

Eastwood Homeowners Association, Inc.

Record Retention and Inspection Policy and Procedure

BE IT RESOLVED by Eastwood Homeowners Association, Inc., (“Association”) acting by and through its Board of Directors, that the records of the Association shall be made available to Members of the Association as provided and required by this policy and applicable law. Members are welcome to review them in accordance with this policy and procedure (“Policy”).

EFFECTIVE DATE: January 1, 2025

I. **Record Retention.** The Board of Directors (“Board”) will keep all available relevant documents and records of the Association generated after the date of this Policy electronically in forms such as PDF and WORD, and will endeavor, to the extent practical, maintain all relevant records generated prior to the date of adoption of this Policy, in accordance with this Policy.

A. **Permanent Records.** The following records are permanent records and will be maintained permanently.

1. **Governing Documents, including;**

- a. Covenants;
- b. Bylaws
- c. Articles of Incorporation
- d. Plats and Maps of the Community
- e. Rules and Regulations
- f. Governance Policies
- g. Architectural Guidelines

2. **Minutes**

- a. Board meeting minutes
- b. Member meeting minutes
- c. Minutes of meetings of committees with decision making authority, such as the architectural control committee
- d. Records of action taken by the Board by Resolution

3. **Deeds to property owned by the Association**

4. **Architectural plans and as-built drawings of Association improvements and infrastructure**

5. **Title Insurance Policies, if any, covering property owned in fee simple by the Association.**

B. **Other Records – Seven Year Retention.** The following records will be kept for at least seven years (7) to ensure that all statutes of limitations have passed:

1. Financial records, including:
 - a. Budgets
 - b. General ledgers, journals, and charts of accounts
 - c. Year-end financial statements
 - d. Accounts payable and accounts receivable ledgers, trial balances and billing records
 - e. Canceled checks and bank statements
 - f. Expense analysis and expense distribution schedules
 - g. Invoices from vendors
 - h. Deposit slips
 - i. Reconciliations
 - j. Petty cash vouchers
 - k. Purchase orders
 2. Expired contracts (Contracts that are in effect should be maintained as long as they are in effect; but once expired or terminated, they will be kept for an additional seven years)
 3. Personnel Records
 - a. Payroll records
 - b. Employee records after termination
 4. Insurance records
 - a. Accident reports
 - b. Settled claims
 - c. Expired policies (Policies in effect shall be maintained as long as they are in effect and for seven years after they expire).
 - d. Fidelity bonds
 - e. Certificates of insurance
 5. General correspondence
 6. Closed litigation files
 7. Newsletters
 8. Expired warranties
 9. Tax returns
- C. Other Records – One Year Retention. The following must be retained for at least one year after the date of the election or ballot measure vote:
1. Ballots
 2. Proxies
 3. Written letters explaining written ballots

4. Text showing changes to covenants submitted to a vote of the members

D. Destruction of records. When disposing of paper records, the Association will ensure that the records are completely destroyed, preferably by shredding or incineration, given that simply throwing them into the trash can result in potential liability if confidential records end up in the wrong hands.

II. Record Requests by Members. Pursuant to C.R.S. §38-33.3-317, records will be made available to Members upon request in accordance with the following.

A. Records which will be produced upon request.

- Records specifically made available to Members pursuant to the Amended and Restated Covenants, Conditions, and Restrictions of Eastwood Homeowners Association, Inc. (“Covenants”) or Eastwood Homeowners Association, Inc. Bylaws (“Bylaws”);
- Records the Association is required to disclose within 90 days after the end of the fiscal year as required by the Colorado Common Interest Ownership Act (“CCIOA”);
- Records of receipts and expenditures affecting the operation and administration of the Association and Association Property;
- Records of claims for construction defects and amounts received pursuant to settlement of those claims;
- Minutes of all meetings of Members and all meetings of the Board of Directors of the Association (“Board”);
- Records of actions taken by the Members or by the Board without a meeting;
- Records of actions taken by any committee of the Board;
- Written communications among, and votes cast by, Board members that are: (1) directly related to an action taken by the Board without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or (2) directly related to an action taken by the Board without a meeting pursuant to the association’s Bylaws;
- A list of the names of all Lot Owners and the physical mailing addresses at which the Association communicates with them;
- The Covenants, Bylaws, Articles of Incorporation, Association Rules and Regulations and responsible governance policies and other policies adopted by the Board;
- Financial statements for the past 3 years and tax returns of the Association for the past 7 years;
- A list of the names, email addresses and physical and electronic mailing addresses of the current Board members and officers;
- The most recent annual report (if any) delivered to the Secretary of State;
- Financial records sufficiently detailed to enable the Association to provide an Owner with a written statement stating the amount of unpaid assessments, fines, fees and other charges currently levied against the Owner’s Lot;
- The Association’s most current reserve study (if any);

- Current written contracts to which the Association is a party;
- Written contracts to which the Association was a party that have terminated or expired within the prior three years;
- Records of Board or committee actions to approve or deny any requests for design or architectural approval by Owners;
- Ballots, proxies and other records related to voting by owners for 1 year after the election, action or vote to which they relate;
- Resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of members; and
- All written communications sent by the Board to all Owners within the past three years.

B. Records which may be withheld from production.

- Architectural drawings, plans, and designs of improvements upon a Lot, unless released upon the written consent of the legal owners of the drawings, plans, or designs;
- Contracts, leases, bids or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;
- Communications with the Association's legal counsel that are otherwise protected by attorney-client privilege or the attorney work product doctrine;
- Disclosure of information in violation of law;
- Records of an executive session of the Board;
- Records relating to or concerning individual units other than those of the requesting owner.

C. Records which must be withheld from production.

- Personnel, salary, or medical records relating to specific individuals; and
- Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

III. Procedure for Requesting Association Records. When the request is made by a Member or authorized agent of a Member in accordance with this Policy, the Board will produce for examination and copying by a Member or Member's authorized agent those records of the Association that are deemed, in the reasonable discretion of the Board, available for production in accordance with the foregoing Section II. The Association is not, and shall not be, obligated to compile or synthesize information for a Member. The Association may require that anyone acting as an Owner's authorized agent provide written proof that the Owner has actually designated that individual as their authorized agent.

- A. Form and Content of Request. A request for records of the Association must be made in writing by a Member or Member's authorized representative. The request must include the following:
1. a reasonable description of the records the Member is seeking to inspect and/or copy; and
 2. the name of the person making the request, and the Lot (by address) owned by the requesting party; and
 3. if applicable, proof of authorization to make the request; and
 4. the date by which the requesting Member expects to receive or inspect the records; and
 5. The Member's address (physical or email) where the records are to be sent, if applicable.
- B. Timing. The written request for records shall be submitted at least ten days prior to the date designated for inspection or production of the records. The Association may limit the inspection and copying of records to normal business hours or the next regularly scheduled meeting of the Board, if that meeting occurs within 30 days after the request. If the Board reasonably determines that production of the records will take longer than ten days, the Board shall notify the requesting Member of the additional time needed, which shall not exceed 45 days after the request.
- C. Conditions. The Association shall **not** condition the production or records upon the statement of a proper purpose; however, Association records shall not be used for any commercial or unlawful purpose.
- D. Charges for assembling, producing and copying records. The Association is allowed by law to impose a reasonable charge for the search, production, and copying of requested records, which charge 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. If physical copies of records are requested to be mailed or otherwise produced, a per page charge no less than \$0.30 will apply. Additional mailing charges may also apply. Regardless of the form of the records requested, a charge for office staff time to search for, obtain, and produce the records at a rate of \$35.00/hour will apply. Such charges will be billed and are due on receipt. These charges shall be at the requesting owner's expense and may be collected by the Association in advance.
- E. Right to Receive Copies. A Member shall have the right to make a copy of requested records or to receive them by photocopy or other means, including electronic transmission, subject to the foregoing.
- IV. Use of Membership Lists. The list of Members and/or Lot Owners ("Membership List"), or any part thereof, shall not be obtained or used by any Member for any purpose

unrelated to the Member's interest as a Lot Owner and Association Member without the consent of the Board. The Membership List may not be used to solicit money or property; however, the Membership List may be used to solicit the votes of the Lot Owners in an election held by the Association or in connection with a ballot measure proposed for Eastwood HOA community. The Membership List shall not be used for any commercial purpose. The Membership List shall not be sold to or purchased by any person.

V. **Deviation and Amendments.** The Board may deviate from the procedures set forth in this Policy if such deviation is reasonable under the circumstances and otherwise complies with the requirements of the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-101 *et seq.* The Board of Directors may amend this procedure by Resolution from time to time.

Eastwood Homeowners Association, Inc.

_____, **President**

_____, **Secretary**

Eastwood Homeowners Association, Inc.

Request for Association Records

Person making request:

Name _____

Address _____

Phone Number _____ Cell _____

E Mail Address _____

Date of Request _____

Date of Inspection Requested _____

Form of Records Requested _____
(electronic, hard copy, inspection at a physical location)

Records Requested

___ Annual Meeting Minutes Dates _____

___ Board Meeting Minutes Dates _____

___ Balance Statements Dates _____

___ Income Statements Dates _____

___ Tax Returns Dates _____

___ Correspondence Pertaining to _____

___ Ballots / Proxies Pertaining to _____

___ Resolution of Board Pertaining to or Date: _____

___ Association membership list

___ Other _____

CHECK ONE:

_____ I am a Member of Eastwood Homeowners Association, Inc., and owner of Lot within Eastwood HOA.

_____ I am the authorized representative of a Member of Eastwood Homeowners Association, Inc. My Power of Attorney or other form or legal authorization is attached hereto.

INITIAL HERE ACKNOWLEDGING UNDERSTANDING AND AGREEMENT: _____

I understand that the records can be, in the reasonable discretion of the Board of Directors, physically inspected during normal business hours within ten (10) days of this request or during the next regularly scheduled Member or Board meeting occurring within thirty (30) days of this request, or mailed to me electronically or physically; if more time is required, I will be so informed and the records will be provided no later than forty-five (45) days after my request. Physical copies of records cost \$0.30 per page. I may be required to pay for office staff time to search for, retrieve, and produce records at a rate of \$35.00/hour. Additional mailing charges may apply. Fees are due in advance of inspection or production of records. I will not use the records for any commercial purpose or to solicit business or money or for any unlawful purpose.

Signature of person making request

Date

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