

## **Elk Falls Property Owners Association**

### **POLICY REGARDING INSPECTION AND COPYING OF ASSOCIATION RECORDS**

The following procedures have been adopted by the Elk Falls Property Owners Association. ("Association") pursuant to C.R.S. §38-33.3-209.5, by the Board of Directors.

**WHEREAS**, the Board of Directors ("Board") deems it in the best interest of the Association to establish uniform procedures for the inspection and copying of Association records by Association Members; to establish the type of records kept by the Association or its agent; and to establish the cost of copying Association records; and

**WHEREAS**, the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-317, gives all Members the right to examine and copy the financial and other records of the Association for a proper purpose;

**NOW, THEREFORE, IT IS RESOLVED** that the Association does hereby adopt the following policy governing the inspection and copying of Association records:

1. The Association shall keep as permanent records the following documents:
  - a) Minutes of all meetings of Owners or the Board.
  - b) A record of all actions taken by the Owners or the Board by written ballot or written consent in lieu of a meeting.
  - c) A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association.
  - d) A record of all waivers of notices of meetings of Owners and of the Board or any committee of the Board.
  - e) A record of Owners in a form that permits preparation of a list of the names and addresses of all Owners.. Absent consent from the Board, membership lists may not be used, as a general rule, for any purpose unrelated to an Owner's interest as an Owner. Specifically, the lists may not be used for (i) soliciting money or property unless the money or property may be used to solicit votes of Lot Owners in an Association election, (ii) commercial purposes, or (iii) sale to any person.

In addition to the above, the Association shall keep a copy of each of the following records at its principal office:

- (a) Articles of Incorporation, All recognize Covenants of the Elk Falls Property Owners Association, Rules and Regulations and Bylaws, and any amendments thereto;

- b) Resolutions adopted by the Board;
  - c) The Minutes of all Owners' meetings and records of all actions taken by Owners without a meeting for the past three (3) years;
  - d) All written communications within the past three (3) years to Owners generally as Lot Owners;
  - e) A list of the names and home addresses of the Association's current directors and officers;
  - f) The Association's most recent annual report;
  - g) All financial audits or reviews conducted pursuant to Section 38-33.3-303(4) (b) (if applicable) during the immediately preceding three years;
2. So the Association can have the desired books, records and personnel available, a written Notice of Intent to Inspect must be submitted to the Association's Board of Directors at least fifteen (15) business days prior to the planned inspection. The Notice must describe with reasonable particularity which records are to be inspected and the purpose of the inspection.
  3. All records shall be inspected at a location within the general vicinity of the Properties in the discretion of the Board between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, unless otherwise mutually agreed otherwise.
  4. At the discretion of the Board, certain records may only be inspected in the presence of a Board member. No records may be removed from the office without the express written consent of the Board of Directors. Further, if a Member requests to inspect records, the Association may photocopy and provide the requested records to the Member in lieu of the Member's inspection of the records if consented to by the Member.
  5. The Association may charge Lot Owners in advance the "actual cost" for copying records, which includes personnel and equipment used for the search, retrieval, and copying of the records.
  6. Consistent with individual member's right to privacy, attorney-client confidentiality and other considerations, the following records will not be made available without the express written consent of the Board of Directors:
    - (a) Confidential personnel records.
    - (b) Confidential litigation files and matters covering "consultation with legal counsel concerning disputes that are subject of pending or imminent court proceedings" or are "privileged or confidential between attorney and client".
    - (c) Files dealing with "investigative proceedings concerning possible or actual

criminal misconduct".

(d) Any matter "the disclosure of which would constitute an unwarranted invasion of individual privacy".

(e) Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations which have not been formally approved by the Board of Directors.

7. In determining whether records may be inspected, the Board shall consider among other things:

- a) Whether the request is made in good faith and for a proper purpose;
- b) Whether the records requested are relevant to the purpose of the request;
- c) Whether disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy;
- d) Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above.

8. The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorney's fees, for abuse of these rights, including, but not limited to, use of any records for a purpose other than what is stated in the Notice of Intent to Inspect.

The undersigned hereby certifies that the foregoing resolution was adopted on the \_\_\_\_ day of \_\_\_\_\_, 2008.

Elk Falls Property Owners Association.

By: \_\_\_\_\_  
David Crespo, President

Attest:

This Policy Regarding Inspection and Copying of Association Records was adopted by the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2008, effective the \_\_\_\_ day of \_\_\_\_\_, 2008, and is attested to by the Secretary of Elk Falls Property Owners Association.

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Suzy Nelson, Secretary