

**RESOLUTION  
OF THE  
ROXBOROUGH PARK FOUNDATION  
REGARDING POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF  
FOUNDATION RECORDS**

**SUBJECT:** Adoption of a procedure for the inspection and copying of Foundation records by Owners and retention of Foundation permanent records.

**PURPOSE:** To adopt a policy regarding an Owner's right to inspect and copy Foundation records. To adopt a standard procedure to be followed when an Owner chooses to inspect or copy Foundation records.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Foundation and Colorado law.

**EFFECTIVE  
DATE:**

\_\_\_\_\_

**RESOLUTION:** The Foundation hereby adopts the following Policy and Procedures, which replaces in its entirety Section 10.050 of the Roxborough Park Foundation Rules and Regulations:

1. Records for Inspection. The following are the records of the Foundation which shall be deemed to be the sole records of the Foundation for purposes of inspection by Owners:
  - (a) Records of receipts and expenditures affecting the operation and administration of the Foundation;
  - (b) Records of claims for construction defects and amounts received pursuant to settlement of any such claims;
  - (c) Minutes of all meetings of Owners;
  - (d) Minutes of all meetings of Board members (except records of executive sessions of the Board);
  - (e) Records of actions taken by the Owners without a meeting;

- (f) Records of actions taken by the Board without a meeting, including written communications and e-mails among Board members that are directly related to the action so taken;
- (g) Records of actions taken by any committee of the Board without a meeting;
- (h) A list of the names of the Owners in a form that permits preparation of a list of the names and mailing addresses of all Owners, as well as the number of votes of each Owner is entitled to vote;
- (i) The Foundation's governing documents which are comprised of:
  - (1) The declaration;
  - (2) The bylaws;
  - (3) The articles of incorporation;
  - (4) Any rules and regulations and/or design guidelines; and
  - (5) Any policies adopted by the Board, including the Foundation's responsible governance policies.
- (j) Financial statements for the last three years, which at a minimum shall include the balance sheet, the income/expense statement, and the amount held in reserves for the prior fiscal year;
- (k) Tax returns for the last seven years, to the extent available;
- (l) The operating budget for the current fiscal year;
- (m) A list, by unit type, of the Foundation's current assessments, including both regular and special assessments;
- (n) The result of the Foundation's most recent available financial audit or review, if any;
- (o) A list of the Foundation's insurance policies, which shall include the company names, policy limits, policy

deductibles, additional named insured, and expiration dates of the policies listed;

- (p) A list of the names, e-mail addresses and mailing addresses of the current Board members and officers;
- (q) The most recent annual report delivered to the Secretary of State;
- (r) A ledger of each Owner's assessment account;
- (s) The most recent reserve study, if any;
- (t) Current written contracts and contracts for work performed for the Foundation within the prior two years;
- (u) Records of Board or committee actions to approve or deny any requests for design or architectural approval from Owners;
- (v) Ballots, proxies and other records related to voting by Owners for one year after the election, vote or action to which they relate;
- (w) Resolutions adopted by the Board;
- (x) All written communications sent to all Owners generally within the past three years;
- (y) A record showing the date on which the Foundation's fiscal year begins;
- (z) A record of any unsatisfied judgments against the Foundation and the existence of any pending suits in which the Foundation is a party; and
- (aa) A disaster preparedness plan.

2. Exclusions. The Foundation may withhold from inspection and copying certain records as provided by Colorado law, and which shall not be deemed to be records of the Foundation, which shall include, but are not limited to:

- (a) Architectural drawings, plans and designs, unless released upon the written consent of the owner of such drawings, plans or designs;
- (b) Contracts, leases, bids or records related to transactions currently under negotiation;
- (c) Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;
- (d) Records of executive sessions of the Board;
- (e) Individual unit files other than those of the requesting Owners.

The Foundation **shall** withhold from inspection and copying the following records as provided by Colorado law:

- (a) Personnel, salary or medical records relating to individuals;
- (b) Personal identification and account information of Owners, including bank account information, telephone numbers, e-mail addresses, driver's license numbers, and social security numbers.

3. Inspection/Copying Foundation Records. An Owner or his/her authorized agent is entitled to inspect and copy any of the books and records of the Foundation, as listed above, subject to the exclusions set forth above, upon submission of a written request to the Foundation describing with reasonable particularity the records sought. The Foundation shall provide access to the requested records by:

- (a) Making the requested records available for inspection and copying by the Owner within 10 days of the Foundation's receipt of such written request, which inspection shall be during the regular business hours of 7:30 a.m. to 4:30 p.m. at the office of the Foundation; or
- (b) Making the requested records available for inspection and copying by the Owner during the next regularly scheduled Board meeting occurring within 30 days of

- the Owner's request; or
    - (c) E-mailing the requested records to the Owner within 10 days of the Foundation's receipt of such written request, if so requested by the Owner.
- 4. Use of Records. Foundation records and the information contained within the records shall not be used for commercial purposes. Furthermore, while Owners are not required to state a purpose for any request to inspect the records of the Foundation, the membership list may not be used for any of the following without the consent of the Board:
  - (a) To solicit money or property unless such money or property will be used solely to solicit the votes of the Owners in an election held by the Foundation;
  - (b) For any commercial purpose; or
  - (c) Sold to or purchased by any person.
- 5. Fees/Costs. Any Owner requesting copies of Foundation records shall be responsible for all actual costs incurred by the Foundation to copy such records for the Owner. The Foundation may require a deposit equal to the anticipated actual cost of the requested records. Failure to pay such deposit shall be valid grounds for denying an Owner copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, Owner 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 Owner with the copies.
- 6. Inspection. The Foundation reserves the right to have a third party present to observe during any inspection of record by an Owner or the Owner's representative.
- 7. Original. No Owner shall remove any original book or record of the Foundation from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Foundation.

8. Creation of Records. Nothing contained in this Policy shall be construed to require the Foundation to create records that do not exist or compile or synthesize information.
9. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
10. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the community.
11. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
12. Amendment. This policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S  
CERTIFICATION:**

The undersigned, being the President of the Roxborough Park Foundation, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Foundation, at a duly called and held meeting of the Board of Directors of the Foundation on \_\_\_\_\_ and in witness thereof, the undersigned has subscribed his/her name.

**ROXBOROUGH PARK FOUNDATION,**  
a Colorado non-profit corporation,

By: \_\_\_\_\_  
President