



Pine Cone Acres Homeowners Association, Inc. (The Association) must follow the procedures of Colorado Revised Statutes (C.R.S. **§38-33.3-317** and **§38-33.3-209.4**) which became effective on January 1, 2013. (NOTE: This Bill repeals and reenacts with Amendments **§38-33.3-317** of CCIOA.)

This Statute states what records the Association must keep and make available to the Owners and what records may be withheld, and not subject to inspection and copying, and they must be withheld from viewing by the Owners. Listed below is the wording as released by the Department of Regulatory Agencies and how the Association will comply with the Statute.

- 1. The Association “must maintain” the following, all of which shall be deemed to be the sole records of the Association for purposes of document retention and production to Owners:**
 - (a) Detailed records of receipts and expenditures affecting the operation and administration of the Association;
 - (b) Records of claims for construction defects and amounts received pursuant to settlement of those claims;
 - (c) Minutes of all meetings of its Owners and Executive Board, a record of all actions taken by the Owners or Executive Board without a meeting, 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 §7-128-202, C.R.S.; or
 - (ii) directly related to an action taken by the board without a meeting pursuant to the Association's By-laws.
 - (e) The names of Owners in a form that permits preparation of a list of the names of all Owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Owner is entitled to vote;
 - (f) Its current Declaration, Covenants, By-laws, Articles of Incorporation, if it is a corporation, or the corresponding organizational documents if it is another form of entity, Policies adopted pursuant to §38-33.3-209.5, and other Policies adopted

by the Executive Board;

- (g) Financial statements as described in §7-136-106, C.R.S., for the past three years and tax returns of the Association for the past seven years, to the extent available;
- (h) A list of the names, electronic mail addresses, and physical mailing addresses of its current Executive Board Members and officers;
- (i) Its most recent annual report delivered to the secretary of state, if any;
- (j) Financial records sufficiently detailed to enable the Association to comply with §38-33.3-316 (8) concerning statements of unpaid assessments;
- (k) The Association's most recent reserve study, if any;
- (l) Current written contracts to which the Association 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 Owners for one year after the election, action, or vote to which they relate;
- (o) Resolutions adopted by its Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of Members or any class or category of members;
- (p) All written communications within the past three years to all Owners generally as Owners.

2. All records maintained by the Association “must be available” for examination and copying by an Owner or the Owner's authorized agent. The Association may require Owners to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents and may limit examination and copying times to normal business hours or the next regularly scheduled Executive Board Meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the Declaration, By-laws, Articles of Incorporation, or Policies of the Association to the contrary, the Association may not condition the production of records upon the statement of a proper purpose.

- (a) A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to an Owner's interest as an Owner without consent of the Executive Board.

- (b) Without the consent of the Executive Board, a membership list or any part thereof may not be:
 - (i) 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;
 - (ii) Used for any commercial purpose; or
 - (iii) Sold to or purchased by any person.

3. Records maintained by an Association “may be withheld” from inspection and copying to the extent that they are or concern:

- (a) Architectural drawings, plans, and designs, unless released upon the 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 the attorney-client privilege or the attorney work product doctrine;
- (d) Disclosure of information in violation of law;
- (e) Records of an Executive Session of an Executive Board;
- (f) Individual units other than those of the requesting Owner; or
- (g) The names and physical mailing addresses of Owners if the unit is a time-share unit, as defined in §38-33-110 (7).

3.5 Records maintained by an Association are “not subject to inspection and copying, and they must be withheld”, to the extent that they are or concern:

- (a) Personnel, salary, or medical records relating to specific individuals; or
- (b) Personal identification and account information of Owners and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, notwithstanding §38-33.3-104, a Member or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other Members and residents, the person's telephone number, electronic mail address, or both. The written consent must be kept as a record of the Association and remains valid until the person withdraws it by providing the Association with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the Association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.

4. **The Association “may impose a reasonable charge”, which 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.**
5. **A “right to copy records” under this section includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by the Owner.**
6. **An Association is “not obligated to compile or synthesize information”.**
7. **Association records and the information contained within those “records shall not be used for commercial purposes”.**
8. **Owners who desire to “examine the Association records” must make a mutually acceptable appointment with the Designated Records Keeper.**
 - (i) The HOA does not maintain private offices, therefore all records are kept at the private residences of the authorized individual Board Members;
 - (ii) If needed the Designated Record Keeper can direct the examination of records at a location other than the Designated Record Keeper’s home address;
 - (iii) All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the normal location where the inspection or copying is taking place;
 - (iv) Documents will not be removed from the Association’s records, nor shall the Owner ask for or remove records from the Association’s place of storage;
 - (v) The time requested for records examination shall not exceed one hour (60 minutes).
9. **All persons, including Board Members, “participating in the inspection or requesting copies of records” shall conduct themselves in a businesslike manner and shall not interfere with the normal routine of the residence where the inspection is taking place.**
 - (i) Be respectful to others present and to the meeting process;
 - (ii) Refrain from name-calling, use of foul language, and other aggressive behavior;
 - (iii) The time requested for records examination shall not exceed one hour (60 minutes).

The Board may review this Requesting Association Records Policy and update as needed.

PINE CONE ACRES HOMEOWNERS ASSOCIATION, INC.

Adopted this 20th day of April 2015