

# EATON PAGOSA ESTATES PROPERTY OWNER'S ASSOCIATION (EPEPOA)

## POLICY RESOLUTION NUMBER 2019-05

### Regarding Association Records Policy for EPEPOA

WHEREAS, the declarations of Protective Covenants for Eaton Pagosa Estates Subdivision states: EPEPOA is an Organization whose members include all of the owners of the lots of Eaton Pagosa Estates Property Owners Association, Inc., a Colorado non-profit corporation, herein referred to as "Association"; and

WHEREAS, article VII, section 1(a) gives the Board of Directors the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the Directors deem in the best interests of the Association and in accordance with the Colorado Common Interest Ownership Act (CCIOA) and the Colorado Revised Statutes; and

WHEREAS, the Board distributed a copy of this resolution to the membership; and

WHEREAS, it is the intent that this resolution be applicable to all owners and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the board of directors; and

NOW, THEREFORE BE IT RESOLVED that the following resolution for Association records policy is hereby adopted by the board of directors.

1. **Association Records:** In addition to the Declaration and Bylaws, the Association must maintain the following, all of which shall be deemed to be the sole records of the Association for the 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 lot owners and executive board, a record of all actions taken by the lot owners or executive board without a meeting and a record of all actions taken by any committee of the executive board;
  - D. Its current declaration, covenants, bylaws, articles of incorporation, rules and regulations and resolutions;
  - E. Financial statements for the past three years and tax returns of the association for the past seven years, to the extent available;
  - F. A list of names, email addresses and physical mailing addresses of its current executive board members, officers and architectural review committee;
  - G. Its most recent annual report;

Rtn:  
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- H. Financial records sufficiently detailed to enable the association to comply with Colorado Common Interest Ownership Act section 38-33.3-316(8) concerning statements of unpaid assessments;
- I. The association's most recent reserve study, if any;
- J. Current written contracts to which the association is a party and contacts for work performed for the association within the immediately preceding two years.
- K. Records of executive board or committee actions to approve or deny any requests for design or architectural approval from lot owners;
- L. Ballots, proxies and other records related to voting by lot owners for one year after the election, action or vote to which they relate;
- M. Resolutions adopted by the board of directors relating to the characteristics, qualifications, rights, limitations and obligations of members;
- N. All written communications within the past three years to all property owners;
- O. 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 (10) 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 (30) 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 a statement of a proper purpose;
- P. 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 written consent from the executive board. A membership list or any part thereof may not be:
  - a. Used to solicit money or property unless such money or property will be used solely to solicit the votes of the property owners in an election to be held by the Association;
  - b. Used for any commercial purpose;
  - c. Sold to or purchased by any person
- Q. Records maintained by the Association may be withheld from inspection and copying to the extent that they are of concern:
  - a. Architectural drawings, plans and designs, unless released upon the written consent of the legal owner of the drawings, plans or designs;
  - b. Contacts, leases, bids or records related to transactions to purchase or provide goods and services that are currently in or under negotiation;
  - c. Communication 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;
- R. Records maintained by the Association are not subject to inspection and copying and they must be withheld, to the extent that they are of concern:



- a. Personal identification and account information of members and residents, including bank account information, telephone numbers, email addresses, driver's license numbers and social security numbers, except that, notwithstanding Colorado Common Interest Ownership Act section 38-33.3-104, an Owner may provide the Association with prior written consent to the disclosure of, and the Association may publish to other Owners, the person's telephone number, email 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.
- S. The Association may impose a reasonable charge, which may be collected in advance and may cover the cost of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records;
- T. A right to copy records under this resolution includes the right to receive copies by photocopying or other means, including the receipt of copies through electronic transmission if available, upon request by Owner;
- U. The Association is not obligated to compile or synthesize information;
- V. The Association records and information contained within those records shall not be used for commercial purposes.

By: Joyce Scabill  
Joyce Scabill, President

By: Janna Lilly  
Janna Lilly, Secretary

Date: 5-10-19

TIFFANY MARTIN  
NOTARY PUBLIC - STATE OF COLORADO  
My Identification # 20054013436  
Expires October 19, 2019

SUBSCRIBED AND AFFIRMED  
BEFORE ME IN THE COUNTY  
OF ARCHULETA, STATE OF COLORADO  
THIS 10 DAY OF May 2019  
BY: [Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 10/19/19