

## RUEDI SHORES HOMEOWNERS ASSOCIATION, INC.

### RECORDS INSPECTION POLICY

In compliance with the Colorado Common Interest Ownership Act, the Board of Directors desires to adopt uniform procedures for the inspection and copying of Association records by Members.

The Association hereby adopts the following policy for the inspection of records:

#### 1) REQUIRED ASSOCIATION RECORDS TO BE MAINTAINED AND PRODUCED UPON REQUEST

- a) Records specifically defined in the Association's Covenants or Bylaws;
- b) Records the Association is required to disclose within 90 days after the end of the fiscal year as required by CCIOA (38-33.3-209.4);
- c) Detailed records of receipts and expenditures affecting the operation and administration of the Association;
- d) Records of claims for construction defects and amounts received pursuant to settlement of those claims;
- e) Minutes of all meetings of its Owners and Board, a record of all actions taken by the Owners or Board without a meeting, and a record of all actions taken by any committee of the Board;
- f) Written communications among, and votes cast by, Board members that are:
  - i) directly related to an action taken by the Board without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or
  - ii) directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws;
- g) A list of the names of all Owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Owner is entitled to vote;
- h) The Association's current Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, Responsible Governance Policies and other policies adopted by the Board;
- i) Financial statements for the past 3 years and tax returns of the Association for the past 7 years to the extent available;
- j) A list of the names, email addresses and physical mailing addresses of the current Board members and Officers;
- k) The most recent annual report (if any) delivered to the Secretary of State;
- l) Financial records sufficiently detailed to enable the Association to provide an Owner with a written statement stating the amount of unpaid assessments currently levied against the Owner's property;
- m) The association's most current reserve study (if any);
- n) Current written contracts to which the Association is a party and contracts for work performed within the past 2 years;
- o) Records of Board or committee actions to approve or deny any requests for design or architectural approval from Owners;
- p) Ballots, proxies and other records related to voting by Owners for 1 year after the election, action or vote;
- q) Resolutions adopted by the Board relating to the characteristics, qualifications, limitations, and obligations of Members;
- r) All written communications within the past 3 years sent to all Owners.

#### 2) ASSOCIATION RECORDS WHICH MAY BE WITHHELD FROM PRODUCTION

- a) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owners 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 negotiations*;
- c) Communications with legal counsel that are otherwise protected by 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 Association Board;

- f) Records relating to or concerning individual properties other than those of the requesting owner;
- g) The names and physical mailing addresses of property Owners if the property is a time-share unit.

**3) ASSOCIATION RECORDS WHICH MUST BE WITHHELD FROM PRODUCTION**

- a) Personnel, salary, or medical records relating to specific individuals;
- b) Personal identification, without written consent to publish and account information of Members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

**4) USE OF ASSOCIATION MEMBERSHIP LIST**

- a) Any Owner who has not given written consent to publish their contact information will be excluded from any form of Membership List
- b) The membership list (or any part of that list) may not be obtained or used by any person for any purpose unrelated to a property owner's interest as an Owner;
- c) The membership list may not be used to solicit money or property from Owners, *unless* that money or property is used solely to solicit the votes of the property Owners in an election to be held by the association;
- d) The membership list may not be used for any commercial purpose, except as may be used by the Association's contracted snow removal company to offer their service for individual driveway snow removal, or;
- e) The membership list may not be sold to or purchased by any person.

**5) PROCEDURES FOR REQUESTING ASSOCIATION RECORDS**

- a) All of the records which must be produced to Owners must be available for examination and copying by an Owner or the Owner's authorized agent. The association can require that anyone acting as an Owner's authorized agent provide written proof that the Owner has actually designated that individual as their authorized agent;
- b) The Association is permitted to require Owners to submit a written request for records, which reasonably describes the records they are seeking to inspect and/or copy. A Ruedi Shores HOA Records Request Form is available on the website or can be sent by regular mail or electronic mail. The Association may require that this written request for records be submitted at least 10 days prior to the inspection or production of the records and may limit the inspection and copying of records to normal business hours or the next regularly scheduled meeting of the Board *if* the meeting occurs within 30 days after the request;
- c) The Association is not permitted to require Owners to submit a proper purpose to the Association prior to being permitted to inspect or copy records.

**6) CHARGES FOR PRODUCING AND COPYING RECORDS**

- a) The Association is permitted to impose a reasonable charge, which may be collected in advance, and which may cover the costs of labor and materials for copies of the Association records. The charge may not exceed the estimated cost of production and reproduction of the records;
- b) After the Association receives the official records request (see Ruedi Shores HOA Records Request Form), the Association will send the owner an estimated cost of production and reproduction;
- c) The Owner will be required to accept the cost estimate in writing and pay the deposit in advance, or may cancel the request in writing at no cost;
- d) If the actual final cost is more than the deposit, the Owner shall pay such amount prior to the delivery of the copies; if the actual final cost is less than the deposit, the difference shall be returned to the Owner with the copies;
- e) The Association has researched numerous HOAs in the neighboring area and has determined that a minimum of \$30/hour for labor to produce records, along with \$ .25/page for standard 8 ½ by 11 copies is reasonable. The Association reserves the right to provide the copies. Larger format/color copies may be provided at an increased price. Incidental costs and professional fees may increase the labor cost.
- f) A right to copy records 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 the Owner. There may be an increased cost per page for electronic transmission.

- g) There shall be no cost to any Owner accessing records which are required to be disclosed by Colorado law at no cost to Owners.
- h) The Association will:
  - track the date the completed request form was received and the date it was approved or denied;
  - provide reason(s) for any denial in whole or in part;
  - note the deposit amount that was prepaid and calculate the balance/refund due before release of records;
  - note how and when the records were delivered, and require the signature of the Board designated person who released the records.

**7) EXCLUSION/CONDITION**

- a) The Association is not obligated to compile or synthesize information.
- b) Association records and the information contained within those records shall not be used for commercial purposes.

**8) INSPECTION/ORIGINALS**

The Association reserves the right to have a third party present to observe during any inspection of records by an Owner or the Owner's representative. No Owner shall remove any original book or record of the Association from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Association.

**9) DEFINITIONS**

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Articles of Incorporation, Bylaws or Covenants shall have the same meaning herein.

**10) SUPPLEMENT TO LAW**

The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Articles of Incorporation, Covenants, Bylaws, Rules and any other governing document of the Association as well as the laws of the State of Colorado governing the community.

**11) DEVIATIONS**

The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

**12) AMENDMENT**

This Policy may be amended from time to time by the Board.

**CERTIFICATION**

The President and Secretary of the Board of Directors of the Ruedi Shores Homeowners Association, Inc. hereby certify that the foregoing Covenant Enforcement Policy was adopted following a vote and approval of a majority of the Board Members eligible to vote, as required by the Association's Bylaws, on Sept 8, 2014 and in witness thereof the undersigned have subscribed his/her names.

**RUEDI SHORES HOMEOWNERS ASSOCIATION, INC.,  
a Colorado nonprofit corporation**

By: Lynn Colhoun  
Lynn Colhoun, President

ATTEST:

By: Ann Morris  
Ann Morris, Secretary