

**SAN JUAN RIVER RESORT PROPERTY OWNERS ASSOCIATION, INC.**

**POLICY #2: INSPECTION AND COPYING OF ASSOCIATION RECORDS;  
RECORD RETENTION POLICY**

Adopted \_\_\_\_\_, 20\_\_

The following procedures have been adopted by the San Juan River Resort Property Owners Association, Inc. ("Association") pursuant to the provisions of C.R.S. §38-33.3-209.5, C.R.S. §38-33.3-209.4, §38-33.3-317, the Governing Documents of the Association, and the Act, at a regular meeting of the Board.

**Purpose:** The Act establishes the obligation of the Association to keep adequate records and gives all Owners the right to examine and copy the financial and other records of the Association for a proper purpose. This Policy is adopted to: establish uniform procedures for the inspection and copying of Association records by Association Owners; to establish the type of records kept by the Association or its agent and where they are stored, including the availability of records on a website, if any; and to establish the cost of copying Association records. This Policy also facilitates delivery or transmission of written statements to permitted persons or organizations describing the amount of unpaid Assessments currently levied against any Lot.

**NOW, THEREFORE, IT IS RESOLVED** that the Association does hereby adopt the following Policy governing the inspection and copying of Association records:

**1. Association Record Retention.** The Association shall maintain permanent records in accordance with C.R.S. §38-33.3-317, including minutes of all meetings of Owners and the Board, a record of all actions taken by the Owners or Board by written ballot or written consent in lieu of a meeting, a record of all actions taken by a committee of the Board in place of the Board on behalf of the Association, and a record of all waivers of notices of meetings of Owners and of the Board or any committee of the Board. The Association shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

**2. Records to be Maintained at Association's Principal Office.** A copy of each of the following records shall be kept at its principal office, all as they may be amended from time to time:

**a. List of Owners.** A record of Owners in a form that permits preparation of a list of the names and addresses of all Owners, showing the number of votes each Owner is entitled to vote.

**b. Associations' Governing Documents:** The Association's governing documents which are comprised of:

- **Articles of Incorporation**
- **Declaration**

- **Covenants**
- **Bylaws**
- **Architectural Guidelines, Standards, Rules & Penalties; and**
- **Any Policies adopted by the Board, including the Association's responsible governance policies.**

c. Detailed records of receipts and expenditures affecting the operation and administration of the association;

d. Records of claims for construction defects and amounts received pursuant to settlement of those claims;

e. Minutes of all meetings of its unit owners and executive board, a record of all actions taken by the unit owners or executive board without a meeting, and a record of all actions taken by any committee of the executive board, for the past three years;

f. 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;

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. 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 section 38-33.3-316(8) 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 unit owners;

n. Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate;

**o.** 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; and

**p.** All written communications within the past three years to all unit owners generally as unit owners.

**3. Records to be Reasonably Available for Inspection and Copying.** All financial and other records of the Association shall be made reasonably available for examination and copying by any Owner and such Owner's authorized agents.

**a. Reasonably Available.** The term "reasonably available" means available during normal business hours, upon notice of five business days, or at the next regularly scheduled meeting if such meeting occurs within thirty days after the request, to the extent that the request is made in good faith and for a proper purpose, the request describes with reasonable particularity the records sought and the purpose of the request, and the records are relevant to the purpose of the request.

**b. Limitations - Ownership Lists.** A Ownership list or any part thereof may not be obtained or used by any person for any purpose unrelated to an Owner's interest as an Owner without consent of the Board. Without the consent of the Board, a Ownership list or any part thereof may not be 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 to be held by the Association, and may not be used for any commercial purpose or sold to or purchased by any person.

**c. Additional Limitations.** At the discretion of the Association's Manager, certain records may only be inspected in the presence of a Board Owner or employee of the Manager. No records may be removed from the office without the express written consent of the Board. Further, if an Owner requests to inspect records, the Association may photocopy and provide the requested records to the Owner in lieu of the Owner's inspection of the records if consented to by the Owner.

**4. Fees.** The Association may charge a fee, which may be collected in advance but which shall not exceed the Association's actual cost per page, for copies of Association records.

**5. Limited Availability of Certain Records.** Consistent with individual Owner'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:

**a. Personnel.** Confidential personnel records.

**b. Litigation.** Confidential litigation files and matters covering consultation with legal counsel concerning disputes that are subject of pending or imminent court proceedings or are privileged or confidential between attorney and client.

**c. Misconduct.** Files dealing with investigative proceedings concerning possible or actual criminal misconduct.

**d. Privacy.** Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy.

**e. Work in Progress.** Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations which have not been formally approved by the Board.

**f. Architectural drawings, plans and designs,** unless released upon the written consent of the legal owner of the drawings, plans or designs.

**6. Criteria for Limitation.** In determining whether records may be inspected, the Association shall consider, among other things:

**a. Good Faith.** Whether the request is made in good faith and for a proper purpose;

**b. Relevant Purpose.** Whether the records requested are relevant to the purpose of the request;

**c. No Improper Purpose.** Whether disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy; and

**d. Legal Limitations.** Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above.

**7. Abuse of Rights.** The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorneys fees, for abuse of these rights.

**PRESIDENT'S CERTIFICATION:** The undersigned, being the President of the San Juan River Resort Property Owners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on \_\_\_\_\_ and in witness thereof, the undersigned has subscribed his/her name.

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San Juan River Resort Property Owners  
Association, Inc., a Colorado non-profit  
corporation,  
By: \_\_\_\_\_  
President