

TAMARRON ASSOCIATION OF CONDOMINIUM OWNERS, INC.

Responsible Governance Policy

INSPECTION AND COPYING OF RECORDS BY OWNERS

The following policy and procedures have been adopted by the Tamarron Association of Condominium Owners, Inc., a Colorado Non-Profit Corporation ("Association") pursuant to the provisions of the Colorado Common Interest and Ownership Act (the "Act") C.R.S. 38-33.3-209.5, at a meeting of the Executive Board.

The Association or its agents shall maintain records in accordance with C.R.S. 38-33.3-317 of the Act.

NOW THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing inspection and copying of records by Owners.

I. Association Records.

A. Records To Be Maintained. In addition to any records specifically defined in the Association's Declaration or Bylaws or expressly required by Section 38-33.3-209.4, 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 Owners and Executive Board, a record of all actions taken by the Owners or Executive Board with a meeting and a record of all actions taken by the 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 Executive Board without a meeting pursuant to Sec. 7-128-202 of the Colorado Non Profit Corporations Act (CNCA); or
 - (ii) Directly related to an action taken by the Executive Board without a meeting pursuant to the Association's Bylaws;
- (e) The names of Owners in a form that permits preparation of 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;

- (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 Sec. 209.5 of the Act and other policies adopted by the Executive Board;
- (g) Financial statements as described in 7-136-106 of the CNCA 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 Sec. 316(8) of the Act 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 Owners;
- (n) Ballots, proxies, and other records related to voting by Owners for one year after the election, action, or vote to which they relate;
- (o) Resolutions adopted by its Executive Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members; and
- (p) All written communications within the past three years to all Owners generally as Owners.

B. Examination and Copying. Subject to the restrictions and limitations set forth in this Policy and the Act, all records maintained by the Association must be available for examination and copying by an Owner or the Owner's authorized agent.

1. Written Request. Owners shall submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents.

2. Times for Copying and Inspection. The Executive Board shall have a reasonable period of time to organize the documents for examination and copying. Examination and copying times shall occur during normal business hours or the next regularly scheduled Executive Board meeting if the meeting occurs within thirty days after the request.

3. Purpose for Copying. 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.

4. Membership Lists. A membership list or any part thereof may NOT be obtained or used by any person for any purpose unrelated to an Owner's interest as a unit owner without consent of the Board. Without the consent of the Board, a membership list or any part thereof may not be:

- i. used to solicit money or property unless such money or property will be used solely to solicit the votes of Owners in an election to be held by the Association;
- ii. used for any commercial purpose; or,
- iii. sold to or purchased by any person.

C. Withholding of Records. Records maintained by an Association shall be withheld from inspection and copying (unless a majority of the Executive Board votes to relinquish same) 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.

D. Records Not Subject to Inspection. Records maintained by an Association are not subject to inspection and copying, and they 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 Owners and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers. Except that an Owner or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other Owners and residents, the person's telephone number, electronic mail address or both. The written consent must be kept as a record of the Association and remains valid until the person withdraws it by providing the Association with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the Association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal. Consents may be delivered or withdrawn by Owners by electronic means, including but not limited to, facsimile and email.

F. Charges for Copies. The Association shall impose, in advance, the below described charges for labor and materials required for inspection and copying. All applicable charges shall be estimated based on the written request of the Owner or its agent, and payment for the estimated costs shall be paid in advance in good funds. Upon completion of the inspection and copying, a final invoice will be prepared based on actual costs. Delivery of documents shall be withheld until all actual costs are paid. If the estimate is higher than the actual costs, a refund will be made by the Association in a timely manner. Charges shall be as follows:

- i. Copies per page, letter or legal size: at current rates per page.
- ii. Materials other than copies: Actual costs plus labor.
- iii. Documents which are stored electronically shall be sent free of charge.

G. Electronic Transmission. The right to copy Association records 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 Owner.

H. No Obligation to Coordinate Information. The Association is not obligated to compile or synthesize information.

I. No Commercial Purpose. Association records and the information contained within those records shall not be used for commercial purposes.

II. Website Posting. The Association may place certain records and documents on its website for general review by Owners. Notwithstanding the foregoing, documents and records which are required to be withheld as described in this Policy and/or which the Board deems as consisting of a sensitive nature or private nature shall not be posted on the Association website.

THIS POLICY AND PROCEDURE was adopted at the meeting of the Board of Directors on July 8, 2014, by an affirmative vote of more than 66 2/3rds of the Board of Directors for Tamarron Association of Condominium Owners, Inc.











