

6th Avenue West Homeowners Association, Inc.

Records Inspection Policy

NOTICE: As a courtesy and convenience for Members, the Association has established a community website at www.sawhoa.com for the purpose of providing easy access to all records as required under §C.R.S. 7-136-101(5). Additional records of the Association are also available online in the interests of transparency (see Section 1 below), however some non-essential and/or historical records of the Association may only be maintained in hard-copy form. It should also be noted that over time, the Association has purged its files or lost documents through mishandling. As a result, many historical records are no longer available. The Association is not obligated to recreate these lost documents, nor can it provide records that never existed.

1. ASSOCIATION RECORDS AVAILABLE FOR INSPECTION

The records available for immediate inspection and/or copying per §C.R.S. 7-136-101(5) are as follows:

- a. Minutes of meetings of the Board of Directors including Resolutions adopted by the Board;
- b. Minutes of Annual and Special meetings of the Membership;
- c. Records of all Actions Taken Without a Meeting by the Board of Directors and by the Membership;
- d. Waivers of Notification of Meetings by Board Members;
- e. Articles of Incorporation;
- f. Bylaws of the Association;
- g. Protective Covenants for Filings 1 - 6 and related documents;
- h. Records of Actions taken by a Committee on behalf of the Board;
- i. A list of names and business or home addresses of the current Directors and Officers of the Board;
- j. All written communications within the last three years to Association Members generally as Members;
- k. A copy of the Association's most recent Annual Corporate Report;
- l. All financial statements prepared for periods ending during the last three years.

2. IMMEDIATE AVAILABILITY OF ASSOCIATION RECORDS

The Association offers records as described under Section 1 available for immediate inspection via the Association's website at www.sawhoa.com. The Association does not provide computer access for the inspection of electronic records and advises that Members who do not have computer access may visit a local library for viewing of electronic records available at www.sawhoa.com. Alternatively, a Member is entitled to conduct a physical inspection of such corporate records as described in Section 1 that are available in hard-copy form. Note: some records listed in Section 1 may only be available electronically.

3. OTHER RECORDS OF THE ASSOCIATION

- a. Per the requirements of §C.R.S. 7-136-102(3) other records not maintained electronically will be made available for inspection and/or copying only if:
 - i. The Member has been a Member for at least three months immediately preceding the demand to inspect or copy.
 - ii. The demand is made in good faith and for a proper purpose.
 - iii. The Member describes with reasonable particularity the purpose of the review as well as the records the Member desires to inspect.
 - iv. The records are directly connected with the described purpose.
- b. The consent of the Board of Directors will be required to inspect other records of the Association.
- c. Per §C.R.S. 7-136-105, a Membership list or any part thereof may not be obtained or used by any person for any purpose not related to a Member's interest as a Member without consent of the Board of Directors. Release of the Membership list or any part thereof is contingent upon approval by the Board of Directors at any regular or special meeting. The Board of Directors may ask that the requesting party be available at said meeting to clarify the Member's interest as a Member prior to the consent to the release of a Membership list or any part thereof. The Board may also ask the requesting Member to stipulate in writing that any use of the Membership list will be according to the agreed upon usage and that the Member will adhere to the stated purpose.
- d. The Association's Board may withhold from inspection any records that in its reasonable business judgment would:
 - i. Constitute an unwarranted invasion of privacy;
 - ii. Constitute privileged information under the attorney-client privilege;
 - iii. Constitute privileged information under any contractual confidentiality clause;
 - iv. Involve pending or anticipated litigation or contract negotiations; and/or
 - v. Involve the discipline, or dismissal of a specific Board Member or Association Member.
- e. Records requiring Board consent prior to inspection/copying will only be available after the Board has given its approval and consent. The Board's approval and consent will be requested at the next regularly scheduled Board of Directors meeting. If the Board gives its approval and consent the documents will be made available five (5) to ten (10) days after the Board of Directors meeting. The Board will not be required to hold a special meeting to consider any request for records, although it may choose to do so at its sole discretion.

4. DOCUMENTS NOT AVAILABLE IN PHYSICAL RECORDS

- a. The Association does not keep all documents available for onsite physical inspection via physical hard copy form. Documents that are large files consisting of multiple pages may, at times, only be made available via electronic form on the Association's website at www.sawhoa.com.
- b. The Association does not retain for physical inspection emails sent to Members generally as Members. These emails are only available on the Association's website at www.sawhoa.com. They

are located under "News Article Archives" and are notated with the heading "GME" (General Member Emails.)

- c. The Association may, at times, not retain for physical inspection other records that have been delivered to the Association via electronic method or have been deemed not necessary to be maintained in physical hard copy form. Such records may be made available, as necessary, at www.sawhoa.com.
- d. The Association will not make copies of records that are only available via access to the Association's website. Members will be required to visit the Association's website to view and print, at Member's sole expense, any such documents that are only maintained electronically.

5. THE ASSOCIATION SHALL NOT BE REQUIRED TO CREATE RECORDS THAT DO NOT EXIST.

6. ALL REQUESTS FOR RECORDS MUST BE IN WRITING

- a. A Member who wishes to conduct a physical inspection of and/or copy the Association's records must submit a written request via US Postal Mail to the P.O. Box of the Association or to the Registered Agent of the Association. The request must specify the particular record(s) desired, including pertinent time periods, and shall state whether the request is for a physical inspection or copying. The request must be sufficiently detailed to allow the Association to retrieve the record(s) requested and to ascertain the purpose of the inspection.
- b. When submitting a request for physical inspection, the Member must propose a preferred date and time for said inspection. If the Member prefers to conduct the inspection in a location other than the office of the Association, an alternate location must be proposed in the written request. NOTE: The Association does not have regular business hours outside of the regular scheduled meetings of the Board of Directors. Since the Board and its Officers are volunteers, many of whom have work activities that consume their days, it is more than likely that inspections will be scheduled after hours during weekdays or on Saturdays. The Member should allow for the possibility that a specific requested date and time may not be available and should propose at least 2 alternate dates and times that are not less than 5 days subsequent to filing the request to inspect and/or copy. The President will contact the Member within 5 business dates to either accept one of the Member's proposed dates and times or suggest alternate dates and times, and to confirm with the member the location that the documents will be made available. The Association will endeavor to provide access to the requested records within a reasonable time unless:
 - i. Additional time frame is necessary due to records requested being so voluminous or otherwise in such condition as to render this time frame unreasonable; OR
 - ii. Association's office or other mutually agreed upon location is not available during the Member's requested dates and the Member is unable to accept proposed alternative dates as provided; OR
 - iii. Assigned Director or other person to assist in the inspection is not available during the Member's requested dates and the Member is unable to accept proposed alternative dates as provided.

7. ONLY MEMBERS OR AUTHORIZED REPRESENTATIVES MAY INSPECT

- a. Every Member shall have the right to inspect or copy the Association's records in compliance with the rules and procedures contained in this policy and according to the Colorado Revised Non-Profit Corporation Act.
- b. A Member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on the Member's behalf.

8. RULES OF CONDUCT & PROCEDURE GOVERNING REQUEST TO INSPECT / COPY

- a. All physical inspections will take place at the Association's office or at an alternative mutually agreed upon location. No Member or authorized representative of a Member shall remove original records from the location where the inspection is taking place.
- b. In consideration of the voluntary nature of this Association, the Board asks that Members limit their inspection to no more than 2 hours. If more than two hours is deemed necessary by the Member, then the Member should indicate that in the written request for inspection. The Board may opt to review the request and determine whether additional time should be allowed for reviewing the records.
- c. Records shall not be altered in any way.
- d. Records in notebooks shall not be removed from notebooks at any time.
- e. Members or their authorized representatives inspecting or requesting copies of records shall conduct themselves in a business-like manner and shall not interfere with the operations of the location where the inspection is taking place.
- f. The Association will assign a Director or other person to oversee and assist in the inspection.
- g. No more than two Members or their authorized representatives will be allowed to inspect the records at one time. The assigned Director will observe the inspection at all times in order to preserve the integrity of the records. Members are discouraged from bringing children to the inspection.
- h. During an inspection, the Member may designate specific records for copying by use of a tab (non-permanent and non-damaging to documents), or Post-It note upon the page(s) desired. No marks shall be made on any documents.
- i. Copies will be available within five (5) days to ten (10) business days of the request for copying, unless the voluminous nature or condition of the records makes this time frame impractical. In such cases, the copies will be made available as soon as practical.
- j. In consideration of the voluntary nature of this Association, the Board asks that members limit their requests for inspection and/or copying to no more than once in any 30-day period.

9. CHARGES FOR COPIES / INSPECTION

- a. Members are provided access to inspect and copy at no charge any of the records listed in Section 1, as well as many other documents, by visiting the Association's website at www.sawhoa.com. The Member must be a registered user of the Association's website to receive access to the documents available on the website.
- b. In the case of copying records in conjunction with an on-site physical inspection, the Member will pay the actual cost of any copies requested. The Association will procure a bid from a professional copy center for the copies requested and present that bid to the Member for pre-payment. Any additional charges over and above the initial bid, due to any unforeseen circumstances, will be charged to the Member and must be paid prior to delivery of the copies.