

ACCESS TO ASSOCIATION RECORDS  
AMENDED RESOLUTION 90-05

WHEREAS, Colorado law allows inspection of the Association's books and records by any Member or his agent at any reasonable time; and

WHEREAS, It is not unreasonable nor a violation of the Board's duty to exercise sound business judgment for it to establish reasonable 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. For purposes of this policy, the term "records" means and refers to the following books and records of the Association, which shall be the only records required to be retained and provided to the Association's Members or his or her agent:
  - 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 Board, a record of all actions taken by the Owners or Board without a meeting, and a record of all actions taken by any committee of the Board;
  - D. Written communications among, and the votes cast by, Board members that are:
    - i. Directly related to an action taken by the Board without a meeting pursuant to section 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 bylaws;
  - 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, Bylaws, Articles of Incorporation, Rules and Regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5, and other policies adopted by the Board;
  - G. Annual financial statements and most recently published financial statements, if any, showing in reasonable detail its assets and liabilities and results of its operations 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 Board members and officers;
  - I. Its most recent annual report delivered to the Secretary of State;
  - J. Financial records sufficiently detailed to enable the Association to comply with section 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 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 the Board 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;
  - Q. A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the Association in connection with the purchase or sale of a Unit and are not paid for through Assessments, including transfer fees, record change fees, and the charge for a status letter or statement of Assessments due;
  - R. All documents included in the Association's annual disclosures made pursuant to C.R.S. § 38-33.3-209.4;
  - S. The Association's operating budget for the current fiscal year; and
  - T. A list of all Association insurance policies, including, but not limited to, property, general liability, Association director and officer professional liability, and fidelity policies, which list shall include the company names, policy limits, policy deductibles, additional named insureds, and expiration dates of the policies listed.
2. So the Association can have the desired books, records and personnel available, a written Notice of Intent to Inspect or Request to Inspect must be submitted to the Association's Manager at least ten days prior to the planned inspection. The Notice must specify which records are to be inspected. These forms may be downloaded from the KCR website under "Forms".
  3. All records shall be inspected at the office of the Association at 7676 S. Continental Divide Road, Littleton, Colorado, 80127, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for holidays. Notwithstanding the above, at the discretion of the Association's Manager, records may also be inspected at the next regularly scheduled meeting of the Board of Directors if such meeting occurs within thirty (30) days after a written Notice of Intent to Inspect is received by the Board. Any permitted inspection must not disrupt the ordinary business activities of the Association, the Manager, or the Association's staff.
  4. At the discretion of the Association's Manager, certain records may only be inspected in the presence of a Board member, the Manager, or employee of the Association. No records may be removed from the office without the express written consent of the Board of Directors or the Manager. The Association may charge a fee of \$25.00 per hour for the presence of Association personnel during an inspection of records. If a Member requests to inspect specific records, the Association may photocopy and provide the requested records to the Member in lieu of the Member's inspection of the records with consent of the Member.
  5. The Association may charge a reasonable fee for copies of the Association records which may be collected in advance. The charge may not exceed the estimated cost of production and reproduction of the records. Call the Ranch House at 303.979.1876 for current per copy fee. Copies may include documents that have not yet been converted to electronic format or facsimile transmittals. Staff time required to scan and convert to electronic form may incur the \$25.00 per hour fee. In addition, pursuant to the authority granted under Section 6.05(F) of the Association's recorded Declaration, the Association may charge the requesting Member any actual costs to obtain documents or other Association Property from off-site storage. Call the

Ranch House 303.979.1876 for details on current off-site document retrieval charges. If after payment of the deposit it is determined that the actual cost was more than the deposit, the requesting Member shall pay such amount prior to delivery of the copies. If after payment of the deposit it is determined that the actual cost was less than the deposit, the difference shall be returned to the Member with the copies. There shall be no cost to any Member accessing records which are required to be disclosed by Colorado law at no cost to Members.

6. The Board has the power to withhold certain records from inspection and copying, and will do so in the absence of a substantial reason supporting disclosure. In the absence of such a reason, the following records maintained by the Association will be withheld from inspection and copying:
  - 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, including but not limited to confidential litigation files and matters covering consultation with legal counsel concerning disputes that are subject of pending or imminent court proceedings or are privileged or confidential between attorney and client;
  - D. Disclosure of information in violation of law;
  - E. Files dealing with investigative proceedings concerning possible or actual criminal misconduct;
  - F. Records of an executive session;
  - G. Individual Lots other than those of the requesting Owner;
  - H. Inter-office memoranda, data, working papers and drafts, information, investigations, studies, reports or similar information or content (collectively “information”); or
  - I. Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy.
7. In determining whether records identified under paragraph 6 above may be inspected, the Board may consider, among other things:
  - A. Whether the request is made in good faith to ascertain the condition and affairs of the Association;
  - B. Whether an inspector has improperly used information secured through a previous inspection of the records;
  - C. Whether disclosure is for any purpose expressly prohibited by this policy, or would violate a constitutional or statutory provision or public policy;
  - D. Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information; and
  - E. Whether disclosure would unreasonably interfere with or improperly disrupt the operation of the Association.
8. Where the request for inspection concerns or relates to the information identified in paragraph 6.H. above, in addition to the considerations set forth above in paragraph 7, the Board may further consider the following, among any other relevant matters:
  - A. The need for maintaining confidentiality of the information;
  - B. Who will have access to, and use of, the information;

- C. How the items will, or may, be used and the need and ability to require disclosure by the requestor of the methodology of the information's use;
- D. The ability to modify or manipulate the information; and
- E. The ability to regulate or restrict use of the items or misuse of the information.

The Board may condition the disclosure and inspection of such information on the requestor's agreement that further use of the information will be truthful and accurate. In addition, the Board may exercise the right to rebut any methodology or conclusions relating to, or information derived from, the use of the information.

- 9. Records maintained by the Association are not subject to inspection and copying, and shall 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 Members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, the Association may disclose electronic mail addresses with the written consent of the individual Member.
- 10. The Association may not condition the production of records upon the statement of a "proper purpose," except as permitted under paragraph 7 above, and except that Association records and the information contained therein shall not be used for any commercial purpose. In absence of compelling evidence to the contrary any request for information made by a resident will be considered valid.
- 11. Without the written consent of the Board of Directors, membership lists may not be:
  - A. Obtained or used by any person for any purpose unrelated to the Association or the property subject to the Declaration;
  - B. Used solely to solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the Association;
  - C. Used for any commercial purpose resulting in monetary or property gain or
  - D. Sold to or purchased by any person.
- 12. 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.

KEN-CARYL RANCH MASTER ASSOCIATION  
SUPPLEMENT TO ACCESS TO ASSOCIATION RECORDS POLICY

Adopted February 20, 2018

Whereas, the Board of Directors of Ken-Caryl Ranch Master Association previously adopted the Access to Association Records policy; and

Whereas, the Board of Directors occasionally receives petitions from the Association's membership requesting that the Board take action, support action or oppose action on a matter affecting the Association; and

Whereas, neither the Colorado Common Interest Ownership Act nor the Colorado Revised Nonprofit Corporation Act recognize a process for owners to petition the Association to mandate action by, or direct the Board of Directors; and

Whereas Section 317 of the Colorado Common Interest Ownership Act specifies in detail the documents and records of the Association that must be made available for inspection and copying by owners, and states that such records are the sole records of the Association for purposes of document retention and production to owners; and

Whereas, the Colorado Common Interest Ownership Act also identifies the records of the Association that must be withheld from inspection and copying by owners; and

Whereas, petitions of owners to the Board of Directors are neither records that must be made available for inspection and copying or that must be withheld from inspection and copying; and

Whereas, the Board of Directors desires to encourage transparency and openness in the Association's operations, except to the extent prohibited or restricted by law.

Now therefore, the Board of Directors has adopted this Supplement to the Association's Access to Association Records Policy as follows:

1. Petitions submitted by owners to the Board of Directors from the Association's membership requesting the Board of Directors take action, support action or oppose action on a matter affecting the Association shall be made available to owners in the community or their designated agents for inspection and copying, subject to the provisions of the Association's Access to Association Records Policy;
2. At the discretion of the Board of Directors, any such petitions will be made available for inspection and copying in their entirety, or the Board may delete or redact signatures or other identifying information of the persons signing the petitions (including, without limitation, names, addresses, telephone numbers, email addresses or other identification);
3. Neither the Board of Directors, the Association's Executive Director, nor any of the Association's staff shall be responsible for verifying the accuracy of names or identifying information on any petitions.

4. Submittal of a petition by owners, and making such petitions available for inspection and copying as provided for herein does not thereby cause such petitions to become official records of the Association for any purpose except upon approval by the Board of Directors, and the Association has no obligation to keep or maintain such petitions for any period of time, and may dispose of them with or without notice to the persons submitting the petition.

Ken-Caryl Ranch Master Association

By: \_\_\_\_\_  
Seth Murphy, President

This Supplement to Access Association Records Policy was adopted by the Board of Directors on the 20th day of February, 2018 and is attested to by the Secretary of Ken-Caryl Ranch Master Association.

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Chris Figge, Secretary