

## FIRST HYLAND GREENS ASSOCIATION

### RECORDS INSPECTION POLICY

**PURPOSE:** To establish uniform procedures for the inspection and copying of Association records by Members.

**AUTHORITY:** The following procedures have been adopted pursuant to the provisions of C.R.S. 38-33.3-209.5

**EFFECTIVE**

**DATE:** January 1, 2013

**RESOLUTION:** The Association hereby adopts the following Records Inspection Policy:

1. Records Required. The Association shall maintain a copy of each of the following records at its principal office:
  - (a) The Articles of Incorporation, Declaration, and Bylaws of the Association.
  - (b) All resolutions, policies, and rules and regulations adopted by the Board.
  - (c) Minutes of all meetings of Members and the Board.
  - (d) A record of all actions taken by the Members or the Board by written ballot or written consent in lieu of a meeting.
  - (e) A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association.
  - (f) All records of Board or committee actions to approve or deny any requests for design or architectural approval from Members.
  - (g) All written communications among the Board members that are directly related to an action taken by the Board without a meeting.
  - (h) All written communications within the past three years to all Members generally as Members.
  - (i) A record of all waivers of notices of meetings of Members or of the Board or any committee of the Board.
  - (j) Ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate.
  - (k) A list containing the names of all Members, the physical mailing addresses at which the Association communicates with them, and the number of votes each Member is entitled to vote.
  - (l) All tax returns filed on behalf of the Association for the past 7 years, to the extent available.

- (m) A list of the names, electronic mail addresses, and physical mailing addresses of the Association's current Board members and officers.
  - (n) The Association's most recent annual report.
  - (o) The Association's most recent reserve study, if any
  - (p) All financial records of the Association, including the following:
    - (I) Operating budgets adopted by the Board for the past 3 years
    - (II) Monthly statements for the past 3 years showing the Association's income, expenses, assets and liabilities.
    - (III) Annual statements for the past 3 years showing the Association's income, expenses, assets and liabilities.
    - (IV) Detailed records of receipts and expenditures affecting the operation and administration of the Association.
    - (V) Ledgers for each Member of the Association showing their current account balance.
  - (q) All financial audits or reviews conducted pursuant to Section 38-33.3-303(4)(b) during the immediately preceding three years.
  - (r) A copy of all insurance policies currently owned by the Association.
  - (s) Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years.
  - (t) Records of claims for construction defects and amounts received pursuant to settlement of those claims.
2. Notice to Inspect. Except as set forth in this Policy, all records maintained by the Association must be available for examination and copying by a Member or the Member's authorized agent. 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 Manager or to the Board at least ten (10) business days prior to the planned inspection. The notice must describe, with reasonable particularity, which records are to be inspected.
  3. Place of Inspection. All records shall be inspected at the principal office of the Association between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. Notwithstanding the above, at the discretion of the Board, all records may also be inspected at the next regularly scheduled meeting, if such meeting occurs within thirty (30) days after the request to inspect has been received.
  4. Copying of Records. Except as set forth in this Policy, Members have the right to request copies of the Association's records. The Association may provide the copies via e-mail if consented to by the Member. The Association may charge a fee, which may be collected in advance, to cover the costs of labor and material for copies of the Association's records. If collected in advance, the actual fee may not exceed the estimated cost of copying the records.

5. Confidential Documents. Consistent with individual Member's right to privacy, attorney-client confidentiality and other considerations, the following records will not be made available for copying or inspection without the express written consent of the Board of Directors:
- (a) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs.
  - (b) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation.
  - (c) Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine.
  - (d) Any information that disclosure of which would be in violation of law.
  - (e) Records of an executive session of the Board.
  - (f) Records for an individual Member other than those of the requesting Member.

In addition, the Association shall in all instances withhold and not disclose any records that concern or contain:

- (a) Personnel, salary, or medical information relating to specific individuals.
  - (b) Personal identification and account information of Members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.
6. Membership Lists. Without the written consent of the Board of Directors, membership lists may not be:
- (a) Obtained or used by a Member for any purpose unrelated to a Member's interest as a Member in the Association.
  - (b) Used solely to solicit money or property unless such money or property will be used solely to solicit the votes of the Members in an election to be held by the Association;
  - (c) Used for any commercial purpose; or
  - (d) Sold to or purchased by any person.
7. Miscellaneous.
- 7.1 At the discretion of the Association's Board, certain records may only be inspected in the presence of a Board member or employee of the Manager.
- 7.2 No records may be removed from the office without the express written consent of the Board of Directors.

- 7.3 If a Member requests to inspect records, the Association may photocopy or scan the requested records and provide them to the Member in lieu of the Member's inspection of the records if consented to by the Member.
- 7.4 The Association is not obligated to compile or synthesize information that it does not already have.
- 7.5 The Association's records and the information contained within those records shall not be used for commercial purposes.
8. Definitions. Unless otherwise defined in this Policy, capitalized terms defined in the Declaration shall have the same meaning herein.
9. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and Colorado law.
10. Amendment. This Policy may be amended from time to time by the Board of Directors.
11. **This Policy shall replace and supersede all previous policies of the Board related to the inspection and copying of Association records.**

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being President of First Hyland Greens Association, certifies that the foregoing Records Inspection Policy was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board on December 11, 2012, and in witness thereof the undersigned has subscribed his/her name.

**FIRST HYLAND GREENS ASSOCIATION**

*(Original signature on file)*

By: \_\_\_\_\_