

# **Documents and Records Access Policy**

### Introduction

King's Deer Highlands Homeowners Association ("Association") is a business—a not-for-profit Colorado corporation. It must preserve its history, maintain its records, and protect itself from liability. Proper maintenance and control of documents is therefore fundamental to the business operation. Individuals who own properties in King's Deer, i.e. the Members of the Association ("Members"), have a legal right to review certain Association records and to obtain copies.

To protect the Association's financial exposure, legal exposure, and liability, certain information has been deemed "not available" to the general membership for review or reproduction. This information includes communications and records regarding pending contractual actions, legal action and/or information protected by attorney-client privilege.

This policy describes the rights and processes of Members to access Association documents and records.

This policy applies to all Association Members, including all members of the Board of Directors ("the Board"). The Board may, by majority vote recorded in the Board meeting minutes, grant exemption to this policy for any director identified by name. All policy exemptions terminate when the incumbent changes, when withdrawn by a majority vote of the Board, or as specified by the Board when granting the exemption. The terms of the exemption shall be recorded in the Board meeting minutes.

<u>All</u> Association records must remain in the Association office and not be removed from the premises without prior approval by the Board.

All previous policies on document and records review, and on copying Association documents and records are rescinded and replaced by this policy.

This policy is effective beginning on the date signed.

## **Governing Documents**

The Governing Documents are:

- ✓ Declaration of Covenants, Conditions and Restrictions for King's Deer Subdivision.
- ✓ Declaration of Covenants, Conditions and Restrictions for King's Deer Highlands.
- ✓ Bylaws.
- ✓ Articles of Incorporation.
- ✓ Articles of Merger.
- ✓ Design Standards Guidelines.
- ✓ Policies, procedures and rules adopted by the Board of Directors ("Board").
- ✓ Amendments to Governing Documents.

### **Association Library**

The Association Library shall be available for review by Members on a walk-in basis at the Association business office. The following documents and information constitute the Association Library:

- ✓ Governing Documents.
- ✓ The Association's operating budget for the current fiscal year.
- ✓ The Balance Sheet and Profit & Loss Statement for the current fiscal year.
- ✓ Approved minutes of Board of Director meetings, Annual Membership meetings, Special Meetings, and the Architectural Control Committee.
- ✓ Board Resolutions.
- ✓ Association newsletters.
- ✓ A list of all Association insurance policies.
- ✓ The date of the Association's fiscal year.

Members are entitled to review and receive copies of all documents that constitute the Association Library. Members may review documents of the Association Library by scheduling an appointment with the Association business office. Copies of any Association Library document will be produced for Members normally within five business days of receiving a written request. The request must include the

Member's name, a contact phone number, at least one King's Deer property owned by the Member, and identify the specific documents to be copied. A fee for copying the requested documents will apply. (See Reproduction Fee.)

#### **Association Web Site**

The Board of Directors shall determine which Association documents to post on the Association's web site. Normally those will include all Governing Documents, Board Meeting minutes, ACC Meeting minutes, Annual and Special Meeting minutes. Documents on the web site may exclude the document exhibits and attachments; exhibits and attachments will be maintained in the Association Library. Documents posted on the web site may not be exact reproductions of signed documents, but the content of the posted documents will be the same as the signed documents.

## **Documents and Records Not Included in the Association Library**

Member requests to review or obtain copies of documents or records not included in the Association Library must be made in good faith, must be requested for a proper purpose, and the request must describe with reasonable detail what documents or records are needed and why. Requested documents must be relevant to the Member's stated purpose for the request.

Members who desire to inspect and/or obtain a copy of any Association records other than those maintained in the Association Library, must submit their request in writing using the *Document Review or Copy Request Form*, or other document proving the same information. The request must identify the purpose for requesting the document review or reproduction. The request will be evaluated by the Board of Directors, or by individual(s) appointed by the Board for such evaluation. Requests will likely be denied if the documents or records requested are not deemed relevant to the stated purpose of the request, or if the purpose is considered an inappropriate use of the Association documents or records.

To examine Association documents or records, the Member must schedule an appointment with the Association office. Appointments will be during normal Association business hours and at the Association's convenience. In the event a records examination may exceed two-hours, multiple appointments may be required.

When copies of Association documents or records are requested, the Association will normally produce the copies in not more than five (5) business days. However, if the request involves a significant number of copies or several different documents, more time might be required to process the request. The copies may be obtained from the Association's business office during Association business hours.

A fee for copying the requested documents will apply. (See Reproduction Fee.)

## **Reproduction Fee**

Reimbursement for copying Association documents or records is required at the time of delivery if the estimated cost is ten dollars or less; otherwise payment is required at the time of the request. Costs shall be determined by the Board of Directors and shall include copying costs and administrative expenses to produce the copies. Copies shall only be made by an Association employee or a director who has been authorized by a majority of the Board to produce copies for distribution. Authorization granted by the Board for a director to produce copies of Association documents or records shall be recorded in the Board meeting minutes, along with any stated limitations of that authorization.

/signed/	/ signed /
President, Board of Directors	Secretary, Board of Directors

Approved: December 20, 2007, King's Deer Highlands Homeowners Association Board of Directors.