



RECORDS MANAGEMENT AND INSPECTION POLICY

RESOLUTION: The Wildwood Village Homeowners Association (“Association”), through the Board of Directors (“Board”), hereby enacts this resolution to adopt the following Records Management and Inspection Policy.

AUTHORITY: The Colorado Common Interest Ownership Act (CCIOA), and specifically Colorado Revised Statute Sections (C.R.S.) 38-33.3-209.5 and 38-33.3-317, and the Association’s Governing Documents.

EFFECTIVE DATE: March 1, 2014

PURPOSE: To establish and set forth a uniform policy and systematic procedure for maintaining Association records and processing requests for their disclosure.

RECORDS PHILOSOPHY: The Association, through the Board of Directors, regards the protection and confidentiality of Association records as critical to the integrity of the Association. Whereas, Colorado state law now dictates the records to be maintained, disclosed and not disclosed, a policy is needed to provide the Board with specific guidelines for managing Association records, allowing for their utmost protection, while legally meeting requests for information in a consistent manner.

1. RECORDS TO BE MAINTAINED. These records will be maintained and secured by the Association Secretary. In addition to any records specifically defined in the Association’s governing documents, the following records relating to the business and operation of the Association **must be maintained**, all of which shall be deemed to be the sole records of the Association for purposes of document retention and disclosure. Notwithstanding restrictions to the contrary in the Association’s governing documents or in law, records may be maintained electronically, with the same allowances and limitations as stated herein.

- A. Detailed records of receipts and expenditures affecting the operation and administration of the Association
- B. Records of claims for construction defects and amounts received pursuant to settlement of any such claims
- C. Minutes of all meetings of owners, the Board, or committees; records of actions taken by the owners or the Board without a meeting, including written communications and e-mails among Board members that are directly related to the action so taken
- D. A list of the names of the owners in a form that permits preparation of a list of the names and mailing addresses of all owners, stating the number of votes each owner is entitled to vote (“Membership List”)
- E. The Association’s governing documents comprised of the Declaration of Protective Covenants, Bylaws, Articles of Incorporation, most recent annual Required Disclosures Statement, rules, regulations, organizational guidelines, the responsible governance policies, other policies and resolutions adopted by the Board
- F. Most recent published financial statements and annual financial statements for the last three years, including balance sheet, income/expense statement, and operating budget
- G. Association tax returns for the last seven years, to the extent available
- H. Financial records (ledger of assessment accounts) sufficiently detailed to enable the Association to provide owners with a written statement setting forth the amount of unpaid assessments levied against an owner’s property, including both regular and special assessments
- I. The result of the Association’s most recent financial audit or review, if any
- J. The most recent annual report provided to the Secretary of State
- K. The most recent reserve study, if any
- L. A list of the Association’s insurance policies, which shall include the company names, policy limits, policy deductibles, additional named insured, and expiration dates of the policies listed
- M. A list of the names, e-mail addresses and mailing addresses of the current Board members and officers
- N. Current written contracts and contracts for work performed for the Association within the prior two years
- O. Records of Board or committee actions to approve or deny requests for design or architectural approval
- P. Ballots, proxies and other records related to voting by owners, for one year after the election, vote or action to which they relate



- Q. All written communications within the past three years to all owners generally as owners
- R. Any other records specifically defined in the Declaration or Bylaws

2. REQUEST FOR RECORDS. All records maintained by the Association shall be available for examination and copying (including electronic transmission if available) by an owner or the owner's authorized agent. Any owner requesting records must submit a written request describing with reasonable particularity the records sought, at least ten (10) days prior to inspection or production of the documents. The Association's *Request for Association Records* form should be used for this purpose. The Association Secretary will contact the requester to schedule a reasonable time and place, during normal business hours, to make records available to the requester. At the discretion of the Board, records may be inspected at the next regularly scheduled meeting if such meeting occurs within thirty (30) days after the request has been received. Any permitted inspection must not disrupt the ordinary business activities of the Association or the Board.

3. CHARGES FOR COPYING RECORDS. The Association may impose a reasonable charge for copies of Association records to cover the labor and materials required to provide copies. Charges may be collected in advance or upon completion, but total cost to the requester may not exceed the actual cost of production and reproduction of the records. If after payment in advance it is determined that the actual cost is less, the difference shall be returned to the requester. The Association may provide copies of the requested records to the requester in lieu of the owner's inspection of the records, if consented to and paid for by the owner. The Association may provide copies via e-mail if consented to by the requester. There shall be no cost to requester for accessing records which are required to be disclosed by Colorado law at no cost to owners.

4. PURPOSE OF RECORDS REQUEST. The Association may not condition the production of records upon the statement of a "proper purpose," except that Association records and the information contained therein shall not be used for any commercial purpose.

5. MEMBERSHIP LISTS. A membership list (list of property owners/ members of the Association) or any part thereof may not be obtained or used by any person for any purpose unrelated to an owner's interest as an owner, without the prior consent of the Board. Without the consent of the Board, a membership list may **not** be

- A. used to solicit money or property unless such money or property is used solely to solicit votes of the owners in an election to be held by the Association
- B. used for any commercial purpose
- C. sold to or purchased by any person
- D. given by a member to any person who is not a member or an authorized agent of a member

6. RECORDS THAT MAY BE WITHHELD. In consideration of members' rights to privacy, attorney-client privileges, and other considerations the Association considers these records confidential in nature. As such, these records will not be available for inspection or copying without the express written consent of the Board:

- A. Architectural drawings, plans, and designs, unless released with the written consent of their legal owner
- 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, including but not limited to 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
- D. Disclosure of information in violation of law
- E. Files dealing with investigative proceedings concerning possible or actual criminal misconduct
- F. Records of an executive session of the Board
- G. Individual properties other than those of the requesting owner
- H. Inter-office memoranda (including email discussions not relevant to an action taken by the Board without a meeting), preliminary data, working papers and drafts, and general information or investigations which have not been formally approved by the Board of Directors
- I. Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy



7. RECORDS THAT MUST BE WITHHELD. The following records are not subject to inspection or copying and **will be withheld** to the extent that they are or concern:

- A. Personnel, salary, or medical records relating to specific individuals; or
- B. Personal identification and account information of members, including bank account information, telephone numbers, driver's license numbers, and social security numbers; and electronic mail addresses unless with the written consent of the individual member.

8. BOARD'S DISCRETIONARY RIGHTS. The restrictions contained within this policy do not pertain to Board members or appointed committee members of the Association to the extent the use or copying of Association records is necessary to discharge their Association duty or obligation. At the discretion of the Board, or the Association Secretary if delegated by the Board:

- A. certain records may only be inspected in the presence of a Board member.
- B. no records may be removed from the Association's principal location of records retention without the express written consent of the Board.
- C. the Association may copy or scan requested records and provide them to the requester in lieu of the requester inspecting the records, if the requester consents.

9. NO OBLIGATION TO CREATE DOCUMENTS. The Association is not obligated to research, extract, compile or synthesize information from its records. If the Association agrees to compile or produce information or documents not identified in this policy as an Association record, the Association may charge additional fees to the requesting owner to cover the actual expenses associated with such compilation or production.

10. DAMAGES. The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorneys' fees, for abuse of these rights including, but not limited to, use of any records for a prohibited purpose.

11. DEVIATIONS. The Board or its agent may deviate from the procedures set forth in this policy if in its sole discretion such deviation is documented as reasonable under the circumstances.

12. SUPPLEMENT. The provisions of this policy shall be in addition to and in supplement of the terms and provisions of the Governing Documents and the law of the State of Colorado governing the Association.

13. SEVERABILITY. In the event a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

14. REVIEW AND AMENDMENT. This policy supersedes any other policies addressing management, inspection, and copying of Association records. This policy will be periodically reviewed and may be amended from time to time by the Board of Directors.

This policy is adopted by a majority vote of the Wildwood Village Homeowners Association Board of Directors on February 10, 2014, and is effective March 1, 2014.

A handwritten signature in cursive script, reading "Vince Mautino".

VINCE MAUTINO, President
Wildwood Village Homeowners Association



REQUEST FOR ASSOCIATION RECORDS

Owner Name: _____ Date: _____

Address: _____

Phone: _____ E-mail _____

Pursuant to Colorado state law and the Association's Records Management and Inspection Policy, I request Wildwood Village Homeowners Association provide access to the Association records stated below. I understand upon receipt of this request, the Association will arrange an appointment with me, during regular business hours, to review and/or copy the requested records.

1. I would like to review and/or copy the records listed for the purpose stated:

Description of record	Date of record(s)	Copy? (yes/no)
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. I have read the Association's Records Management and Inspection Policy and acknowledge records will be made available to me only as the Association's policy provides. I further agree to pay any costs associated with obtaining requested copies of documents.

3. In the event the records provided to me by the Association are used for improper purpose, I will be responsible for any and all damages, penalties and costs incurred by the Association including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and Colorado law.

Owner Signature: _____ Date _____



To be completed by Association Secretary

Date Request Received: _____ Received by: _____

Scheduled Appointment Date: _____ Time: _____

Location for Inspection: _____ Length of Inspection: _____

of pages copied _____ Cost of Copies: _____ Date Paid by Requester _____

Additional Comments: _____

Confirmation by Association Secretary

Date