

FOXTAIL PINES OWNERS ASSOCIATION

POLICY REGARDING INSPECTION AND COPYING OF ASSOCIATION RECORDS

Adopted _____, 2024

The following policy has been adopted by Foxtail Pines Owners Association (“Association”) pursuant to the provisions of C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

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, pursuant to C.R.S. 38-33.3-317, gives all Members or their authorized agent 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. In addition to any records specifically defined in the Association's Declaration or Bylaws, 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 lot owners and executive board, a record of all actions taken by the lot 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 all lot owners in a form that permits preparation of a list of the names of all lot owners and the physical mailing addresses at which the association communicates with them, showing the number of votes each lot owner is entitled to vote;
 - f. Its current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5, 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. A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association in connection with the purchase or sale of a lot and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessments due;
 - j. All documents included in the association's annual disclosures made pursuant to section 38-33.3-209.4.
 - k. Its most recent annual report delivered to the secretary of state, if any;
 - l. Financial records sufficiently detailed to enable the association to comply with section 38-33.3-316(8) concerning statements of unpaid assessments;
 - m. The association's most recent 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 two years;
 - o. Records of executive board or committee actions to approve or deny any requests for design or architectural approval from lot owners;
 - p. Ballots, proxies, and other records related to voting by lot owners for one year after the election, action, or vote to which they relate;
 - q. 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;
 - r. All written communications within the past three years to all lot owners generally as lot owners;
 - s. A record showing the date on which the Association's fiscal year begins; and
 - t. All documents included in the Association's annual disclosures made pursuant to section 38-33.3-209.4.
2. All records maintained by the association must be available for examination and copying by a lot owner or the owner's authorized agent. So the Association can have the desired books and records, and personnel who can help copy them, available, a written Notice of Intent to Inspect must be submitted to the Association's Manager or to the Board of Directors at least ten (10) days prior to the planned inspection. The Notice must specify a date and time during regular business hours for the inspection and must describe with reasonable particularity the records sought. In the event the date or time is not feasible in light of the request, the Association's Manager/Board 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 Board Members selected location between the hours of 9:00am and 5:00pm, Monday through Friday.
 4. A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a lot owner's interest as a ~~unit~~ lot owner without consent of the executive board. 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 lot 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.

5. Records maintained by an 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; (f) Individual lots other than those of the requesting owner; or (g) The names and physical mailing addresses of unit owners if the unit is a time-share unit, as defined in section 38-33-110(7).
6. 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 members and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, notwithstanding section 38-33.3-104, a member or resident may provide the association with prior written consent to the disclosure of, and the association may publish to other members 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.
7. 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, including the costs of copying, mailing, and any necessary special processing.
8. If the association fails to allow inspection or copying of records in accordance with this policy within thirty calendar days after receipt of a written request submitted by certified mail, return receipt requested, and payment of any fees required pursuant to subsection (7) of this policy, the association is liable for penalties in the amount of fifty dollars per day, commencing on the eleventh business day after the association received the written request, up to a maximum of five hundred dollars or the lot owner's actual damages sustained as a result of the refusal, whichever is greater.
9. A right to copy records under this policy 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 lot owner.

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

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

The undersigned hereby certify 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 ____ day of _____, 2024.

Foxtail Pines Owners Association

By: _____
Jerry Eno, President

Attest

Jim Dietvorst, Secretary

This Policy regarding Inspection and Copying of Association Records was adopted by the Board of Directors at a regular meeting held on the ____ day of _____, 2024, for that purpose; and is effective the ____ day of _____, 2024, and is attested to by the Foxtail Pines Owners Association.

Jim Dietvorst, Secretary