

# Flukey Estates Homeowners Association

## Policies and Procedures For Inspection and Copying of Association Records

As required by C.R.S. 38-33.3-209.5

The following Procedures have been adopted by the **Flukey Estates Homeowners** Association ("the Association") pursuant to Colorado Revised Statute ("C.R.S.") 38-33.3-209.5, at a regular meeting of the Board of Directors ("The Board"). Additional policies, procedures and rules may exist separately.

### PURPOSE:

To adopt a policy governing the inspection and copying of Association records by Association Members; to establish the type of records kept by the Association or its Management Company; 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 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 to govern the inspection and copying of Association records.

- A. Records Kept by the Association
  1. Many records will be available to Owners on the Association's website, which is maintained by its Management Company.
  2. The Association shall keep as permanent records the following documents:
    - a. Minutes of all meetings of Owners;
    - b. Minutes of all meetings of the Board and committees of the Board;
    - c. A record of all actions taken by the Owners or the Board by written ballot or written consent in lieu of a meeting;
    - d. A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association;
    - e. A record of all waivers or notices of meetings of Owners and of the Board or any committees of the Board;
    - f. A record of Owners in a form that permits preparation of a list of the names and addresses of all Owners, showing the number of votes each Owner is entitled to vote;
    - g. All tax returns filed on behalf of the Association;
    - h. Financial records sufficiently detailed to enable the Association to establish the amount of unpaid assessments, late fees, interest, and other legal charges for each Owner.
  3. In addition to the above, the Association shall keep a copy of each of the following records at its Management Company or principal office:
    - a. Articles of Incorporation;
    - b. Declaration of Covenants, Conditions and Restrictions;

- c. Bylaws;
- d. Plat;
- e. Association owned or granted easements and other ownership rights such as water rights;
- f. Resolutions adopted by the Board;
- g. Minutes of all Owners meetings and records of all actions taken by Owners without a meeting for the past three (3) years;
- h. All written communications within the past three (3) years to Owners;
- i. A list of the names and business or home address of the Association's current directors' and officers';
- j. The Association's most recent annual report;
- k. All financial statements, tax returns, audits or reviews conducted pursuant to Section 38-33.3-303(4)(b) during the immediately preceding three (3) years.

B. Requesting Inspection

1. An Owner, or duly appointed representative, is entitled reasonable access to the Associations records for inspection and copying.
2. So the Association will have the desired books, records and personnel available, a written notice of intent to inspect must be submitted to the Associations' Management Company, or the Board, at least ten (10) business days prior to the planned inspection. The notice must describe with reasonable particularity which records are to be inspected.
3. The Association shall make the requested records available within ten (10) business days of the Owner's request, or at the next regularly scheduled Owner or Board meeting, if the next regularly scheduled Owner or Board meeting is scheduled within thirty (30) days of the Owner's request, in the sole discretion of the Board. The Board shall advise the Owner of the time and place of such inspection in writing.
4. All records shall be inspected at the principal office of the Association or its Management Company, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. At the discretion of the Board, inspection or copying of records may also be done during the next regularly scheduled Owner or Board meeting occurring within thirty (30) days of the Owner's request.
5. At the discretion of the Board or the Association's Management Company, certain records may only be inspected in the presence of a member of the Board or an employee of the Management Company. No records may be removed from the office without the express written consent of the Board. Further, if any Owner requests to inspect records, the Association may photocopy and provide the requested records to the Owner, in lieu of the Owner's inspection of the records, if consented by the Owner.
6. The Association may charge a fee, not to exceed the Association's actual cost-per-page for copies of the Association records and may collect such a fee in advance.

C. Limitations

1. Consistent with individual Owner'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:
  - a. Confidential personnel records;
  - b. Confidential litigation files and matters covering consultation with legal counsel concerning disputes that are the 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.
2. Without the express written consent of the Board, a Membership list or any part thereof may not be obtained or used by any person:
- a. For any purpose unrelated to an Owners interest as an Owner;
  - b. To solicit money or property, unless such money or property will be used solely to solicit the votes of the Owners in an election to be held by the Association;
  - c. For any commercial purpose;
  - d. To be given, sold or purchased by any person or entity; or
  - e. Any improper purpose as determined in the sole discretion of the Board.

CONFLICTS BETWEEN DOCUMENTS:

In case of discrepancies between this Policy and Procedure and the Declaration of Covenants, Conditions, and Restrictions (the Declaration), or the Bylaws or the Association, the Declaration shall control.

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 the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Flukey Estates Homeowners Association

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President