

## REDHILL FOREST POMWACA'S POLICY ON RIGHT TO INSPECT BOOKS AND RECORDS

WHEREAS, Article X of the Association's Bylaws gives all Owners the right to inspect the books of the Association; and

WHEREAS, it is not unreasonable nor a violation of the Board's duty to exercise sound business judgment for it to establish reasonable procedures for inspections of books and records.

NOW THEREFORE, BE IT RESOLVED, that the Association adopts the following policy for access to Association records:

1. All records maintained by the Association are available for examination and copying by a member or the member's authorized agent. The member must submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents. The association may not condition the inspection of the records upon the statement of proper purpose. (CRS § 38-33.3-317 (2) (a))
2. The inspection and/or copying of the records of the Association shall be conducted during regular business hours of 9:00 AM to 11:00 AM and from 1:00 PM to 4:00 PM, Monday through Thursday, and from 9:00 AM to 11:00 AM on Fridays, excluding Holidays, at the Association's management company's office or as designated by the Association. (CRS § 38-33.3-317 (2) (a))
3. Records may only be inspected in the presence of the Business Manager or Secretary. No original records may be removed from the business office, including removal by Board Members. The Business Manager must keep the original records intact once these records are organized; indexed and digital backup copies have been created. This is to protect the integrity of the original records.
4. All costs of inspection, photocopies and labor to assemble the records will be paid in advance by the member requesting them. A right to copy records includes the right to receive copies by photocopying or other means, including the receipt of copies through electronic transmission (PDF or equivalent), if requested by the member. The association is not obligated to compile or synthesize information. (CRS § 38-33.3-317(4) through (6))
5. The member requesting copies of records will complete the form which will include the members name, lot number, particular record being requested and sign a statement that the records will not be used for commercial or any illegal purposes. The form will be sent to the Business Manager and be accompanied with prepayment of nominal charges for labor

and material to research and create copies of the records. The Association reserves the right to recover the full cost of all labor and materials if the initial payment is not adequate. This amount will be collected before the documents are provided. There will be no charge for providing members records of their own lots such as dues, assessments and liens to support the payment of such or in conjunction with sale of the lot.

6. The Association records and information contained within those records shall not be used for commercial purposes or in any other manner prohibited by law. (CRS § 38-33.3-317 (2) (b) and (7))

7. Consistent with individual member's right to privacy, attorney-client confidentiality and other considerations, the following records will not be made available without the express written consent of the Board of Managers:

- A. Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, drivers license numbers and social security numbers. (CRS § 38-33.3-317 (3.5) (b))
- B. Individual members information other than the information of the requesting member. (CRS § 38-33.3-317 (3) (f))
- C. Confidential personnel, salary or medical records relating to specific individuals. (CRS § 38-33.3-317 (3.5) (a))
- D. Confidential litigation files and matters covering "consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings" or are "privileged or confidential between attorney and client". (CRS § 38-33.3-317 (3) (c))
- E. Files for "investigative proceedings concerning possible or actual criminal misconduct".
- F. Any matter "the disclosure of which would constitute an unwarranted invasion of individual privacy".
- G. Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations, which have not been formally approved by the Board of Managers.
- H. Minutes of confidential executive sessions. (CRS § 38-33.3-317 (3) (e))
- I. Information regarding elections that would violate the secret nature of the ballot.

**AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS  
OF THE REDHILL FOREST POMWACA**

I have requested to inspect and/or obtain copies of the following records for the REDHILL FOREST POMWACA (be as specific as possible): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The records shall be used for the following purpose(s) only: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that under the terms of the Colorado Revised Nonprofit Corporation Act, Association records may not be obtained or used for any purpose unrelated to my interest(s) as an Owner. I further understand and agree that without limiting the generality of the foregoing, Association records 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 Owners in an election held by the Association;
- (B) Used for any commercial purpose;
- (C) Sold to, otherwise distributed to, or purchased by any person;
- (D) Any other purpose prohibited by law; or
- (E) Any purpose not related to the reason specified in this Agreement.

In the event any document requested is used for an improper purpose or purpose other than that stated above, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees resulting from such improper use. I will additionally be subject to any and all enforcement procedures available to the Association through its governing documents and Colorado law.

Understood and agreed to by:

\_\_\_\_\_  
Homeowner

Date: \_\_\_\_\_

\_\_\_\_\_  
Homeowner

Date: \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

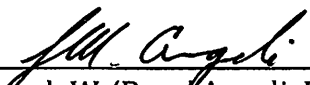
- J. Architectural drawing, plans and designs, unless released upon the written consent of the legal owner of the drawings, plans or designs. (CRS § 38-33.3-317 (3) (a))
- K. Contract, leases, bids or records related to transactions to purchase or provide goods or services that are currently in or under negotiation or considered competition sensitive. (CRS § 38-33.3-317 (3) (b))

8. In determining whether records may be inspected, the Association shall consider, among other things:

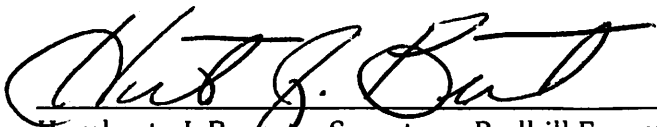
- A. Whether a member has improperly used information secured through a previous inspection of the records;
- B. Whether disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy;
- C. Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information; and
- D. Whether disclosure would unreasonably interfere with or improperly disrupt the operation of the Association.

9. The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorney fees, for a violation of this policy.

This resolution is adopted this 10th day of January, 2015, at an open Board Meeting where a quorum of the Board was present and will become effective immediately.

  
\_\_\_\_\_  
Joseph W. 'Buzz' Angeli, President, Redhill Forest POMWACA

1/10/15 Date

  
\_\_\_\_\_  
Humberto J. Brocato, Secretary, Redhill Forest POMWACA

JANUARY 10, 2015 Date