

New HOA board seeks direction on elections

Q: I am a newly elected homeowners association board member. Our first board meeting is fast approaching, and I can find nothing in our governing documents describing the nomination and voting process for officers. I've reached out to the community manager, but they haven't found anything documented yet either. Is there a statute or anything that specifies what to do in the absence of this process being formally documented?

A: Check your articles of incorporation or your covenants, conditions and restrictions. If a subject matter is not included in Nevada Revised Statutes 116, you would follow the specific state law that governs nonprofit organizations, often NRS 81 or NRS 82.

Generally speaking, the election of officers is conducted at the annual meeting. Officers have one-year terms. At the board meeting with the newly elected directors, the nominations can be formal or informal. The board members can vote by secret ballot for each position.

Q: I belong to a self-governed homeowners association. The board of directors has hired all employees from the manager on down. For the last five years, we have always received a total breakdown of the budget, which included the salaries and hourly wages by position. This year, they are only giving us the total for wages, no other breakdown. I have seen NRS 116.31175, (and think) that we are entitled to such figures, is that still correct? Any information would be greatly appreciated.

A: NRS 116.31175 (4a) states that the personnel records of the employees of the association are not for public access, *except* for those records relating to the number of hours worked and the salaries and the benefits of those employees. Please note the words, "employees of the association" and not the employees of the management company.

For your board, who pays for the employees? If the employees are hired by the board but paid as employees of the management company then you would not be able to obtain the detailed payroll information. If the employees are hired by the association and paid directly from the association

account, then you would be entitled to the detailed payroll information.

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