

# RIVERSIDE PLACE OWNERS' ASSOCIATION, INC.

## POLICY REGARDING INSPECTION AND COPYING OF ASSOCIATION RECORDS

Adopted \_\_\_\_\_, 2011

The following procedures have been adopted by the Riverside Place Owners' Association, Inc. ("Association") pursuant to the provisions of C.R.S. 38-33.3-209.5, at a special meeting of the Board of Managers.

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

WHEREAS, the Colorado Common Interest Ownership Act is C.R.S. 38-33.3-317 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. Minutes of all meetings of Owners and the Board.
  - b. A record of all actions taken by the Owners or the Board by written ballot or written consent in lieu of a meeting.
  - c. A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association.
  - d. A record of all waivers of notices of meetings of Owners and of the Board or any committee of the Board.
  - e. 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.

In addition to the above, the Association shall keep a copy of each of the following records at its principal office:

- a. Articles of Incorporation, Declaration of Covenants, Conditions, and Restrictions for Riverside Place, and any amendments thereto, and Bylaws.
  - b. Resolutions adopted by the Board.
  - c. The minutes of all Owners meetings and records of all actions taken by Owners without a meeting for the past three (3) years.
  - d. All written communications within the past three (3) years to Owners generally as Owners.
  - e. A list of names and business or home addresses of the Association's current directors and officers.
  - f. All financial statements, including balance sheet, general ledger, budget and year to date statements for the past three (3) years.
  - g. The Association's most recent annual report, if any.
  - h. All financial audits or reviews conducted pursuant to Section 38-33.3-303(4)(b) during the immediately preceding three years.
2. So the Association can have the desired books and records, and personnel who can help explain or copy them available, a written Notice of Intent to Inspect must be submitted to the Association's Manager or to the Board of Managers at least five (5) 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. The Notice must specify a date and time during regular business hours for the inspection, must be made in good faith and for a proper purpose; must describe with reasonable particularity the records sought and the purpose of the request; and that the records requested are relevant to the purpose of the request. In the event the date or time is not feasible in light of the request, the Association's Manager shall attempt to contact the Member to schedule a convenient time for the inspection.
  3. All records shall be inspected at the principal office of the Association located at the home of the Secretary/Treasurer as indicated on the Association's website and on file with the Colorado Secretary of State between the hours of 9:00am and 5:00pm, Monday through Friday.

4. At the discretion of the Board or 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 Managers. 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.
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 Managers:
  - 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 Managers.
7. In the event the Association's Manager believes the request does not meet the proper purpose requirement, the Manager shall notify the Board and the Member making the request, and the Board shall determine a resolution of the request. 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 the disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy.
  - d. Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above; and
8. The Association reserves the right to pursue any Member for damages or injunctive relief or both, including attorney 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.

Riverside Place Owners' Association, Inc.

By: \_\_\_\_\_  
Randy Glover, President

Attest

\_\_\_\_\_  
Norman Stoller, Secretary

This Policy regarding Inspection and Copying of Association Records was adopted by the Board of Managers at a special meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2011, for that purpose; and is effective the \_\_\_\_ day of \_\_\_\_\_, 2011 and is attested to by the Secretary of the Riverside Place Owners' Association, Inc.

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Norman Stoller, Secretary