

BROOKSIDE HOMEOWNERS ASSOCIATION  
POLICY REGARDING INSPECTION AND COPYING OF ASSOCIATION RECORDS

Adopted April 6, 2006

The following procedures have been adopted by the Brookside Homeowners Association ("Association") pursuant to the provisions of C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors.

Purpose: To establish uniform procedures for the inspection and copying of Association records by Association Members; 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, in C.R.S. 38-33.3-317 gives all Members the right to examine and copy the financial and other records of the Association for a proper purpose.

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 permanent records the following documents:
  - (a) Minutes of all meetings of Owners and the Board.
  - (b) A record of all actions taken by the Owners or the Board by written ballot or written consent in lieu of a meeting.
  - (c) A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association.
  - (d) A record of all waivers of notices of meetings of Owners and of the Board or any committee of the Board.
  - (e) A record of Owners in a form that permits preparation of a list of the names and addresses of all Owners, showing the number of votes each Owner is entitled to vote.

In addition to the above, the Association shall keep a copy of each of the following records at its principal office:

- (a) Articles of Incorporation, Declaration, Covenants and Bylaws.
- (b) Resolutions adopted by the Board.

- (c) The minutes of all Owners meetings and records of all actions taken by Owners without a meeting for the past three (3) years.
- (d) All written communications within the past three (3) years to Owners generally as Owners.
- (e) A list of the names and business or home addresses of the Association's current directors and officers.
- (f) The Association's most recent annual report.
- (g) All financial audits or reviews conducted pursuant to Section 38-33.3-303(4)(b) during the immediately preceding three years.

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's Manager or to the Board of Directors at least ten (10) business days prior to the planned inspection. The Notice must describe with reasonable particularity which records are to be inspected and the purpose of the inspection. The Board of Directors or the Manager will determine whether the Notice contains an adequate description of the requested records and states a proper purpose for inspection.

3. All records shall be inspected at the office of the Association's attorney, or at such other reasonable location specified by the Association, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The Board of Directors or the Manager may make the requested records available for inspection at the next regularly scheduled meeting if such meeting occurs within thirty days after the request.

4. At the discretion of the Association's Manager, certain records may only be inspected in the presence of a Board member or employee of the Manager. No records may be removed from the office without the express written consent of the Board of Directors.

5. If a Member requests to inspect records, the Association may photocopy and provide the requested records to the Member in lieu of the Member's inspection of the records if consented to by the Member.

6. The Association may charge a fee, not to exceed the Association's actual cost per page for copies of the Association records.

7. Consistent with individual Member's right to privacy, attorney-client confidentiality and other considerations, the following records will not be made available without the express written consent of the Board of Directors:

- (a) Confidential personnel records.
- (b) Confidential litigation files and matters covering consultation with legal counsel concerning disputes that are subject of pending or imminent court proceedings or are privileged or confidential between attorney and client.
- (c) Files dealing with investigative proceedings concerning possible or actual criminal misconduct.
- (d) Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy.
- (e) Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations which have not been formally approved by the Board of Directors.

8. In determining whether records may be inspected, the Association shall consider, among other things:

- (a) Whether the request is made in good faith and for a proper purpose;
- (b) Whether the records requested are relevant to the purpose of the request;
- (c) Whether disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy; and
- (d) Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information as set forth above.

9. The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorneys fees, for abuse of these rights, including, but not limited to, use of any records for a purpose other than what is stated in the Notice of Intent to Inspect.

Brookside Homeowners Association

By:  President  
Title

Attest

  
Secretary

This policy regarding inspection and copying of Association records was adopted by the Board of Directors at a regular meeting held on the 6th day of April, 2006, and is effective the 6th day of April, 2006, and is attested to by the Secretary of the Brookside Homeowners Association.

Shirley Ann Hill  
Secretary

FIRST SUPPLEMENT TO  
THE RESOLUTION REGARDING POLICY AND PROCEDURE FOR INSPECTION  
AND COPYING OF ASSOCIATION RECORDS

WHEREAS, the Association did, pursuant to HB 12-1237, adopt a Policy regarding the inspection and copying of Association records, which prohibited the Association from disclosing Email addresses and phone numbers to its members; and

WHEREAS, pursuant to HB 14-1125, the Association may now, with the consent of the individual owners or residents, disclose and make personal email addresses and phone numbers of owners or residents in the community available for inspection and copying;

WHEREAS, the Association desires to amend and supplement its existing policy as follows:

Paragraph 2, shall be deleted in its entirety and replaced as follows:

2. Exclusions. The Association may withhold from inspection and copying certain records as provided by Colorado law, and which shall not be deemed to be records of the Association, which shall include, but are not limited to:
  - (a) Architectural drawings, plans and designs, unless released upon the written consent of the owner of such drawings, plans or designs;
  - (b) Contracts, leases, bids or records related to transactions currently under negotiation;
  - (c) Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;
  - (d) Records of executive sessions of the Board;
  - (e) Individual unit files other than those of the requesting Owners.

The Association *shall* withhold from inspection and copying the following records as provided by Colorado law:

- (a) Personnel, salary or medical records relating to Individuals;

(b) Personal identification and account information of Owners, including bank account information, driver's license numbers, social security numbers, email addresses and telephone numbers. Notwithstanding the above, if an Owner or resident has provided the Association with his or her express written consent to disclose his or her email address or phone number, the Association may publish that information to other Owners or residents. If the Owner or resident revokes his or her consent in writing, the Association shall cease making available for inspection the Owner's or residents' email address or phone number after the receipt of such revocation, but the Association need not change, retrieve or destroy any document or record published by the Association prior to the Association's receipt of such revocation.

**PRESIDENT'S  
CERTIFICATION:**

The undersigned, being the President of the Brookside HOA, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors of the Association on January 27, 2016 and, in witness thereof, the undersigned has subscribed his/her name.

By:



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President