improvement of the common elements and for such other purposes as the Council may deem appropriate.”

ARTICLE VIII – FINANCES Section 3 – Assessments “The Council shall fix, determine, levy and collect the assessments to be paid by each of the unit owners towards the expenses of the Council, and shall collect such assessments.”

In addition, under Delaware law, individual owners have a protected right to communicate with government officials and agencies, including to request information or explore potential funding opportunities for their community. This right is guaranteed by the Delaware Constitution, which states that all citizens may “apply to persons entrusted with the powers of government...by petition, remonstrance or address.” While only the condominium association, as the legal entity, may formally accept or commit the community to a grant, contract, or other financial obligation, nothing in state law prohibits an individual owner from seeking information, discussing available programs, or sharing community concerns with elected or public officials.