

CARDINAL GLEN II HOMEOWNERS ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION 12 - 203

**(Regarding Policies and Procedures for Responding
to Requests for Examination and Copying of Association Records)**

WHEREAS, Section 55-510 of the Virginia Code requires Cardinal Glen II Homeowners Association, Inc. ("Association") to provide its members who are in good standing with the Association the right to examine and copy certain Association records, subject to certain procedures approved by the Board of Directors;

WHEREAS, if the Association wants to charge owners for copying and related charges for examination of the books, Section 55-510(D) of the Virginia Code requires the Association to adopt a policy adopting a cost schedule that i) specifies the charges for materials and labor; (ii) applies equally to all members in good standing; and, (iii) is provided to any member requesting to review and/or copy the Association's books and records at the time the request is made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does adopt the following policies and procedures regarding the review and copying of Association books and records:

A. Record Keeping and Access to Records

- 1. Subject to certain exceptions set forth below, members shall have the right to examine and copy these books and records, provided that their membership is in good standing, which means they must not be more than thirty days delinquent in any payment due the Association and be compliant with all other responsibilities of membership.**
- 2. In order to exercise these rights, members must complete the Request Form attached hereto as Exhibit B and must send it to the Association's management agent. After receipt of a completed Request Form, an Association representative shall review the form for completeness meets all requirements for the right to review documents.**
- 3. Upon receipt of the completed form, the Association shall estimate the costs associated with responding to the request, and then provide the member with the estimate within a reasonable period of time. An estimate shall include, but not be limited to, the labor costs of locating, assembling, duplicating, and supplying the records ("Processing Costs"), material costs related to copying, costs of mailing, and the labor costs related to the Association's management staff being present during an inspection of records ("Custodial Services Costs"). Before members are given copies or an appointment to review the records, members must pay the estimated charges. Upon receipt of payment (or clearance of a personal check),**

the Association shall make an appointment for the member to review the documents at a mutually convenient time or shall provide the member with the requested copies within seven business days of receipt of the payment.

4. Whenever a member makes a written request to examine original Association records, the Association shall have a representative present during the member's review of the documents to serve as a custodian of the records and for the protection of the documents. The Association shall include the cost of this service in the estimate and may establish reasonable limitations on how long such examinations may last.
5. After the rendering of services requested, the Association shall compare the estimate with the actual costs incurred by the Association, as set forth in the cost schedule attached hereto as Exhibit A. If the amount paid by the member exceeds the actual costs, the Association shall promptly refund the difference to the member. If the actual costs exceed the estimate, the Association shall notify the member and the member shall be obligated to pay the difference. The Association may withhold additional services and/or copies until it receives payment. Such additional charge shall be added to the member's account and shall be subject to collection in the same manner as assessments.

B. Exempt Records

The following records are exempt from the membership's right to examine and/or copy:

1. Personnel records related to a specific, identified employee;
2. Any documentation which relates to a (i) contract, lease and/or other commercial transactions currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Association's governing documents, including any duly adopted rules and regulations;
3. Written communications to or from legal counsel that are protected under the attorney-client privilege of confidentiality;
4. Any records that any law prohibits the Association from providing to a 3rd party;
5. Minutes and other records reviewed in an executive session of the Board or any other duly authorized committee or task force of the Association (collectively hereinafter referred to as "Committee");
6. Individual member files, other than those of the requesting member;

7. Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

C. Requests of Minimal Time and Cost

If the Association concludes that a request submitted by a member involves a minimum amount of time and cost to the Association, it may waive any of the above requirements. For purposes of this Resolution, "minimal requests" may, but is not required, to include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board or membership meeting;
2. Approved minutes or highlights of the most recent meeting of any Committee;
3. The Association's current annual operating budget;
4. The Association's most current financial management report;
5. The Association's most recent annual audit;
6. The Association's most recent income tax forms; and
7. The file of the requesting member.

D. Miscellaneous

1. The Association shall not have any obligation to create documents in response to any member's request for records.
2. This Resolution does not apply to the records of individual Board or Committee members involved in the performance of their responsibilities or authorities.
3. The Board shall have the right to amend the cost schedule attached hereto as Exhibit A and the Request Form attached hereto as Exhibit B without having to amend the entire Resolution.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution shall be _____.

I hereby certify that this Resolution was duly adopted by the Board of Directors at a regular meeting on _____.

CARDINAL GLEN II HOMEOWNERS
ASSOCIATION, INC.

By: Christy A Long
Christy Long, President

EXHIBIT A

COST SCHEDULE

Rate for Processing Costs: \$ ____ per hour

Rate for Custodial Services Costs: \$ ____ per hour

The charges shall be billed at 15 minute increments.

Copies shall be billed at a rate of \$ ____ per page for black and white copies and \$ ____ per page for color copies.

Mailing costs shall be billed at any actual rate imposed by the U.S. Postal service for standard first class mailing, unless the Member requests an alternative mailing method, in which case all actual rates imposed by the requested carrier shall be billed directly through to the requesting party.

EXHIBIT B

**CARDINAL GLEN II HOMEOWNERS ASSOCIATION, INC
REQUEST TO EXAMINE AND COPY BOOKS AND RECORDS**

MEMBER NAME: _____ **DATE:** _____

ADDRESS: _____

TELEPHONE # _____

E-MAIL: _____

I hereby request the Association to provide me with the right to examine and copy the books and records of the Association, subject to the procedures stated in Administrative Resolution No. 12-____.

1. The books and records that I wish to examine or copy are:

A. _____

B. _____

C. _____

2. I certify that my request is not for commercial purposes or my personal financial gain. The purpose of my request is as follows: _____

3. Please state whether you wish to examine the Association's books and records at the management office: Yes _____; No _____. If you select "No", management agent will presume that you are seeking copies of the requested above.

4. I acknowledge that my rights to examine the Association's records are subject to the procedures set forth in Administrative Resolution 12-__, which, by this reference, is incorporated herein.

Member Signature _____ **Date** _____