

# MILL CREEK CONDOMINIUM ASSOCIATION

## ELECTRONIC COMMUNICATION AND NOTIFICATION RESOLUTION

**WHEREAS** THE MILL CREEK CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS IS EMPOWERED BY STATUTORY LAW [ORS 94.630 (1)(A)], AND FURTHER SUPPORTED BY THE ASSOCIATION DOCUMENTS INCLUDING THE SECTION 14.3 OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MILL CREEK CONDOMINIUM ASSOCIATION AND SECTIONS 3.7(A), 7.5(O) AND 7.6 OF THE BYLAWS OF MILL CREEK CONDOMINIUM ASSOCIATION TO CREATE RULES AND REGULATIONS REGARDING CERTAIN ACTIONS AND ACTIVITIES OF THE ASSOCIATION, BOARD OF DIRECTORS AND ITS MEMBERS,

**WHEREAS**, THE MILL CREEK CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS (HEREAFTER REFERRED TO AS 'BOARD') FINDS IT NECESSARY TO SET FORTH A POLICY REGARDING ELECTRONIC COMMUNICATION,

**WHEREAS**, IT IS THE INTENT OF THE BOARD TO MAINTAIN SUPERIOR ACCESSIBILITY TO INFORMATION AND NOTICES TO THE OWNERS, DIRECTORS, OFFICERS, AND AGENTS;

**WHEREAS**, ELECTRONIC COMMUNICATION IS MORE RAPID THAN PAPER DOCUMENT DELIVERY AND IS EVEN MORE ACCESSIBLE THAN SIGN POSTING ON THE PROPERTY;

**WHEREAS**, IT IS THE INTENT OF THE BOARD TO REDUCE COSTS ASSOCIATED WITH POSTAGE AND PRINTING OF MAILED PAPER DOCUMENTS AND TO REDUCE THE ENVIRONMENTAL IMPACT OF THE PRODUCTION AND WASTE OF PAPER DOCUMENTS;

**WHEREAS**, ORS 94.652 *ELECTRONIC NOTICE TO OWNER OR DIRECTOR* AUTHORIZES THE BOARD TO USE ELECTRONIC MAIL, FACSIMILE, OR OTHER FORM OF ELECTRONIC COMMUNICATION WHEN DISTRIBUTING ANY NOTICE, INFORMATION, OR OTHER WRITTEN MATERIAL TO AN OWNER OR DIRECTOR EXCEPT FOR:

- (A) FAILURE TO PAY AN ASSESSMENT;
- (B) FORECLOSURE OF AN ASSOCIATION LIEN UNDER ORS 94.709; OR
- (C) AN ACTION THE ASSOCIATION MAY TAKE AGAINST AN OWNER;

**WHEREAS**, ORS 94.652(3) GIVES THE RIGHT TO ANY OWNER OR DIRECTOR TO DECLINE TO RECEIVE NOTICE BY ELECTRONIC MAIL, FACSIMILE OR OTHER FORM OF ELECTRONIC COMMUNICATION;

**WHEREAS**, THERE IS A NEED FOR THE BOARD TO KEEP A RECORD OF THE ACTIONS AND DECISIONS TAKEN IN THE PERFORMANCE OF ITS DUTIES IN COMPLIANCE WITH ORS 94.640(12);

**WHEREAS**, PURSUANT TO ORS 94.640(11). THE BOARD IS REQUIRED TO MAINTAIN A CURRENT MAILING ADDRESS OF THE ASSOCIATION;

**NOW, THEREFORE, BE IT RESOLVED**, THAT, THE ASSOCIATION SHALL ADOPT ELECTRONIC COMMUNICATION AS THE DEFAULT METHOD OF NOTIFICATION, DISSEMINATION, AND DISTRIBUTION OF INFORMATION AND NOTICES, WITH PAPER DOCUMENT DISTRIBUTION BEING PROVIDED ONLY FOR THOSE CIRCUMSTANCES WHERE IT IS NOT PERMITTED OR WHERE THE OWNER HAS OPTED OUT.

**BE IT FURTHER RESOLVED,** THAT THE ASSOCIATION SHALL CREATE AND MAINTAIN A WEB SITE TO PUBLISH NOTICES OF MEETINGS OF THE BOARD, A RECORD OF MINUTES OF THE BOARD, A RECORD OF RESOLUTIONS ADOPTED BY THE BOARD, AND A RECORD OF GOVERNING DOCUMENTS INCLUDING THE ARTICLES OF INCORPORATION, BYLAWS, PLAT AND DECLARATION.

**BE IT FURTHER RESOLVED,** THAT THE ASSOCIATION SHALL USE ELECTRONIC EMAIL (EMAIL) IN LIEU OF PHYSICAL DOCUMENT DISTRIBUTION UNLESS OTHERWISE INDICATED OR WHERE THE OWNER HAS OPTED OUT.

**BE IT FURTHER RESOLVED,** THAT ELECTRONIC NOTIFICATION OF MEETINGS OF THE BOARD SHALL BE PROVIDED AT LEAST THREE (3) DAYS PRIOR TO THE MEETING.

**BE IT FURTHER RESOLVED,** THAT IT IS INCUMBENT UPON THE OWNER TO PROVIDE THE BOARD WITH A MAILING ADDRESS, AN EMAIL ADDRESS, AND A PHONE NUMBER, AND TO PROVIDE NOTIFICATION OF ANY CHANGES TO THEIR CONTACT INFORMATION, AND TO NOTIFY THE BOARD OF ANY PROBLEMS IN COMMUNICATION.

**BE IT FURTHER RESOLVED,** THAT IT IS INCUMBENT UPON THE OWNER TO PROVIDE THE BOARD WITH A WRITTEN NOTIFICATION OF THEIR INTENT TO OPT OUT OF ELECTRONIC COMMUNICATION, SHOULD THAT BE THEIR PREFERENCE.

**BE IT FURTHER RESOLVED,** THAT A PAPER COPY OF THIS RESOLUTION SHALL BE MAILED TO ALL OWNERS TO NOTIFY THEM OF THEIR RIGHTS AND OBLIGATIONS.

THIS RESOLUTION WAS PASSED BY THE **MILL CREEK CONDOMINIUM HOMEOWNERS ASSOCIATION** BOARD OF DIRECTORS ON THIS DAY **DECEMBER 21<sup>ST</sup>** OF 2017.



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**PRESIDENT, MARK OZBUN**



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**SECRETARY, JIM HIGGS**