

**RECORDS INSPECTION & MANAGEMENT**  
**POLICY #3**

Pursuant to C.R.S. 38-33.3-317, Colorado House Bill 1237 and the Bylaws and Declaration of Covenants, Conditions and Restrictions ("Declaration") for Garfield Mountain Townhomes subdivision, the following resolution and procedures have been adopted by the Garfield Mountain Townhomes Association, Inc. ("Association").

**NOW THEREFORE, LET IT BE RESOLVED** that the Association does hereby adopt the following policies and procedures for the Association to establish uniform procedures for the inspection and copying of Association records by Association Members; to establish the type of records kept by the Association or its agent; and to establish the cost of copying Association records; and to establish procedures for destruction of records.

1. The following records shall be maintained by the Association, as a permanent record, and shall be produced to Owners upon request to the extent they are or concern:
  - a. Records specifically defined in the Association's declaration or bylaws
  - b. Records the Association is required to disclose within 90 days after the end of the fiscal year as required by the Colorado Common Interest Ownership Act (CCIOA)
  - 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 Declaration, 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 executive board Members and officers.
  - k. The most recent annual report delivered to the Secretary of State, if any.
  - 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 unit.
  - 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 for the Association within the immediately preceding 2 years.
  - o. Records of executive 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 to which they relate.
  - q. Resolutions adopted by the board relating to the characteristics, qualifications, rights, limitations, and obligations of Members or any class or category of Members.
  - r. All written communications within the past 3 years sent to all Owners.

2. The following records maintained by the Association *may* be withheld from inspection and copying to the extent they are or concern:

- 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 board
  - f. Records relating to or concerning individual units other than those of the requesting owner
3. The following records maintained by the Association are not subject to inspection and copying, *and must be withheld*, to the extent they are or concern:
- a. Personnel, salary, or medical records relating to specific individuals.
  - 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.
4. Without the consent of the board of directors, a Membership list (or any part of that list) may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner.
- a. A 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 unit Owners in an election to be held by the Association.
  - b. A membership list may not be used for any commercial purpose.
  - c. A membership list may not be sold to or purchased by any person.
5. 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 or to the Board of Directors at least fourteen (14) business days prior to the planned inspection. The Notice must describe with reasonable particularity which records are to be inspected and the purpose of the inspection.
6. All records shall be inspected at the principal office of the Association located at the office of the management company or can change, from time to time and will be available for inspection between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. At the discretion of the Association's Manager, certain records may only be inspected in the presence of a Board member or employee of the Manager. 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.
7. The Association may charge a fee, as described in the Request form.
8. In determining whether records may be inspected, the Association shall consider among other things:
- a. Whether the request is made in good faith;
  - b. Whether disclosure would violate a constitutional or statutory provision of public policy;
  - c. Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above.
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 may choose to retain records for most files for a period of 10 years, since that span exceeds the statutes of limitations and repose applicable to most professional liability claims in most states.

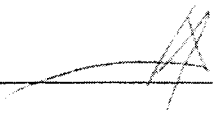
11. Upon destruction of records, the following procedures shall be performed:

- a. Paper files should be shredded or incinerated.
- b. Data storage devices specific to a file such as tapes, CDs and floppy disks should be physically destroyed rather than overwritten with other data to ensure that the data is irretrievable.
- c. In destroying electronic files, it is important to identify and eliminate all duplicate files, which may exist on network servers, personal computers and data storage devices such as tapes, hard drives, flash drives and personal digital assistants.

The undersigned hereby certify that the foregoing resolution (Policy #3) was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the 12<sup>th</sup> day of September, 2013.

Garfield Mountain Townehomes Association, Inc.

By:

  
\_\_\_\_\_ Joe Hendrickson, President

Attest:

  
\_\_\_\_\_ Kathleen Threet, Secretary