

**EAGLERIDGE ESTATES FILING NO. 3 HOMEOWNERS ASSOCIATION OF
PUEBLO, INC.
POLICY & PROCEDURES -
ASSOCIATION RECORDS AND INFORMATION**

The following policy & procedures have been adopted by Eagleridge Estates Filing No. 3 Association of Pueblo, Inc. (hereinafter “Association”) pursuant to the provisions of C.R.S. 38-33.3-209.5 (Responsible Governance Policies).

Purpose: To establish a uniform and systematic protocol for maintaining, retaining, and producing records and other information of the Association.

NOW, THEREFORE, IT IS RESOLVED that the Association hereby adopts the following policy & procedures (hereinafter “Policy”) governing the maintenance, retention, and production of Association records and information.

1. Form of Records & Information. All Association records and information must be maintained either in written form or in a form that allows conversion into written form in a reasonable time.
2. Specified Records for Maintenance & Retention. The following records will be maintained at the Association’s principal office as described in the records of the Colorado Secretary of State, and shall be considered the sole records of the Association for purposes of document retention and production to Members.
 - 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 Members and the Board, a record of all actions taken by the Members or the Board without a meeting, and a record of all actions taken by any committee of the Board.
 - d. Written communications among, and votes cast by the Board members that are:
 - i. Directly related to an action taken by the Board without a meeting pursuant to CRS § 7-128-202, or
 - ii. Directly related to an action taken by the Board without a meeting pursuant to the Association’s Bylaws.

- e. Names of owners in a form that permits preparation of a list of 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. Current Declaration, Covenants, Articles of Incorporation, Bylaws, Rules & Regulations, and Responsible Governance Policies adopted pursuant to CRS §38-33.3-209.5, and other policies adopted by the Board.
- g. Financial statements as described in CRS § 7-136-106 for the past three years and tax returns of the Association for the past seven years, to the extent available.
- h. List of the names, electronic mail addresses, and physical mailing addresses of its current Board members and officers.
- i. Most recent annual report delivered to the Secretary of State, if any.
- j. Financial records sufficiently detailed to enable the Association to comply with CRS § 38-33.3-316.(8) concerning statements of unpaid assessments, to be sent by certified mail, return receipt requested, so they are received by requesting party within 14 days of Association's receipt of request.
- k. 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 Board or Committee actions to approve or deny any requests for design or architectural approval submitted by Members.
- n. Ballots, proxies, and other records related to voting by Members for one year after the election, action or vote to which they relate.
- o. All written communications within the past three years to all Members.

3. Inspection of Records. A Member or Member's authorized agent may inspect and copy Association records during normal business hours if the Member or authorized agent has submitted a written request, describing with reasonable particularity the records sought, at least ten (10) days prior to the inspection or production of documents. The Association's "Request to Inspect Records" form is attached to and made a part of this Resolution.

4. Membership Lists. Notwithstanding item 3. above, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to Member's interest as a Member without the consent of the Board. A membership list or any part thereof may not be:

- a. Used to solicit money or property unless such money or property will used solely to solicit the votes of Members in an election to be held by the Association.
- b. Used for any commercial purpose.

- c. Sold to or purchased by any person.
5. Limited Access Records. 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 written consent of the legal owner of the drawings, plan, or design.
 - 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 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 the board.
 - f. Individual property, other than that of the requesting Member.
6. Inaccessible Records. 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.
 - 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.
7. Charge for Copies of Records. The Association will impose a reasonable charge, which may be collected in advance and will cover 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.
8. Electronic Copies of Records. 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 of a Member.
9. Compilation/Synthetization of Information. The Association is not obligated to compile or synthesize information.
10. Commercial Use of Records. Association records and the information contained within those records shall not be used for commercial purposes.
11. Records to Buyer of Property. Upon request, a Member selling property shall either provide to the buyer or authorize the Association to provide to the buyer, upon payment of

the Association's usual fee pursuant to item 7. above, all the Association's governing documents and financial documents, as listed in the most recent version of the contract to buy and sell real estate promulgated by the real estate commission as of the date of the contract.

- 12 Audits & Reviews. Audits or reviews of the books and records of Association shall be done at the discretion of the Board, or as follows:

- a. An audit is required only if the Association has annual revenues or expenditures of at least \$250,000 and Members of at least one-third of the unit's represented by the Association request an audit.
- b. A review is required only when requested by the Members of at least one-third of the properties represented by the Association.

Copies of audits or reviews shall be available on request to any Member 30 days after completion.

- 13 Annual Notice to Members. Within 90 days after the end of each fiscal year, the Association will make the following information available to Members by first class mail, personal delivery, a binder at the principal place of business, or posting on the Association's website:

- a. Date the Association's fiscal year begins.
- b. Operating budget for the current year.
- c. List of current regular and special assessments.
- d. Annual financial statements, including reserves.
- e. Results of most recent audit or review, if any.
- f. List of all Association insurance policies (property, general liability, director and officer liability, fidelity) including insuring companies, policy limits and deductibles, additional insured and expiration dates.
- g. Association's bylaws, articles and rules & regulations.
- h. Minutes of Board and Member meetings for prior fiscal year.
- i. Association's "Responsible Governance Policies".

- 14 Other Notice to Members. Within 90 days after the change of any of the following, the Association will give written notice to the Members of the following items by first class

mail, personal delivery, a binder at the principal place of business, or on the Association's website:

- a. Name of the Association and the common interest community.
- b. Name and address of management company, if any.
- c. Physical address and phone number for the Association and the designated agent or management company.
- d. Date of recording of the Declaration and recording information.

Eagleridge Estates Filing No. 3 Homeowners Association of Pueblo, Inc., a Colorado non-profit corporation

By: _____
President

This Association Records and Information Policy & Procedures was adopted by the Board of Directors on the ____ day of _____, 2022, effective the ____ day of _____, 2022, and is attested to by a Board member of Eagleridge Estates Filing No. 3 Homeowners Association of Pueblo, Inc.

By: _____
Vice President

REQUEST TO INSPECT RECORDS

This written request is pursuant to the Association Records & Information Policy of Eagleridge Estates Filing No. 3 Homeowners Association of Pueblo, Inc.

To: Eagleridge Estates Filing No. 3 Homeowners Association of Pueblo, Inc.

c/o: _____

Address: _____

Email: _____

Date of this Request: _____ 20

Date you or your agent intends to inspect the records (Must be at least 10 days after date of request): _____ 20

Person(s) requesting inspection of the Association's records _____

Person(s) who will be present for the review of the Association's records: _____

Please note that all actual and anticipated costs of inspection and any authorized copies must be paid in advance by the person requesting them. State with clarity the records requested for inspection. Please include type and date(s) of record(s), those records for which you request a copy, and any specifics that will identify the information you seek to review. If necessary, use additional sheets.

<u>Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

REQUESTED BY: _____

Member's Signature _____

Address: _____

Phone: _____ Email: _____