

THE MOUNTAIN OAKS HOMEOWNERS ASSOCIATION
POLICY AND PROCEDURE FOR
RECORDS RETENTION AND DESTRUCTION

Effective Date: 01/21/2017

The following Policy and Procedure for Records Retention and Destruction 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 (“MOHA”):

1. Introduction

- a. Records Retention. The Association shall strive to maintain complete records. However, it is understood that the Association may not have complete records due to incomplete transfer of documents from the Association’s developer or prior Board of Directors members.

Copies of records or other documents provided to the Association’s legal counsel are not subject to this Records Retention and Destruction Policy.

- b. Purpose. This Records Retention and Destruction Policy is created to establish guidelines for identifying, retaining, storing, protecting and disposing of the Association's Records. This Records Retention and Destruction Policy is intended as guidance to the Association so that records retention and destruction is conducted in a consistent and cost-effective manner while also adhering to legal and business requirements.

- c. Policy. It is the Association's policy to maintain complete, accurate and high quality Records. Records are to be retained for the period of their immediate use unless longer retention is required for historical reference, contractual or legal requirements or for other purposes as set forth in this Records Retention and Destruction Policy.

Records that are no longer required or have satisfied their recommended period of retention are to be destroyed in an appropriate manner.

MOHA Board Members are responsible for ensuring that Records and other documents within his or her area of assigned responsibility are identified, retained, stored, protected and subsequently disposed of in accordance with the guidelines set forth in this Records Retention and Destruction Policy.

- d. Compliance. This Records Retention and Destruction Policy is not intended to be all inclusive, and accordingly must be tailored to meet the specific needs of the Association. The retention periods set forth herein are guidelines based on the current retention periods set forth in federal, state, and local statutes and regulations (none of which explicitly

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
Policy and Procedure for Document Retention and Destruction

address this Association), and industry custom and practice.

- e. Board Member Records Maintenance. Each Board of Directors officer will provide for Retention of original Records generated in their line of responsibility as outlined in Section 3 or copies received.

Records of the Association will include at a minimum:

- Annual Meeting Minutes *
- Annual Report delivered to the Secretary of State, if any*
- Annual Disclosures in accordance with C.R.S. § 38-33.3-209.4, as amended*
- Architectural Control Minutes and records of actions including review, approval or denial**
- Ballots, proxies and other records related to voting by owners*
- Board Minutes, *
- Bylaws, Articles, Covenants, Rules, Regulations and Policies */**/****
- Committee Minutes *
- Complaints */****
- Communications to Owners (general) *
- Contracts/Contractors/Bids, Proposals **
- Decisions made without formal Meeting (Owners, Board or Committee) and communications among and record of votes cast by the Board related to actions taken without a meeting*
- Dues letters and financial records in compliance with the policy on Collections of unpaid assessments *
- Expenses Submitted by Board Members ***
- Financial including detailed records of receipts and expenditures ***
- Historical *
- Legal Counsel ****
- Litigation including claims for construction defects and records of amounts of settlements ****
- List of names, electronic mail addresses and physical mailing addresses of the current executive board members and officers*
- Member Owner Files (to include letters to and from homeowners re: Violation of Bylaws, Articles, Covenants, Rules & Regulations) ****
- Mailboxes and Mailbox Posts **
- Maps **
- Miscellaneous *
- Official Document Photographs *
- Owners names with addresses and number of votes owner is entitled to case*
- Renter Records *
- Reserve Study (if any)*
- Resolutions adopted by the Board*
- Snow Removal Records ***
- Statements of Work (SOWs) ***

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
Policy and Procedure for Document Retention and Destruction

- State Requirements *
- Strategic Plans ****
- Temporary Records *
- Website Related *

* Retained by Secretary

** Retained by Architectural Control Board Member

*** Retained by the Treasurer

**** Retained by the President/Vice President

- f. Board Members shall retain electronic files (such as email correspondence) and other non-permanent materials for a period of 3 years, including after term of office is completed.
- g. Minutes and Annual Reports. Minutes and Annual Reports shall be posted to the official MOHA website (www.moutainoakshoa.org) and retained indefinitely both on the website and in the Official Files of the Organization.
- h. Annual Purge of Files. Files shall be updated and purged annually.
- i. Document Destruction Procedure. Documents to be purged shall be shredded. Information stored electronically shall be permanently destroyed electronically.
- j. Board Members Retiring From Office. Retired Board Members shall pass on all permanent files to their successor for example, the Treasurer will pass forward all financial records; the Vice President will pass forward Official Files of the Association.
- k. Miscellaneous. A Board Member may immediately destroy copies of any Document, regardless of age, provided that the original is maintained in the Official Files of the Association.
- l. Documents Pertinent to Litigation. At such time as the Board/Association has been served with a lawsuit, or if it is reasonably foreseeable that litigation may be imminent, all Documents potentially relevant to the dispute must be preserved notwithstanding anything in this policy to the contrary.

At the direction of legal counsel, the MOHA President will advise Board Members, and any other person who may maintain Association Documents, of the facts relating to litigation. Thereafter, all Documents potentially relevant to the dispute shall be deemed "held" until such litigation is concluded and all appeal periods have expired. At the conclusion of the litigation, the "hold" period will cease the time periods provided in the Document Retention and Destruction Guidelines will recommence.

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
Policy and Procedure for Document Retention and Destruction

2. Definitions

- a. Current. Current means the calendar year in which the Document was created, obtained or received.
- b. Record. Association Records are all records and documents defined as "Association Records" by applicable law, covenants or bylaws, and that are generated or received by the Association in connection with transacting its business, is related to the Association's legal obligations, and are retained for any period of time. Association Records, as defined in this policy, may encompass more records than those which are available for inspection by Member Owners pursuant to the Association's Inspection of Records Policy.
- c. Document. Document means any documentary material that is not defined as an Association Record. The term "Document" includes among others writings, drawings, graphs, charts, electronic media, photographs, tape, audio recordings, microforms, and other media from which information can be obtained or translated. The Documents, as defined in this policy, may encompass more than those Association Records that are available for inspection by Member Owners pursuant to the Association's Inspection of Records Policy. Not all Documents may be records of the Association, as that term is defined in the Inspection of Records Policy and Colorado law, and therefore may not be subject to inspection by Member Owners.
- d. Owner or Member Owner. A Member Owner is deemed as any MOHA homeowner with legal title to their property in the Association.
- e. Association. The Association is Mountain Oaks Homeowners Association.
- f. Permanent. Permanent means that the retention period for that Document is permanent.
- g. Termination. "Term + 4 years" means four years beyond the termination of the relationship, contract, or coverage.
- h. Chart of Accounts. A chart of accounts (COA) is a financial organizational tool that provides a complete listing of every account in an accounting system. An account is a unique record for each type of asset, liability, equity, revenue and expense.

3. Document Retention and Destruction Guidelines

The Association's Documents are grouped into five functional categories as set forth below. Although every conceivable Document is not listed, the following list should indicate to which subcategory a particular Document relates.

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
 Policy and Procedure for Document Retention and Destruction

Accounting Records	Retention Period	Location
Audit Reports	Permanent	Treasurer
Chart of Accounts	Permanent	Treasurer
Expense Records	3 years	Treasurer
Financial Statements (Annual)	Permanent	Treasurer
Fixed Asset Purchases	Permanent	Treasurer
General Ledger (Checkbook Register)	Permanent	Treasurer
Loan Payment Schedule	3 years	Treasurer
Federal and State Tax Returns	7 Years	Treasurer
Bank/Financial Records	Retention Period	Location
Bank Reconciliation	3 years	Treasurer
Bank Statements	4 years	Treasurer
Deposit Tickets	4 years	Treasurer
Cancelled Checks	4 years	Treasurer
Owner Ledgers	While Owner owns a home in the community + 1 year	Treasurer
Electronic Payment Records	4 years	Treasurer
Audit Reports	Permanent	Treasurer
Budgets	3 years	Treasurer
Reserve Study	Retain current plan at all times (if a reserve study exists)	Treasurer
Corporate Records	Retention Program	Location
Board Minutes	Permanent	Secretary
Committee Minutes	Permanent	Vice President
Annual Member Meeting Minutes	Permanent	Secretary

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
 Policy and Procedure for Document Retention and Destruction

Bylaws, Articles, and Covenants	Permanent	Vice President
Current Rules and Regulations	Permanent	Vice President
Policies and Guidelines	Permanent	Vice President
Record of Board of Directors or Members acting without a Meeting (for example, records of decisions made by the Board via email)	Permanent	Vice President
Email communications among Board members directly related to and resulting in a decision made by the Board outside of a meeting	3 Years	Vice President
Record of Waivers of Notices of Meetings of members, Board of Directors or Committees	Permanent	Vice President
Board Resolutions	Permanent	Vice President
Board Member physical and electronic notes and communications	3 Years	Board Members
Business Licenses	Permanent	Vice President
Contracts	Life + 4 years or warranty period if longer	Vice President
Correspondence from Legal Counsel	Permanent (unless related to a specific Owner's file or account, in which case retain as long as owner owns a home in the Association)	Vice President
Insurance Policies	Life + 4 years	Treasurer
Bids, Proposals	Permanent	Vice President
Vendor Invoices	4 years	Treasurer
Work Orders Authorizations	4 years	Board Member
Photographs	4 years	Board Member
Periodic Reports Filed with the Secretary	1 year	President or

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
 Policy and Procedure for Document Retention and Destruction

of State		Secretary as generated
Proxies and Ballots (unless otherwise provided herein)	1 year after meeting	Secretary
Deeds, Easements and Other Real Property Records	Permanent	Vice President
Real Estate Records	Retention Period	Location
Construction Records	Permanent	Vice President
Warranties	Life of the warranty	Vice President
Leasehold Improvements	Permanent	Vice President
Lease Payment Records	Life + 4 years	Vice President
Real Estate Purchases	Permanent	Vice President
Owner Communications	Retention Period	Location
Written Communications to all Owners in general (including meeting or other notices sent via email, facsimile and regular mail)	3 years	President or Secretary as generated
Individual Member Files	Retention Period	Location
Correspondence to Members individually (not including enforcement letters)	Term of Ownership of Member Plus 1 Year.	Vice President – Homeowner File
Enforcement Letters (including covenant violation letters, violation letters, and delinquency letters)	Term of Ownership of Member + 1 Year.	Vice President – Homeowner File
Owner Complaints or Substantial Service Requests and Responses Written	Term of Ownership of Member + 1 Year	Vice President – Homeowner File
Architectural requests and any responses from the Association regarding Requests	Permanent	Architectural

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION RESPONSIBLE GOVERNANCE POLICES
Policy and Procedure for Document Retention and Destruction

Miscellaneous	Retention Period	Location
Miscellaneous Documents (not otherwise listed herein)	At Board's discretion	As designated
Employee Records (not applicable at this time)		As designated

IN WITNESS WHEREOF, the undersigned certify that this Policy and Procedure for Document Retention and Destruction was adopted by resolution of the Board of Directors of Mountain View Homeowners Association on this 21st day of January, 2017.

MOUNTAIN OAKS HOMEOWNERS ASSOCIATION
A Colorado nonprofit corporation,

By: Steve Carmichall
President

By: Beverly Collins
Secretary