

**RESOLUTION
OF THE
RED HAWK HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICIES and PROCEDURES
FOR THE
INSPECTION AND COPYING OF ASSOCIATION RECORDS**

- SUBJECT:** Adoption of policies and procedures for the inspection and copying of Association records by Owners and the retention of Association records.
- PURPOSE:** To adopt a policy regarding an Owner's right to inspect and copy Association records and the identification of records to be retained by the Association. To adopt a standard procedure to be followed when an Owner chooses to inspect or copy Association records.
- AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law, including but not limited to C.R.S. §38-33.3-209.5.
- EFFECTIVE DATE:** January 1, 2014
- RECITALS:**
- A. Colorado Revised Statute 38-33.3-209.5(1)(b)(v) provides that the Association shall adopt a policy for Members to inspect and copy the Association's records.
- B. The intent of this policy is to generally define the types of records the Association maintains, define the costs of copies, and provide a general procedure for the Members to inspect and copy records; it is not the intent to limit Members statutory remedies for record inspection.
- RESOLUTION:** The Association hereby adopts the following policies and procedures to be followed for the inspection and copying of Association records.

The following policy shall apply to the inspection and copying of the Association's records:

1. **Association Records.** The Association must maintain the following, all of which shall be deemed to be the sole records of the Association for purposes of document retention and production to owners:
 - (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 those claims;
 - (c) Minutes of all meetings of its unit owners and executive board, a record of all actions taken by the unit owners or executive board without a meeting, and a record of all actions taken by any committee of the executive board;
 - (d) Written communications among, and the votes cast by, executive board members that are:
 - (1) Directly related to an action taken by the board without a meeting pursuant to section 7-128-202, C.R.S.; or
 - (2) Directly related to an action taken by the board without a meeting pursuant to the Association's bylaws;
 - (e) 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;

- (f) Its current declaration, covenants, bylaws, articles of incorporation, if it is a corporation, or the corresponding organizational documents if it is another form of entity, rules and regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5, C.R.S., and other policies adopted by the executive board;
- (g) 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;
- (h) A list of the names, electronic mail addresses, and physical mailing addresses of its current executive board members and officers;
- (i) Its most recent annual report delivered to the secretary of state, if any;
- (j) Financial records sufficiently detailed to enable the Association to comply with section 38-33.3-316 (8) concerning statements of unpaid assessments;
- (k) The Association's most recent reserve study, if any;
- (l) Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years;
- (m) Records of executive board or committee actions to approve or deny any requests for design or architectural approval from unit owners;
- (n) Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate;
- (o) Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;
- (p) All written communications within the past three years to all unit owners generally as unit owners;
- (q) The date on which its fiscal year commences;
- (r) Its operating budget for the current fiscal year;
- (s) A list, by unit type, of the Association's current assessments, including both regular and special assessments;
- (t) Its annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
- (u) The results of its most recent available financial audit or review;
- (v) A list of all association insurance policies, including, but not limited to, property, general liability, association director and officer professional liability, and fidelity policies. Such list shall include the company names, policy limits, policy deductibles, additional named insured, and expiration dates of the policies listed; and
- (w) The Association's responsible governance policies adopted under section 38-33.3-209.5.

2. **Examination of Records.** Subject to sections (3), and (4), all records maintained by the Association must be available for examination and copying by a unit owner, the owner's authorized agent, or any First Mortgagee. The Association may require unit owners to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents, and may limit examination and copying times to normal business hours or the next regularly scheduled executive board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations of the Association to the contrary, the Association may not condition the production of records upon the statement of a proper purpose.
 - (a) The membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without consent of the executive board.
 - (b) Without limiting the generality of paragraph (a), without the consent of the executive board, a membership list or any part thereof may not be:
 - (1) Used to solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the Association;
 - (2) Used for any commercial purpose; or
 - (3) Sold to or purchased by any person.
 - (c) The Association may pursue actions for damages or injunctive relief or both for any violation of the limitations set forth above, and seek reimbursement of all costs, including attorney fees and costs.
3. **Withheld Records.** The Association may withhold from inspection and copying certain records as provided by Colorado law to the extent they are or concern:
 - (a) Architectural drawings, plans and designs, unless released upon written consent of the owner of such drawings, plans, or designs;
 - (b) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently 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 executive sessions of the Board;
Individual unit files other than those of the requesting Owners.
4. **Original Records.** 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.
5. **Creation of Records.** Nothing contained in this policy shall be construed to require the Association to create records that do not exist or compile or synthesize information
6. **Fees / Costs.** The Association may impose a reasonable charge in advance for the estimated amount to produce and copy the records and may cover the costs of labor and material. The cost may not exceed the actual cost of production and reproduction of the records. In the event an Owner's request will result in review and/or copying of voluminous documents, the Association may break the inspection into several sessions to reasonably accommodate the staff at its principal office.

7. **Miscellaneous Provisions.**

The Owner's request should be made on the Association's Notice of Intent to Inspect and Copy Association Records form.

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.

In the event a Court of competent jurisdiction finds a provision of this Records Inspection Policy void or otherwise unenforceable, the other provisions shall remain in full effect.

PRESIDENT'S CERTIFICATION: The Undersigned, being the President of the Association certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on DEC 12, 2013 and in witness thereof, the undersigned has subscribed his/her name.

RED HAWK HOMEOWNERS ASSOCIATION, INC.,
a Colorado nonprofit corporation

By: *Ralph J. Jellison*
President



**NOTICE OF INTENT
TO
INSPECT AND COPY RECORDS
OF THE
RED HAWK HOMEOWNERS ASSOCIATION, INC.**

I request to inspect and/or copy records of the Red Hawk Homeowners Association, Inc.

I understand that the management company stores all records of the Association at their facility and that the inspection will occur at that facility during normal business hours. I understand there will be a fee to produce and/or copy the records to cover the actual cost of labor and material. An estimated fee for inspection and/or copying will be provided prior to the date of inspection and must be paid in advance.

A complete list of records maintained by the Association may be found in the Policy and Procedures for the Inspection and Copying of Association Records. Certain records are excluded from inspection and copying as provided under Colorado law as outlined in paragraph 3 of the Policy and Procedures document.

I understand that I may NOT remove any original book or record of the Association from the place of inspection nor shall I alter, destroy, or mark in any manner, any original book or record of the Association. I further understand that the Association or its management company will not create records that do not exist or compile or synthesize information based on this request.

Please be as specific as possible in describing the records that you wish to inspect and/or copy.

Copy ___ Inspect Only ___ 1. _____

Copy ___ Inspect Only ___ 2. _____

Copy ___ Inspect Only ___ 3. _____

Copy ___ Inspect Only ___ 4. _____

Copy ___ Inspect Only ___ 5. _____

Name: _____ Date: _____

Owner ___ Owner's Agent ___ First Mortgagee ___ Inspection Date Requested: _____

Must be at least 10 business days from date of request

Address of Unit in Red Hawk: _____ Castle Rock, CO

Current address if different: _____

Phone Number: _____