

Cleveland Place HOA

Inspection and Copying of Records Policy

Effective January 9th, 2023

The following Policy has been adopted by the Cleveland Place HOA (“Association”) pursuant to the provisions of C.R.S. § 38-33.3-209.5, at a regular meeting of the Board of Directors (“Board”) for the benefit of the Association and its owners or member (“Member(s)”).

Purpose: To establish a uniform policy and procedures for the inspection and copying of Association records by owners; to establish the type of records kept by the Association or its agent; and to establish the cost of copying Association records.

WHEREAS, the Colorado Common Interest Ownership Act (“CCIOA”), in C.R.S. § 38-33.3-317, gives all Members of the Association the right to examine and copy the financial and other records of the Association.

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 records the following documents:
 - (a) Records the Association is required to disclose within 90 days after the end of the fiscal year as required by C.R.S. § 38-33.3-209.4(2);
 - (b) Detailed records of receipts and expenditures affecting the operation and administration of the Association;
 - (c) Records of claims for construction defects and amounts received pursuant to settlement of those claims;
 - (d) Minutes of all meetings of the Members and the Board, a record of all actions taken by the Members or Board without a meeting, and a record of all actions taken by any committee of the Board;
 - (e) Written communications among, and the votes cast by, Board members that are:
 - (i) Directly related to an action taken by the Board without a meeting pursuant to section 7-128-202, C.R.S.; or
 - (ii) Directly related to an action taken by the Board without a meeting pursuant to the Association’s Bylaws;
 - (f) The names of Members in a form that permits preparation of a list of the names of all Members and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Member is entitled to vote;
 - (g) The current Declaration, Bylaws of the Association, Articles of Incorporation of the Association, all rules and regulations and responsible governance policies, and other policies adopted by the Board;

- (h) Financial statements as described in section 7-136-106, C.R.S., for the past three years and tax returns of the Association for the past seven years, to the extent available;
- (i) A list of the names, electronic mail addresses, and physical mailing addresses of the current Board members and officers;
- (j) A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association in connection with the purchase or sale of a unit and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessments due.
- (k) All documents included in the association's annual disclosures made pursuant to section 38-33.3-209.4, C.R.S.
- (l) The most recent annual report delivered to the secretary of state, if any;
- (m) Financial records sufficiently detailed to enable the Association to comply with section 38-33.3-316(8), C.R.S., concerning statements of unpaid assessments;
- (n) The Association's most recent reserve study, if any;
- (o) Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years;
- (p) Records of the Board or committee actions to approve or deny any requests for design or architectural approval from Owners;
- (q) Ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate;
- (r) Resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of Members or any class or category of Members; and
- (s) All written communications within the past three years to all Members generally as Members.
- (t) All written consents provided by Members consenting to the disclosure of such Members' telephone number, electronic mail address, driver's license numbers, and social security numbers.
- (u) Any contact with a Member in regard to a Member's delinquency in paying assessments, fines, or fees, including information regarding the type of communication used to contact the Member and the date and time that the contact was made, pursuant to C.R.S. § 38-33.3-209.5.
- (v) The designated contact and preferred language of a Member, pursuant to C.R.S. § 38-33.3-209.5

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, its authorized agent or to the Board at least fourteen (14) days prior to the planned inspection. Such notice must describe with reasonable particularity which records are to be inspected and the purpose of the inspection.

3. All records maintained solely in physical form shall be inspected at either the principal office of the Association located at the Association's headquarters or the office of the Association's secretary between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The Association shall take reasonable efforts to maintain all documents disclosable under this Policy in electronic form.

4. Notwithstanding the foregoing, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a Member's interest as a Member (and unit owner) without consent of the Board. Without limiting the generality of the preceding sentence, without the consent of the Board, a membership list or any part thereof may not be:

- (a) Used to solicit money or property unless such money or property will be used solely to solicit the votes of Members in an election to be held by the Association;
- (b) Used for any commercial purpose; or
- (c) Sold to or purchased by any person.

5. Records maintained by the Association may be withheld from inspection and copying to the extent that they are or concern:

- (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) Disclosure of information in violation of law;
- (e) Records of an executive session of the Board;
- (f) Individual units other than those of the requesting Owner; or
- (g) Any documents that are confidential or otherwise prohibited from disclosure under constitutional, statutory or judicially imposed requirements; and
- (h) The ballot forms from any secret ballot conducted by the Association, except that same shall, if required by C.R.S. 38-33.3-317(1)(n) and upon any advice of legal counsel, be provided with redaction of information relating to the Member casting such ballot.

6. Records maintained by the Association are not subject to inspection and copying, and must 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, electronic mail addresses, driver's license numbers, and social security numbers. However, the Association may publish to other Members and unit residents a Member's or unit resident's telephone number, electronic mail address, or both, provided that the Association has received the prior written consent for the

disclosure of such information from the subject Member or unit resident. A written consent remains valid until the subject Member or unit resident withdraws it by providing the Association with a written notice of withdrawal of the consent. If a consent is withdrawn, the Association has not obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal. The Association will accept written consents and notices of withdrawal of the consent provided by Members and unit residents via electronic mail to the Association, so long as the subject Member or unit resident includes in the electronic mail of consent or withdrawal the following statement, or a substantially similar version thereof: "I hereby agree to provide this consent or withdrawal of consent, as applicable, by electronic means in accordance with the Uniform Electronic Transactions Act, Article 71.3 of Title 24, C.R.S."

7. The Association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records. But, if it does, any amounts collected above actual costs shall be refunded. There shall be no cost to access records which are required to be disclosed by Colorado law at no cost to a Member.

8. A right to copy records under this Policy includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by a Member. The information described in this Policy shall be provided to the Members by the Association either by (i) posting such information on an internet website with notice of the URL for such website delivered to the Members by electronic mail or first-class mail; (ii) placing such information on a literature table or in a binder in the Association's main office; (iii) mail or personal delivery; (iv) electronic transmission; or (v) such other method as may be permitted under CCIOA.

9. Within fourteen (14) days after receipt of a written request and payment of any fees required, all of the records which must be produced to a Member will be available for examination and copying by the Member or the Member's authorized agent.

10. The Association is not obligated to compile, summarize or synthesize information contained within its records.

11. Association records and the information contained within those records shall not be used for commercial purposes.

12. The Association reserves the right to have a third party present to observe during any inspection of physical records by a Member or the Member's authorized agent.

13. No Member shall remove any original book or record of the Association from the place of inspection nor shall any Member alter, destroy or mark in any manner, any original book or record of the Association.

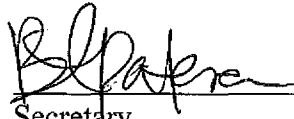
CLEVELAND PLACE HOA

By: _____
Name: _____
Its: _____

Attest


Secretary

This Inspection and Copying of Records Policy was adopted by the Board of Directors on January 9th, 2023, and is attested to by the Secretary of the Cleveland Place HOA.


Secretary