

Blumenau Homeowner's Association

Inspection of Records Policy and Procedure

Although Blumenau HOA pre-dates the required participation of the Colorado Common Interest Ownership Act (required for all HOAs formed *after* 1992 – Blumenau HOA was formed in the 1970s), the Board of Directors has sought to adopt many recommended uniform and systematic policies and procedures as prescribed in the Act.

The Association hereby adopts the following policy and procedure for Inspection of Records, effective July 2018:

1. Records for Inspection. The following are the records of the Association which shall be deemed to be the sole records of the Association for purposes of inspection by Owners:
 - A. Records of receipts and expenditures affecting the operation and administration of the Association
 - B. Minutes of all meetings of Owners
 - C. Minutes of all meetings of Board members (except records of executive sessions of the Board)
 - D. Records of actions taken by the Board without a meeting, including written communications and emails among Board members that are directly related to the action so taken
 - E. The Association's governing documents which are comprised of:
 - i. The Water Decree
 - ii. The Covenants
 - iii. The Bylaws
 - iv. The Articles of Incorporation
 - v. Any rules and regulations and or design guidelines
 - vi. Any policies adopted by the Board, including the Association's responsible governance policies.
 - F. Financial statements for the last three years, which at a minimum shall include the balance sheet, the income/expense statement, and the amount held in reserves for the prior fiscal year
 - G. Tax returns for the last seven years, to the extent available
 - H. The operating budget for the current fiscal year
 - I. A list of names, email addresses and mailing addresses of the current Board members and officers
 - J. The most recent annual report delivered to the Secretary of State
 - K. Records of Board or committee actions to approve or deny any requests for design or architectural approval from Owners
 - L. Resolutions adopted by the Board
 - M. All written and email communications sent to the entire membership within the past three years
 - N. A record showing the date on which the Association's fiscal year begins

2. Exclusions. The Association may withhold from inspection and copying certain records as provided by Colorado law, and which shall not be deemed to be records of the Association, which shall include, but are not limited to:
 - A. Architectural drawings, plans and designs, unless released upon the written consent of the owner of such drawings, plans or designs
 - B. Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine
 - C. Records of executive sessions of the Board
 - D. Individual unit files other than those of the requesting Owners
 - E. A list of the names and mailing addresses of the Owners in a form that permits preparation of a list of the names and mailing addresses of all Owners, as well as the number of votes of each Owner is entitled to vote
 - F. A record of each Owner's assessment and payment
 - G. A record of each Owner's water reports
 - H. Ballots, proxies and other records related to voting by Owners for one year after the election, vote or action to which they relate
 - I. All emails and written communication to an individual owner in regards to violations, variances, or complaints.

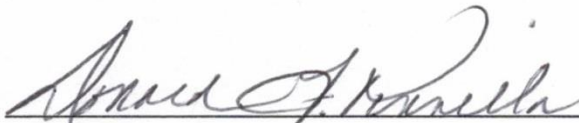
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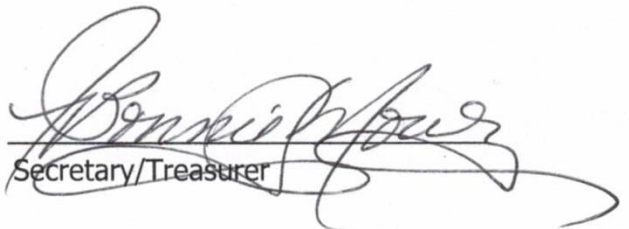
- A. Salary records relating to individuals
 - B. Personal identification and account information of Owners, including bank account information, telephone numbers, and email addresses
3. Inspection/copying Association Records. An Owner or his/her written authorized agent is entitled to inspect, copy or request a copy of the books and records of the Association, as listed above, subject to the exclusions, conditions and requirements set forth above, upon submission of a written request to the Association describing with reasonable particularity the records sought. The Association shall provide access to the requested records by:
 - A. Making the requested records available for inspection and copying by the Owner within five (5) business days of the Owner's request OR at the next regularly scheduled Owner or Board meeting if scheduled within thirty (30) days of the Owner's request. Inspection time and location shall be decided by the registered agent as agreed by the Owner
 - B. Emailing the requested records to the Owner within ten (10) days of the Association's receipt of such written request, if so requested by the Owner
4. Use of Records. Association records and the information contained within the records shall not be used for commercial purposes. Furthermore, while Owners are not required to state a purpose for any request to inspect the records of the Association, the membership list may not be used for any of the following:
 - A. Any purpose unrelated to an Owner's interest as an Owner
 - B. The purpose of soliciting money or property
 - C. For the purpose of giving, selling, or distributing such BHA records to any person
 - D. Any improper purpose as determined in the sole discretion of the Board

5. Fees/Costs. Any Owner requesting copies fo BHA records shall be responsible for all actual costs incurred by the BHA, including the cost to search, retrieve, and copy the record(s) requested at a rate of \$30 per hour (minimum of one hour), and 50 cents per page. The BHA may require advance payment and/or a deposit equal to the anticipated actual cost of the requested records. Failure to pay such payment shall be valid grounds for denying Owner copies of such records. If after payment it is determined that the actual cost was more, Owner shall pay such amount prior to delivery of the copies. If after payment it is determined that the actual cost was less, the difference shall be returned to the Owner with the copies.
6. Original Records. No Owner shall remove any original book or record of the BHA from the place of inspection or from the records of the BHA. No Owner may alter, destroy or mark in any manner, any original book or record of the BHA.
7. Creation of Records. Nothing contained in these policies shall be construed to require the BHA to create records that do not exist or compile records in a particular format or order.

IN WITNESS WHEREOF, the undersigned certify that the Amendment Procedure was adopted by resolution of the Board of Directors of the Association this 23rd day of July, 2018.

Blumenau Homeowners Association

By: 
President

Attest: 
Secretary/Treasurer