

Rosewood Hills Property and Homeowners Association, Inc.

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

Adopted on: January 19th, 2017

The following policy has been adopted by Rosewood Hills Property and Homeowners Association, Inc. ("Association") pursuant to C.R.S.38-33.3-209.5 as amended, at a special meeting of the Board of Directors.

Effective date: February 1st, 2017

Purpose: To establish uniform procedures for the inspection and copying of Association records by Association Members; to establish the type of records kept by or for the Association; and to establish the cost of copying Association records.

WHEREAS, the Colorado Common Interest Ownership Act ("CCOIA"), in C.R.S. 38-33.3-317 and Colorado Not for Profit Act in C.R.S 7-136-102 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:
 - (a) All documents required by CCIOA.
 - (b) All documents required by the Colorado Not for Profit Act.
 - (c) The names of unit owners in a form that permits preparation of a list of the names of all unit owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each unit owner is entitled to vote;
 - (d) Its current declaration of covenants, Bylaws, articles of incorporation, water policies and procedures (including the current Appendix A) rules and regulations, responsible governance policies and procedures adopted pursuant to section 38-33.3-209.5, and other policies adopted by the Board ("Governing Documents");
 - (e) 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;
 - (f) All written communications within the past three years to all unit owners generally as unit owners.
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 Manager, if any or to the Board of Directors at least thirty (30) business days prior to the planned inspection. The notice must describe with reasonable particularity which records are to be inspected.
3. All records shall be inspected at the office of the Association located at the residence of the President and/or the Treasurer of the Association at a time arranged by appointment with the custodian of the records.
4. At the discretion of the Association's Board, certain records may only be inspected in the presence of a Board member or designated officer of the Association or an employee of any Manager retained by the Association. 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 a fee, not to exceed the Association's actual cost per page for copies of the Association records. Such fee may be collected by the Association in advance.

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.
- (f) Members' personal contact information including, but not limited to, telephone numbers or e-mail addresses, except the Association will, upon request, provide Members' names and addresses.
- (g) Personnel, salary, or medical records relating to specific individuals; or
- (h) Personal identification and account information of members and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; unless the member or resident has provided the Association with prior written consent to the disclosure of, the person's telephone number, electronic mail address, or both.

7. In determining whether records may be inspected, the Association 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; and
- (d) Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above.

8. Association records, including membership lists, 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 without the consent of the Board. Furthermore, without the consent of the Board, a membership list may not be used as follows:

- (a) 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;

- (b) For any commercial purpose; or
- (c) For the purpose of giving, selling, or distributing such Association records to any person.

9. 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.

10. The Association shall maintain its records in written form or in another form capable of conversion to written form within a reasonable time.

Rosewood Hills Property & Homeowner's Association, Inc.

By: _____
President

Attest:

Secretary

This Policy regarding inspection and copying of Association records was adopted by the Board of Directors of the Association on the 19th day of January, 2017, effective the 1st day of February of 2017, and is attested to by the Secretary of the Association.

Damian Cercone, Secretary