

Inspection of Books and Records Policy

- 1. Policy Accountable Owner: Homeowners Association (HOA)**
- 2. Policy Name:** Inspection of Books and Records
- 3. Purpose for policy:**
 - a. To have available for inspection, the HOA's books, records, and personnel.
- 4. Policy details:**
 - a. So, the HOA can have the desired books, records and personnel available, a written Notice of Intent to Inspect must be submitted to the HOA's office, prior to the planned inspection. The Notice must specify which records are to be inspected. This notice requirement may be waived if the homeowner requests to see approved HOA Board or Architectural Review Committee (ACC) minutes, monthly or yearly financial statements, audits or budget, or any files of the person making the request, not including litigation files containing privileged communications between the HOA and its attorneys. All activities of the HOA and ACC are detailed in the minutes of each, both reviewed and approved by the HOA in a public meeting. All HOA records are considered public information available to parties with a vested interest and need to know in the Riva Chase Neighborhood
 - b. All financial and other records of the HOA shall be available during normal business hours, on five business days' notice, for examination and copying by any HOA owner if the request describes with reasonable detail the records sought. The HOA may charge a fee, payable in advance, for copying, not to exceed its actual cost. All documents are available on the Riva Chase webpage. Reference www.rivachase.com
 - c. A residential list of homeowners as provided by the HOA **shall not** be used by any homeowner for:
 - i. Any purpose unrelated to a Homeowners' interest as a Homeowner, without consent of the HOA;
 - ii. The purpose of soliciting money or property unless said money or property will be used solely to solicit votes of other Homeowners in an election held by the HOA;
 - iii. Any commercial purpose; or
 - iv. For the purpose of selling or distributing such HOA records to any person.
 - v. For any and all HOA, local, county, state or federal political endorsements.
 - d. Consistent with an individual homeowner's right to privacy, attorney-client confidentiality, and other considerations, the following records will not be made available by the General Manager without the express written consent of the HOA:
 1. Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans or designs;
 11. Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;
 - iii. Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;
 - iv. Disclosure of information in violation of law;
 - v. Records of an executive session of an executive meeting of the HOA; or
 - vi. Individual lots or residences, other than those of the requesting owner, except for ACC files regarding a unit.
 - e. The HOA will consider Notices referred to it under Section 2 and will release the records if it reasonably finds that the review requested:
 - i. Is made in good faith, to ascertain the condition of the HOA; and

- ii. Is by a Homeowner who has not improperly used information secured through a previous inspection of the records; and
 - iii. Is not for an illegal or improper purpose, and would not violate a constitutional or statutory provision or public policy; and
 - iv. Will not result in an invasion of personal privacy, breach of confidence or privileged information; and
 - v. Would not unreasonably interfere with or improperly disrupt the operation of the HOA; and
 - vi. Would be in the best interests of the HOA;
- f. Notwithstanding any of the foregoing, the following records are not subject to inspection or copying and must be withheld to the extent that they are or concern:
- i. Personnel, salary, or medical records relating to specific individuals; or
 - ii. Personal identification and account information of homeowners and homeownes, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, a homeowner or homeownes may provide the HOA with prior written consent to the disclosure of, and the HOA may publish to other homeowners and homeownes, the person's telephone number, electronic mail address, or both. The written consent must be kept as a record of the HOA and remains valid until the person withdraws it by providing the HOA with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the HOA is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.
 - iii. All records are kept digitally and available online at www.rivachase.com
 - iv. At the discretion of the HOA Manager, certain records may only be inspected in the presence of a HOA board member. No records may be removed from the office without the express written consent of the HOA.
 - v. All costs of inspection and photocopies will be paid in advance by the person requesting them to include a minimum hourly charge of \$50.
 - vi. The HOA reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorneys' fees, for violation of this Policy or the applicable provisions of the Colorado Common Interest Ownership Act.

Approved: Riva Chase HOA
Approved Date: June 1, 2020
Review every three years.