

THE MOUNTAIN OAKS HOMEOWNERS ASSOCIATION
POLICY AND PROCEDURES FOR THE ADOPTION AND AMENDMENT OF POLICIES,
PROCEDURES, AND RULES

Effective Date: October 17, 2016

Each homeowner has the right to inspect and copy records maintained by Mountain Oaks Homeowners Association ("MOHA "). The following Policy and Procedure for Inspection and Copying of Association Records applies to all owners of lots located at Mountain Oaks Subdivision Filing Nos. 1,2,3, & 4 ("Owners") and is hereby adopted by the Board of Directors of Mountain Oaks Homeowners Association.

1. Records for Inspection. MOHA shall maintain the following MOHA records, all of which shall be deemed to be the sole records of the Association for the purposes of inspection by homeowners:

- a. Records of receipts and expenditures affecting the operation and administration of MOHA;
- b. Records of claims for construction defects and amounts received pursuant to settlement of related claims;
- c. Minutes of all meetings of homeowners and Executive Board, a record of all actions taken by the owners or executive board without a meeting (including written communications and emails among owners and board members), and a record of all actions taken by any committee of the executive board;
- d. Written communications among, and the votes cast by, executive board members that are:
 - I. Directly related to an action taken by the Board without a meeting pursuant to section C.R.S. 7-128-202; or
 - II. Directly related to an action taken by the board without a meeting pursuant to MOHA's bylaws.
- e. A list of the names of homeowners in a format that permits preparation of a list of the names and mailing addresses of all homeowners, as well as the number of votes each homeowner is entitled to vote;
- f. The Association's governing documents, which include the following:
 - I. The MOHA covenants;
 - II. The MOHA bylaws;
 - III. The MOHA articles of incorporation; Any rules and regulations and/or design guidelines;
 - IV. Any policies adopted by the Board, including MOHA governance policies;
- g. To the extent available, MOHA's financial statements for the last three years and tax returns for the last seven years;
- h. A list of names, electronic mail addresses, and physical mailing addresses of MOHA's current executive board members and officers;
- i. MOHA's most recent annual report delivered to the secretary of state, if any;
- j. Financial records sufficiently detailed to enable MOHA to provide an owner with a written statement setting forth amounts of unpaid assessments currently levied against the owner's property).

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICIES

Policy for the Adoption and Amendment of Policies, Procedures, and Rules

- k. MOHA's most recent reserve study, if any.
- l. Current written contracts to which MOHA is a party and contracts for work performed for the Association within the immediately preceding two years;
- m. Records of Executive Board or committee actions to approve or deny any requests for design or architectural approval from owners;
- n. Ballots, proxies, and other records related to voting by homeowners for one year after the election, vote, or other action to which they relate;
- o. Resolutions adopted by the MOHA Board;
- p. All written communications sent to all homeowners generally within the last three years;
- q. A record showing the day on which the Association's fiscal year begins.

2. Exclusions. MOHA may withhold from inspection and copying the following records to the extent that they are or concern:

- a. Architectural drawings, plans and designs, unless released by 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 attorney-client privilege or attorney work product doctrine.
- d. Records of executive/closed sessions of the Board.
- e. Individual homeowner property files other than those of the requesting homeowner.

In addition, MOHA must withhold from inspection and copying the following records, to the extent that they are or concern:

- a. Personnel, salary, or medical records related to specific individuals.
- b. Personal identification and account numbers of homeowners, including back account information, telephone numbers, email addresses, driver's license numbers, and social security numbers. An owner may provide the Association with prior written consent to the disclosure of, and the Association may publish to other owners, the owner's telephone number, electronic mail address, or both. This written consent must be kept as a record of the Association, and remains valid until the owner provides a written notice of withdrawal of the consent. If the owner withdraws his or her consent, MOHA is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.

3. Inspection and Copying MOHA Records. A homeowner or his/her authorized agent is entitled to inspect and copy any of the books and records of the Association that are listed above, subject to the exclusions also listed above, upon submission of a written request to the MOHA. The written request shall describe with reasonable particularity the records sought, and must be submitted at least 10 (ten) days prior to inspection or production of the documents. MOHA may *not* condition the production of records upon the statement of a proper purpose. (I don't understand the previous sentence...what is condition?) MOHA will arrange for access to the records specifically related to the request by:

- a. Making the requested records available for visual inspection by the homeowner by the 10th day of MOHA's receipt of the written request. Since MOHA does not have either a

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICIES

Policy for the Adoption and Amendment of Policies, Procedures, and Rules

business office or a management company, the records may be made available at a board member's home, and may be made available at times other than normal business hours.

- b. Alternately, making the requested records available for inspection during a board meeting if one will be held within 30 days of the homeowner's request.
- c. Photocopying and/or emailing of requested records, generally by the 11th day from receipt of the homeowner's written request, if the volume of records is deemed reasonable by the MOHA board member(s). (I don't understand ...it reads to me that if the volume is unreasonable, then we photocopy and email the records...)

Under no circumstances will original MOHA records be given to or left with a homeowner or other interested party without direct supervision by one or more board members.

4. Use of MOHA Records. Association records and the information contained within the records shall not be used for commercial purposes. Further, a homeowner listing may not be used for any purpose unrelated to a unit owner's interest as a unit owner, without consent of the MOHA Executive Board. Additionally, without the consent of the Executive Board, an owner list may not be;

- a. Used to solicit 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;
- b. Used for any commercial purpose, including soliciting
- c. Sold to or purchased by any person.

5. Inspection. The Association reserves the right to have a third party present to observe during the inspection of records by a homeowner or homeowner's representative.

6. Fees/Costs. Any owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association to copy such records for the homeowner. This includes paying a reasonable cost for the labor needed to produce those copies. The Association may require a deposit equal to the anticipated cost of preparing the requested records. Failure to pay such deposit shall be valid grounds for denying homeowner copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, the homeowner shall pay such amount prior to delivery of the copies. If after payment of the deposit it is determined that the actual cost was less than the deposit, the difference shall be returned to the homeowner with the requested copies.

7. Original Records. No homeowner shall remove any original record of the Association from the place of the inspection, nor shall any Owner alter, destroy or mark in any manner, any original record of the Association.

8. Creation of Records. Nothing contained in this policy shall be construed to require the Association to create records that do not exist or compile or synthesize information.

9. Supplement to Law. The provisions in this resolution shall be in addition to and in supplement of the terms and provisions of the law of the State of Colorado governing the activities of this Association.

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICIES

Policy for the Adoption and Amendment of Policies, Procedures, and Rules

- 10. Deviations.** The board may deviate from the procedures set forth in this Resolution if in its sole discretion such a deviation is reasonable under the circumstances.
- 11. Amendment.** This policy may be amended from time to time by the MOHA Board of Directors.
- 12. Use for commercial purposes prohibited. MOHA records and the information contained within those records shall not be used for commercial purposes.**

IN WITNESS WHEREOF, the undersigned certify that this Policy and Procedure for Inspection and Copying of Association Records was adopted by resolution of the Board of Directors of Mountain View Homeowners Association on this 17th day of October, 2016.

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION

A Colorado nonprofit corporation,

By: Steve Carmichall
President

By: Beverly Collins
Secretary