

BOWLING GREEN HOME OWNERS, INC.

Records Inspection Policy

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.
- C. The following Records Inspection Policy was adopted by the Board of Directors of the Bowling Green Home Owners, Inc. ("Association"), pursuant to C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Records Inspection Policy:

1. 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 showing all of the receipts, expenses or disbursements;
- (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:
 - i. Directly related to an action taken by the board without a meeting pursuant to section 7-128-202, C.R.S.; or
 - ii. 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, showing the number of votes each unit owner is entitled to vote;

- (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, design guidelines, 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(a). Subject to subsections (3), (3.5), and (4) of this section, all records maintained by the Association must be available for examination and copying by a unit owner or the owner's authorized agent. The Association may require unit owners to submit a written request in the form of the Request of Inspection of Documents, a blank copy of which is attached to this Policy, 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.

- (b)(i) Notwithstanding paragraph (a) of this subsection (2), a 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.
- (ii) Without limiting the generality of subparagraph (i) of this paragraph (b), without the consent of the executive board, a membership list or any part thereof may not be:
 - (a) 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;
 - (b) Used for any commercial purpose; or
 - (c) Sold to or purchased by any person.

3. Records maintained by the Association may be withheld from inspection and copying to the extent that they are or concern:

- (a) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner 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 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 an executive session of an executive board; or
- (f) Individual units other than those of the requesting owner.

3.5. 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.

4. The Association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records. As part of the reasonable charges, the Owner shall be responsible for all actual costs incurred by the Association, including \$.25 per page for copies and \$20.00 per hour to search, retrieve, and copy the record(s) requested. For copy requests estimated to exceed \$10.00, the Association may require a deposit equal to the anticipated actual cost of the requested records. Failure to pay such deposit shall be valid grounds for denying an Owner copies of such records.

5. A right to copy records under this section includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by the unit owner.

6. The Association is not obligated to compile or synthesize information.

7. Association records and the information contained within those records shall not be used for commercial purposes.

8. 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.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the 12 day of Sept, 2013

BOWLING GREEN HOME OWNERS, INC.


By: Mort LESSER, its PRESIDENT

BOWLING GREEN HOMEOWNERS, INC.

Request for Inspection of Documents

ALL ITEMS MUST BE COMPLETED.

**IF ANY PORTION OF THE FORM IS LEFT INCOMPLETE, IT MAY BE RETURNED TO
YOU AND YOUR ABILITY TO REVIEW THE DOCUMENTS WILL BE DELAYED**

Date: _____

Your Name: _____

Your Address: _____

Your Telephone Number: _____

Information regarding document(s):

Identify all documents you wish to review (please be as specific as possible including all dates):

What is the purpose for which you would like to review these documents (please provide as much detail as possible):

Do you wish to inspect the documents during normal business hours at the offices of the Association's agent? _____

If the answer is "Yes," please indicate at what times you are available to inspect the documents and how long you anticipate such inspection:

I understand that I will be charged for all costs incurred in copying (at \$0.25 per page) and delivering (including postage) any documents and that I may be required to provide a deposit if the anticipated charges will exceed \$10.00.

Signature

Date

*All requests are subject to coordination with the custodian of the records.