

## **POLICY:**

## **INSPECTION OF BOOKS AND RECORDS**

### **RESOLUTION**

WHEREAS, Colorado law allows inspection of the Genesee Foundation's ("Association") books and records by any Member or his/her agent for any proper purpose; and

WHEREAS, it is not unreasonable in the Board's exercise of sound business judgment for it to establish procedures for inspections of books and records.

NOW., THEREFORE, be it resolved, that the Association adopts the following policy for access to Association records:

1. So the Association can have the desired books, records and personnel available, a written Notice of Intent to Inspect must be submitted to the Association's office. prior to the planned inspection. The Notice must specify which records are to be inspected and the specific purpose of the inspection. This notice requirement may be waived if the member requests to see approved Board of Directors or Architectural Review Committee 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 Board and its attorneys.

All financial and other records of the Association shall be available during normal business hours, on five business days notice, for examination and copying by any Association owner if the following conditions are met: 1) the request is made in good faith and for a proper purpose,; 2) the request describes with reasonable detail the records sought and why and 3) the records are relevant to the purpose of the request. The Association may charge a fee, payable in advance, for copying, not to exceed its actual cost.

A membership list provided by the Association shall not be used by any Member for:

- (a) Any purpose unrelated to a Members's interest as a Member;
- (b) The purpose of soliciting money or property unless said money or property will be used solely to solicit votes of other Members in an election held by the Association.
- (c) Any commercial purpose;
- (d) For the purpose of giving, selling, or distributing such Association records to any person; or
- (e) Any improper purpose in the sole discretion of the Board.

2. Except as provided in Section 3, the General Manager of the Association is authorized to allow review of records unless s/he has reason to believe:

- (a) The request is made for a purpose other than that stated in the Notice of Intent to Inspect,;
- (b) An inspector or his or her agent has improperly used information secured through a previous inspection of the records;
- (c) Disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy;
- (d) Disclosure may result in an invasion of personal privacy, breach of confidence or privileged information; or
- (e) Disclosure would unreasonably interfere with or improperly disrupt the operation of the Association.

If the General Manager has reason to believe one of the above criteria is present, s/he shall refer the Notice to the Board.

3. Consistent with an individual member'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 Board of Directors:

- (a) Confidential personnel records.
- (b) Confidential litigation files.
- (c) Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations which have not been formally approved by the Board of Directors.
- (d) Minutes of confidential executive sessions.
- (e) Property files (other than Architectural Review Committee records) of any property not owned by the Member requesting review.

If the General Manager has reason to believe one of the above criteria is present, s/he shall refer the Notice to the Board.

4. The Board will consider Notices referred to it under Sections 2 and/or 3 and will release the records if it reasonably finds that the review requested:

- (a) Is made in good faith, to ascertain the condition of the Association and/or is not for a purpose other than that stated in the Notice of Intent to Inspect; and
- (b) Is by a Member who has not improperly used information secured through a previous inspection of the records; and
- (c) Is not for an illegal or improper purpose, and would not violate a constitutional or statutory provision or public policy; and
- (d) Will not result in an invasion of personal privacy, breach of confidence or privileged information; and
- (e) Would not unreasonably interfere with or improperly disrupt the operation of the Association; or
- (f) Would be in the best interests of the Association;

5. All records shall be inspected at the office of the Association at 24425 West Carrant Drive, Golden, Colorado, 80401, between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday.

6. At the discretion of the Association's Manager, certain records may only be inspected in the presence of a Board member or employee of the Foundation. No records may be removed from the office without the express written consent of the Board of Directors.

7. All costs of inspection and photocopies will be paid in advance by the person requesting them. Copy time at the copying machine will be limited to 15 minutes in any one hour and staff is not available to make copies.

8. The Association reserves the right to pursue any individual for damages or injunctive relief or both, including reasonable attorneys' fees, for abuse of these rights, including, but not limited to, use of any records for a purpose other than what is stated in the Notice of Intent to Inspect.

Adopted this 17th day of November, 1994 by the Board of Directors of the Genesee Foundation.

Attested:  
Marcia Claxton  
 Secretary

Purnee McCourt  
 President:

APPROVED BY: Board of Directors  
 SUPERCEDES: None  
 APPLICABILITY: All records

APPROVAL DATE: November 17, 1994  
EFFECTIVE DATE: November 17, 1994  
REVIEW DATE: August 10, 2005  
REAPPROVAL DATE: August 10, 2005  
September 13, 2006  
REVIEW: 2011 (5 YEARS)