

Section 7

Association Records Retention, Destruction, and Availability to Members

Policy

The Association shall maintain records of its activities and make those records available to members either by posting on the Association's web site or upon member request, consistent with the requirements of Colorado law. These revisions to the Policy are made to comply with the provisions of Colorado's Common Interest Ownership Act as amended by HB 1237, which was enacted into law in 2012 and made effective January 1, 2013.

Procedure

Records Maintained, Retention Period. The Association Secretary shall be responsible for the maintenance, retention, and destruction of the Association's records in compliance with law and this Policy. For the periods specified below, the Association shall maintain the following records in written form, or in some other form capable of being made into a written form within a reasonable time:

1. The Association's vital current information including its name, the name and address of the Association's designated agent, if any, a valid physical address for both the Association and its designated agent or management company, if any, and the recording dates and reception numbers of the initial Declarations and all amendments thereto.
2. Other general information including the date of the beginning of the Association's fiscal year, the operating budget for the current fiscal year, and a list, by unit type, of the Association's current regular and special assessments.
3. Financial and accounting records, using generally accepted accounting principles (GAAP), cash, cash accrual, or any other method required or permitted by law, including detailed records of receipts and expenditures affecting the operation and administration of the Association, any amounts held in reserve, financial statements showing in reasonable detail its assets and liabilities and results of its operations, and tax returns. These records shall be maintained for seven (7) years.
4. Financial records sufficiently detailed to permit the Association to produce statements of delinquent assessments, and any statements of delinquent assessments that are produced. These records shall be maintained for seven (7) years.
5. Minutes of all meetings of the members, the Board of Directors, or any committee of the Board, and records of all actions taken by the members or the Board of Directors without a meeting, except executive sessions of the Board or a committee of the Board (the Board of Directors, or any Committee of the Board), including records of any waiver of notice for any such meeting. Meetings of the Board shall include minutes,

evidentiary documents, and other records (including written communications) related to any noticed hearing on any issue. Meeting minutes shall be maintained permanently.

6. A record of unit Owners that is sufficient to allow the Association to produce a list showing the names, mailing addresses at which the Association communicates with them, and votes allocated to each Owner. These records shall be maintained for seven (7) years.
7. Records of the Association's governing documents. This includes the Articles of Incorporation and any Articles of Amendment to the same, the Declarations and any amendments to the same, the Bylaws and any amendments, and these Policies, Procedures, Rules, and Regulations as most recently amended. These records shall be maintained permanently.
8. Any resolution of the Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members. These records shall be maintained for seven (7) years.
9. Written communications among, and the votes cast by, Board Members that are directly related to an action taken by the Board without a meeting. These records shall be maintained for seven (7) years.
10. Current written contracts to which the Association is a party and contracts for work performed for the Association. These records shall be maintained for seven (7) years.
11. Records of Board or committee actions to approve or deny any requests for design or architectural approval from unit Owners. These records shall be maintained for seven (7) years.
12. Ballots, proxies, and other records related to voting by unit Owners. These records shall be maintained for one (1) year after the election, action or vote to which they relate.*
13. All written communications to the members, in their role as members, including newsletters and compliance communications. These shall be maintained for three (3) years.
14. A list of the names, of the current Board of Directors and any officers of the Association.
15. The most recent annual report delivered to either the Secretary of State or members, if any. Annual reports shall be maintained for seven (7) years.
16. The Association's most recent Reserve Study.
17. A copy of all financial reviews or audits of the Association's financial records. These shall be maintained for seven (7) years.

18. A list of all Association insurance policies including company names, policy limits, policy deductibles, additional named insureds, expiration dates, reports, records of claims, accident reports, and any other insurance document. All insurance documents shall be maintained for seven (7) years from the date the policy expired, the date of any claim or accident, or the date of the settlement of any claim.
19. A list identifying properties and other significant assets owned by the Association, including records or certificates of title related to any inventory, equipment, or other personal property owned by the Association along with records of any real property owned by the Association, including appraisals, blueprints, surveys, deeds, permits and other documents. These shall be maintained for seven (7) years after the date the Association disposes of the real or personal property.

Records Made Available. Subject to the following limitations, all records maintained by the Association must be available for examination and copying by a unit Owner or the Owner's authorized agent. The Association may require unit 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 Board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the Declaration, Bylaws, Articles or rules and regulations of the Association to the contrary, the Association may not condition the production of records upon the statement of a proper purpose.

The Association is not obligated to compile or synthesize information. Association records and the information contained in those records shall not be used for commercial purposes.

A right to copy records includes the right to receive copies by photocopying or other means, including electronic transmission, if available, upon request of the unit Owner.

Records the Association MAY Withhold From Members or the Public:

1. Architectural drawings, plans, and designs, unless released upon the written consent of the legal Owner of the drawings, plans, or designs.
2. Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently under negotiation.
3. Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine.
4. Disclosure of information in violation of law.
5. Records of an executive session of the Board of Directors or a Committee.
6. Information pertaining to individual units other than those of the requesting Owners.

Records the Association MUST Withhold From Members or the Public:

1. Personnel, salary, or medical records relating to specific individuals.
2. Personal identification and account information of members, including bank account information, telephone numbers, email addresses, driver's license numbers, and social security numbers.

Limitations on Production and Use of Membership Lists.

1. A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as an Owner without consent of the Board of Directors. A purpose unrelated to a member's interest as an Owner includes use of a membership list or any part thereof without disclosure that such use is not authorized or endorsed by the Board (as further clarified by 2. d. below regarding membership lists and communications).
2. Without the consent of the Board of Directors, a membership list or any part thereof may not be:
 - a. Used for the purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the members in an election to be held by the Association.
 - b. Used for any commercial purpose.
 - c. Sold to or purchased by any person.
 - d. Used to communicate (in any form) with members without disclosure (in the communication) the identity of the member or member entity generating the communication. The disclosure also must make clear that without prior written Board consent, the communication does not come from the Board and does not have Board consent.

Charges for Providing Information to Members. When a member makes a proper request and inspects the Association's records as provided for above, the member may make copies of the records if they so desire. 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.

Adopted September 17, 2007
Amended February 4, 2013
Amended May 19, 2017



Association Administrator