

# **RIVER WALK SUBDIVISION HOME OWNERS ASSOCIATION**

## **INSPECTION AND COPYING OF RECORDS POLICY**

Effective November 26, 2024

The following Policy has been adopted by the **River Walk Subdivision Home Owners Association, Inc.**, a Colorado nonprofit corporation commonly referred to as the **River Walk Subdivision Home Owners Association** (Association), pursuant to the provisions of C.R.S. § 38-33.3-209.5, at a regular meeting of the Board of Directors (Board) for the benefit of the Association and its owners or members (Owner(s)).

Purpose: To establish a uniform policy and procedures for the inspection and copying of Association records by owners; to establish the type of records kept by the Association or its agent; and to establish the cost of copying Association records.

WHEREAS, the Colorado Common Interest Ownership Act (CCIOA), in C.R.S. § 38-33.3-317, gives all Owners of the Association the right to examine and copy the financial and other records of the Association.

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

1. The Association shall keep as records the following documents:
  - a. Records the Association is required to disclose within ninety (90) days after the end of the fiscal year as required by C.R.S. § 38-33.3-209.4(2);
  - b. Detailed records of receipts and expenditures affecting the operation and administration of the Association;
  - c. Records of claims for construction defects and amounts received pursuant to settlement of those claims;
  - d. Minutes of all meetings of the Owners and the Board, a record of all actions taken by the Owners or Board without a meeting, and a record of all actions taken by any committee of the Board;
  - e. Written communications among, and the votes cast by, Board members that are:
    - i) Directly related to an action taken by the Board without a meeting pursuant to C.R.S. § 7-128-202; or
    - ii) Directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws;

f. The names of Owners in a form that permits preparation of a list of the names of all Owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Owner is entitled to vote;

g. The current Declaration, Bylaws of the Association, Articles of Incorporation of the Association, all rules and regulations and responsible governance policies, and other policies adopted by the Board;

h. Financial statements, as described in C.R.S. § 7-136-106, for the past three years and tax returns of the Association for the past seven years, to the extent available;

i. A list of the names, electronic mail addresses, and physical mailing addresses of the current Board members and officers;

j. A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association in connection with the purchase or sale of a unit and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessments due.

k. All documents included in the association's annual disclosures made pursuant to C.R.S. § 38-33.3-209.4.

l. The most recent annual report delivered to the secretary of state, if any;

m. Financial records sufficiently detailed to enable the Association to comply with C.R.S. § 38-33.3-316(8), concerning statements of unpaid assessments;

n. The Association's most recent reserve study, if any;

o. Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years;

p. Records of the Board or committee actions to approve or deny any requests for design or architectural approval from Owners;

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

r. Resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of Owners or any class or category of Owners; and

s. All written communications within the past three years to all Owners generally as Owners.

t. All written consents provided by Owners consenting to the disclosure of such Owners' telephone number, electronic mail address, driver's license numbers, and social security numbers.

u. Any contact with an Owner in regard to an Owner's delinquency in paying assessments, fines, or fees, including information regarding the type of communication used to contact the Owner and the date and time that the contact was made, pursuant to C.R.S. § 38-33.3-209.5.

v. The designated contact and preferred language of an Owner, pursuant to C.R.S. § 38-33.3-209.5.

2. So the Association can have the desired books, records, and personnel available, a written notice of intent to inspect must be submitted to the Association, its authorized agent, or to the Board at least fourteen (14) days prior to the planned inspection. Such notice must describe with reasonable particularity which records are to be inspected and the purpose of the inspection.

3. All records maintained solely in physical form shall be inspected at the principal office of the Association between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The Association shall take reasonable efforts to maintain all documents disclosable under this Policy in electronic form.

4. Notwithstanding the foregoing, a membership 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 (and unit owner) without consent of the Board. Without limiting the generality of the preceding sentence, without the consent of the 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 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.

5. Records maintained by the 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 the Board;

f. Individual units other than those of the requesting Owner; or

g. Any documents that are confidential or otherwise prohibited from disclosure under constitutional, statutory, or judicially imposed requirements; and

h. The ballot forms from any secret ballot conducted by the Association, except that same shall, if required by C.R.S. § 38-33.3-317(1)(n) and upon any advice of legal counsel, be provided with redaction of information relating to the Owner casting such ballot.

6. Records maintained by the Association are not subject to inspection and copying, and 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 Owners, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers. However, the Association may publish to other Owners and unit residents an Owner's or unit resident's telephone number, electronic mail address, or both, provided that the Association has received the prior written consent for the disclosure of such information from the subject Owner or unit resident. A written consent remains valid until the subject Owner or unit resident withdraws it by providing the Association with a written notice of withdrawal of the consent. If a consent is withdrawn, the Association has no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal. The Association will accept written consents and notices of withdrawal of the consent provided by Owners and unit residents via electronic mail to the Association, so long as the subject Owner or unit resident includes in the electronic mail of consent or withdrawal the following statement, or a substantially similar version thereof: "I hereby agree to provide this consent or withdrawal of consent, as applicable, by electronic means in accordance with the Uniform Electronic Transactions Act, Article 71.3 of Title 24, C.R.S."

7. The Association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records. But, if it does, any amounts collected above actual costs shall be refunded. There shall be no cost to access records which are required to be disclosed by Colorado law at no cost to an Owner.

8. A right to copy records under this Policy 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 an Owner. The information described in this Policy shall be provided to the Owners by the Association either by (i) posting such information on an internet website with notice of the URL for such website delivered to the Owners by electronic mail or first-class mail; (ii) placing such information on a literature table or in a binder in the Association's main office; (iii) mail or personal delivery; (iv) electronic transmission; or (v) such other method as may be permitted under CCIOA.

9. Within fourteen (14) days after receipt of a written request and payment of any fees required, all of the records which must be produced to an Owner will be available for examination and copying by the Owner or the Owner's authorized agent.

10. The Association is not obligated to compile, summarize, or synthesize information contained within its records.

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

12. The Association reserves the right to have a third party present to observe during any inspection of physical records by an Owner or the Owner's authorized agent.

13. No Owner shall remove any original book or record of the Association from the place of inspection, nor shall any Owner alter, destroy, or mark in any manner, any original book or record of the Association.

14. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law and the State of Colorado governing the Association.

15. The Board reserves the right, from time to time, to amend or repeal this Policy, subject to any limitations placed on the Board in the Governing Documents or by law.

16. Unless otherwise defined in this Policy, capitalized terms shall have the same meaning ascribed by the Declaration.

17. This Policy supersedes and replaces prior policies adopted by the Board dealing with the subject matter herein.

This Inspection and Copying of Records Policy was adopted by the Board of Directors on November 26, 2024.

**River Walk Subdivision Home Owners  
Association**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Board Member