

# High Country Estates Policies & Procedures

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## Records Retention and Inspection Policy

Colorado Revised Statute 38-33.3-209.S( 1 )(b)(v) and C.R.S 38-33.3-317 provide that the Association retain certain records and allow for Members to inspect and copy the Association's records.

The intent of this policy is to generally define the types of records the Association maintains, define the costs of copies, and provide a general procedure for the Members to inspect and copy records; it is not the intent to limit Members statutory remedies for record inspection.

### Records Retention

The Association's statutory records (Statutory Records) shall consist of the following:

1. Detailed records of receipts and expenditures affecting the operation and administration of the association;
2. Records of claims for construction defects and amounts received pursuant to settlement of those claims;
3. 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;
4. Written communications among, and the votes cast by, executive board members that are:
  - a. Directly related to an action taken by the board without a meeting pursuant to section 7-128-202, C.R.S.; or
  - b. Directly related to an action taken by the board without a meeting pursuant to the association's bylaws;
5. The names of unit owners in a form that permits preparation of a list of the names of all unit owners and the physical mailing addresses at which the association communicates with them, showing the number of votes each unit owner is entitled to vote;
6. Its current declaration, covenants, bylaws, articles of incorporation, if it is a corporation, or the corresponding organizational documents if it is another form of entity, rules and regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5, and other policies adopted by the executive board;
7. Financial statements for the past three years and tax returns of the association for the past seven years, to the extent available;
8. A list of the names, electronic mail addresses, and physical mailing addresses of its current executive board members and officers;
9. Its most recent annual report delivered to the secretary of state, if any;
10. Financial records sufficiently detailed to enable the association to comply with Colorado law concerning statements of unpaid assessments;

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11. The association's most recent reserve study, if any;
12. Current written contracts to which the association is a party and contracts for work performed for the association within the immediately preceding two years;
13. Records of executive board or committee actions to approve or deny any requests for design or architectural approval from unit owners;
14. Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate;
15. 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
16. All written communications within the past three years to all unit owners generally as unit owners.

## **Records Inspection**

Subject to C.R.S. 38-33.3-317, a Lot Owner, or a duly appointed representative, is entitled to inspect and copy the Association's records during regular business hours provided the Lot Owner delivers written notice to the Association at least ten business days prior to the date the Lot Owner expects to inspect and copy the records. The Lot Owner must complete a Request for Inspection of Documents Form, a sample of which is attached, stating the following:

- describe with reasonable particularity the records the Lot Owner wants to review; and
- describe with reasonable particularity the purpose the Lot Owner has to want to review the statutory records.

The Lot Owner's request to inspect and copy records must be made in good faith for a purpose reasonably related to the Lot Owner's request. All requests to inspect or copy records, other than Statutory Records or Corporate Records, shall be submitted for approval to the Board or its designated agent or committee.

The Association may charge a fee in advance for the estimated amount to copy the records not to exceed the Association's actual cost per page including services for copies of the Association's records. In the event a Lot Owner's request will result in review and/ or copying of voluminous documents, the Association may break the inspection in to several sessions to reasonably accommodate the staff at its principal office.

Careful scrutiny will be employed by the Board for requests to review records pertaining to other Lot Owners' accounts with the Association or matters that may otherwise be confidential in nature or subject to specific privileges.

A right to copy records under this section 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 unit owner.

The Association is not obligated to compile or synthesize information.

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

Further restrictions as provided by C.R.S. 38-33.3-317 include the following

1. A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without consent of the executive board.
2. 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 unit 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.
3. 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 units other than those of the requesting owner.
4. 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 C.R.S. [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.

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- c. As used in this paragraph, written consent and notice of withdrawal of the consent may be given by means of a "record", as defined in the "Uniform Electronic Transactions Act", article 71.3 of title 24, C.R.S., if the parties so agree in accordance with section 24-71.3-105, C.R.S.

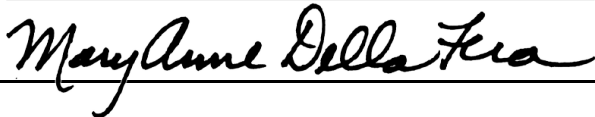
In the event a court of competent jurisdiction finds a provision of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The Board of Directors reserves the right to change policy as needed.

Adopted by the Board of Directors of HIGH COUNTRY ESTATES HOA at a duly called meeting

**on the 22<sup>nd</sup> day of March, 2017.**

The Inspection of Records Policy is APPROVED.



3/31/2017

**Signature/Date**

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President

**Title**