

# Mesa Estates Homeowners Association

## Records Retention and Inspection Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(v)

BE IT RESOLVED, that the record/s of the Association are public documents and members of the Association are welcomed to review them in accordance with the following procedure:

1. **Scope:**

To adopt a procedure and policy to be followed when retaining records and when records are requested to be reviewed in accordance with the Associations' Bylaws, Art. Ten, Section (a) – (g) and this Policy.

2. **Specifics:**

All records for the Association will be kept permanently either in paper or electronic form from the recorded date of the Articles of Incorporation going forward. All records will be kept in writing or in a form that can easily be converted into written form.

The following items will be kept as permanent records:

- Minutes of all formal Board and Owner meetings;
- All actions taken by the Board or Owners by written ballot instead of holding a meeting;
- All actions taken by a committee on behalf of the Board instead of the Board acting on behalf of the Association; and
- All waivers of the notice requirements for Owner meetings, Board member meetings, or committee meetings.

In addition to the above that must be kept as permanent records, the Association will keep a copy of the following records in its principal office or recorded on a usable digital format:

- Articles of Incorporation;
- Bylaws;
- CC&Rs;
- Board resolutions affecting Association members;
- Policies and Procedures
- Minutes of all Owner meetings and records of any actions taken by members without a meeting in the past three years or from the dates of the first, official meetings;
- All written communication within the last three years to Association members as a whole;

- A list of the names and businesses or home addresses of the current Board members and its Officers;
- Most recent annual report, if any, of the Board;
- All financial audits or reviews conducted in the last three years;
- A record of all Association members that allows the preparation of a list of the names and addresses of all unit owners as well as the number of votes each has.

Owners or their agents may request to inspect records or copies of records; they must specify the reason for the request in writing; request must be made in writing to the management company or the Board of Directors.

The records may only be physically inspected within the management company during normal business hours, or during the regularly scheduled Owner or Board meeting occurring within 30 days of the Owner's request, at the discretion of the Board. If physical copies of records are requested to be mailed, faxed, or electronically mailed, a per-page charge of \$0.10 plus office staff time to copy the records, will be billed and become due upon receipt of documents. Additional mailing charges may apply. These charges shall be at the Owner's expense and may be collected by the Association or the management company in advance if required.

The written request must include who is making the request, proof of authorization to make the request, unit address within the community, what records are being requested to be reviewed, a description of the document being requested, and the reason for review. The review of records may only be for proper purposes and must be Association related. A signed acknowledgement from the unit owner, not the agent, must be on record stating that the records will not be used for improper purposes.

Association records, including membership lists (no personal contact information, including emails and phone numbers shall be given to anyone other than Directors serving on the Board), shall not be used by any Owner for:

- Any purpose unrelated to an Owner's interest as an Owner;
- The purpose of soliciting 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;
- Any commercial purpose;
- The purpose of giving, selling, or distributing such Association records to any person; or
- Any improper purpose as determined in the sole discretion of the Board.


Items that are between the Board of Directors and an attorney are not open for review. Items that are a personal nature shared with the Board by a specific Association member will not be open for review. Aged Receivables or items with financial information are not available for anyone but the Board of Directors, the Managing Agent or an Auditor hired by the Board at their discretion.

The Association shall make the records available within thirty (30) business days of the Owner's request or during the next regularly scheduled Owner or Board meeting occurring within 30 days of the Owner's request, at the discretion of the Board. The Board shall advise the Owner of the time and place of such inspection in writing within five (5) business days of the Owner's request.

- 3. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
  
- 4. **Supplement to Law:** The provisions of this Resolution shall be in addition to and supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Mesa Estates Homeowners Association.
  
- 5. **Deviations:** The Board may deviate from the procedures set forth in this Resolution if, in its sole discretion, such deviation is reasonable under the circumstances.
  
- 6. **Amendment:** The Board of Directors may amend this procedure from time to time.

**President's Certification:** The undersigned, being the President of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

**Mesa Estates Homeowners Association**

  
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President

*03/30/2022*  
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Effective Date