



RESOLUTION REGARDING POLICY RELATING TO THE PROCESS FOR OWNERS AND ORGANIZATIONS TO EXERCISE RIGHTS UNDER NRS 116.31035

WHEREAS, NRS 116.31035 provides that an association must provide units' owners and organizations with certain rights relating to official publications of the association which contain any mention of a candidate or ballot question, or in certain cases, where such publications contain writings supporting a candidate or ballot question;

WHEREAS, NRS 116.31035 does not provide the process by which units' owners or organizations may effectively take advantage of the opportunity to have an association disseminate documents as required by NRS 116.31035 for such units' owners or organizations;

WHEREAS, NRS 116.31035 Subsection 1 and Subsection 2 provide for different requirements for organizations and units' owners;

WHEREAS, the Board of Directors believes it is in the best interests of the Association to adopt a process by which owners and organizations can avail themselves of their rights pursuant to NRS 116.31035;

NOW THEREFORE BE IT RESOLVED, that if an official publication of the Association is published to the members of the Association and contains any mention of a candidate or ballot question, then upon request and under the same terms and conditions, the Association shall provide equal space to all candidates or to a representative of an organization which supports the passage or defeat of the ballot question for them to include a statement;

RESOLVED FURTHER, if the Association publishes an official publication which contains the views or opinions of the Association, the executive board, community manager or an officer, employee or agent of the Association concerning an issue of official interest, the official publication must upon request and under the same terms and conditions provide equal space to opposing views and opinions of a unit's owner of the common interest community;

RESOLVED FURTHER, for the purposes hereof, official publications shall mean an Association website, a newsletter or other similar publication sent by the Association to each unit's owner, or official bulletin board available to each unit's owner.

RESOLVED FURTHER, that the Association shall have no duty to provide advanced copies of anything to be contained in an official publication to the members of the Association;

RESOLVED FURTHER, that once an official publication is disseminated to the owners or made available to the owners on the website, an organization or an owner may request the right to equal space in the official publication; such request must be in writing and delivered to the Association's community manager; and must include the statement that the owner or organization representative wishes the Association to disseminate;

RESOLVED FURTHER, if the Association receives a request from an organization, the organization must provide confirmation that the person making the request represents the organization and the document to be put in the official publication is the only request which the organization will make to exercise its right until and unless the Association publishes additional information on the subject matter;



RESOLVED FURTHER, that any request by an owner or organization to provide a statement for or against a ballot or initiative, or in opposition to an Association view or opinion, must be sent to the Community Manager within 30 days from when the Association’s statement triggering the right to equal space was disseminated to the members of the Association. A unit owner seeking to exercise his or her right to have an opposing view or opinion published pursuant hereto, must clearly indicate the Association view or opinion owner is opposing and where and when it was published. This must be indicated in a cover letter to Community Manager or in the body of the statement. The organization or individuals on whose behalf a statement of opinion is submitted must be clearly identifiable by name in the body of the documents to be disseminated. Any discourse should be civil, avoid personal attacks and unsubstantiated allegations;

RESOLVED FURTHER, that if the Association receives a request from an organization or a unit’s owner to include his or its document in the official publication pursuant to the terms hereof, the Association shall within a reasonable time considering the required method of publication and before the conclusion of the ballot deadline or the election deadline (the “Deadline Date”), disseminate such document in the official publication, provided, however, that if the Association receives the document with less than seven days before the Deadline Date then the Association shall not have to disseminate the document;

RESOLVED FURTHER, that the organization or the unit’s owner requesting a document be included in the official publication shall not be able to provide a document which is longer than the document or space utilized by the Association or its representative in the official publication supporting or mentioning the issue concerned and that the Association, through the board of directors, shall determine whether or not such document is longer than the statement or document published by the Association in an official publication; should the Association determine that any document provided to it by an organization or a unit’s owner is longer than the document which the Association published, then the Association shall advise the organization or unit’s owner providing such document and provide them with an opportunity to revise the document to the appropriate length, such opportunity shall give the organization or the unit’s owner seven days to revise the document provided there are at least seven days left thereafter before the Deadline Date;

RESOLVED FURTHER, that in order for the Association to treat all unit owners equally, the Association will provide equal space to any owner wishing to express a concurring or supporting opinion regarding an opinion expressed by an Association representative in an official publication, upon written request and under the same terms, conditions and requirements shown above for opposing opinions; and

RESOLVED FURTHER, that the officers of the Association shall hereby be authorized to take any and all necessary action to ensure that the Association complies with NRS 116.31035.

The Resolution Regarding Policy Relating to the Process for Owners and Organizations to Exercise Rights under NRS 116.31035 was duly adopted by the action of the Board of Directors on Wednesday, April 23, 2014.

By: 
Board President

Attested By: 
Board Secretary