

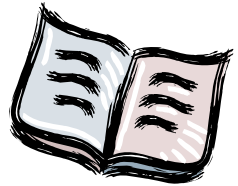
Primer for Board Members

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New board members naturally have many questions about what their duties are and by what authority they operate. The following primer discusses general concepts and law related to the powers and duties of association boards.

Note that in condominiums, the governing body is typically called the management committee while in non-condo HOAs, the governing body is usually referred to as a board of directors or board of trustees. The Utah Nonprofit Corporation Act requires a corporation to have a board of directors, and thus a condominium's management committee is also its board of directors. The terms are all synonymous and essentially interchangeable. I will use the term "board" in this Primer.



I. Compliance with Governing Documents and Applicable Law

Each board member is obligated to know the applicable law and to faithfully follow the governing documents of the association. Associations, when incorporated, are subject to the Utah Revised Nonprofit Corporation Act. Condominiums are also bound by the Utah Condominium Ownership Act. Other areas of law apply as well, and all of these laws must be strictly followed. In addition to the express requirements of law, a board member must be familiar with the declaration (the CC&Rs), the bylaws, and other controlling documents which form a contract between and among the homeowners within the association. Sometimes the governing documents will conflict with the provisions of the applicable statutes. In general, the condominium or association statutes will prevail over conflicting pro-