

POLICY FOR DISCLOSURE AND COPYING OF RECORDS

This Policy supersedes and replaces all prior disclosure of records policies.

Purpose: The following policy was adopted by the Board of Directors of Pier Point Village 2 Homeowners Association, Inc. ("the Association") pursuant to Colorado law at a regular meeting of the Board.

AUTHORITY: The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pier Point Village 2 recorded on December 20, 2010 at Reception #D0131702 ("Declaration"), the Bylaws of the Association, the Colorado Common Interest Ownership Act ("CCIOA"), §38-33.3-209.4, §38-33.3-209.5, and §38-33.3-317, C.R.S., and other applicable Colorado and Federal laws.

Effective Date: August 8, 2022

Resolution: The Association hereby adopts the following policy:

I. Records Disclosure

1. Mandatory Disclosure of Certain Records at No Charge to Owners

Within 90 days after the end of each fiscal year, the following documents will be made available to all Owners at no cost to the Owner and shall be a common expense by posting on a web page, maintenance of a literature table or binder at the principal place of business for the Association, by mail, or by personal delivery, at the Association's option:

- a. The date on which each fiscal year commences;
- b. The operating budget for the current fiscal year;
- c. A list, by unit type, of the Association's current assessments, including regular and special assessments;
- d. Its annual financial statement including reserve amounts for the prior year;
- e. The most recent financial audit, if any;
- f. A list of all of the Association's insurance policies, including the company name, policy limits, deductibles, additional insureds and expiration dates;
- g. All of the Association's bylaws, articles of incorporation, rules and regulations and policies and procedures;
- h. The minutes of the Board of Director ("Board") and member meetings for the immediately preceding fiscal year; and
- i. The Association's responsible governance policies adopted under CCIOA §38-33.3-209.5.

2. Procedure for Records Requests and Costs to Owners

An Owner may request that Association records that are required to be disclosed be produced to the Owner or the Owner's agent by fully complying with the following procedure:

- Submit a written request to the Association at least ten (10) days in advance of the date for inspection. The proposed date and time for the inspection must be confirmed in advance by the Association. The length of the inspection may be limited on a given day and subsequent inspection appointments may be required for lengthy inspection requests.
- If the Owner's agent is making the request, a signed letter from the Owner designating the agent's authority is required.
- Describe with particularity the records being requested.
- Make advance payment to the Association, in cash or certified funds, of the reasonable costs for the production and reproduction of the records as estimated by the Association, its management company or its attorney, including the costs of both labor and material, for the costs of copying, mailing and any necessary special processing.
- Examination and copying will be limited to either normal business hours at the office of the Association's management company, its attorney, or at the next regularly scheduled Board meeting that is scheduled to occur within 30 days of the request, the location of such production to be at the option of the Association.
- Records disclosed may not be used by any Owner for commercial purposes.
- The Association will not compile or synthesize information.

3. The Following Records Must be Disclosed:

The following Association Records, *and only such records*, will be maintained and made available for copying once the Owner has fully complied with the above Procedure for Records Requests:

- 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 the Owners and of the Board;
- d. A record of all actions taken by the Owners or by the Board without a meeting;
- e. A record of all actions taken by any committee of the Board;
- f. Written communications, including email communications among, and votes cast by, Board members that are (1) directly related to an action taken by the Board without a meeting pursuant to §7-128-202, C.R.S. or (2) directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws;

- g. The names of all Owners with physical mailing addresses where the Association sends communications to them, showing the number of votes the Owner possesses provided, however, that such list may not be obtained or used by any person for any purpose unrelated to an Owner's interest as an Owner, including use for solicitation of money or property, for commercial purposes, or for sale to any person, without the Board's permission;
- h. The Association's current declaration, bylaws, articles of incorporation, rules and regulations, responsible governance policies adopted pursuant to CCIOA §38-33.3-209.5, and all other policies adopted by the Board;
- i. Financial statements as described in §7-136-106, C.R.S. for the past three (3) years;
- j. Tax returns for the Association for the past seven years, if available;
- k. A list of the names, email addresses and physical mailing addresses of the current Board members and officers;
- l. The most recent annual report delivered by the Association to the Secretary of State's office;
- m. Financial records sufficiently detailed to enable the Association to comply with §38-33.3-316(8);
- n. The Association's most recent reserve study, if any;
- o. Current written contracts to which the Association is a party and contracts for work performed for the Association within the two years immediately preceding the records request;
- p. Records of all Board or committee actions to approve or disapprove any architectural review applications;
- q. Ballots, proxies, and other records related to voting by unit Owners for one year after the election;
- r. Resolutions adopted by the Board relating to Owners; and
- s. All written communications within the past three years to all unit Owners generally, as Owners;
- t. 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; and
- u. All documents included in the Association's annual disclosures made pursuant to section 38-33.3-209.4, C.R.S.

4. *The Following Records May Only be Disclosed With the Prior, Advance Approval of the Board of Directors:*

The following Association Records, *and only such records*, will be maintained and made available for copying once the Owner has fully complied with the above

Procedure for Records Requests and only if the Board of Directors has approved of such disclosure during the previous month:

- a. Architectural drawings, plans and designs which also require the prior written consent of the legal Owner thereof;
- b. Contracts, leases, bids, or records related to transactions currently under negotiation;
- c. Communications with legal counsel that are otherwise privileged;
- d. Records of an executive session of the Board;
- e. Records pertaining to any unit other than that of the requesting Owner.

5. *The Following Records Will Not be Disclosed Under Any Circumstances:*

- a. Personnel, salary, or medical records of any individual;
- b. Personal identification information of individuals including bank account information, telephone numbers, email addresses, driver's license numbers and social security numbers.

Definitions.

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

Supplement to Law.

The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado.

Deviations.

The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.

Amendment.

This Policy may be amended from time to time by the Board of Directors.

Severability

Invalidation of one of the foregoing provisions by court order or judgment shall have no effect on the remaining provisions which shall remain in full force and effect.

CERTIFICATION:

The undersigned, being the President of the Board of Directors of Pier Point Village 2 Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that this Policy was adopted by Resolution approved by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 9-28, 2022 and in witness thereof, the undersigned has subscribed his/her name.

**THE PIER POINT VILLAGE 2
HOMEOWNERS ASSOCIATION, INC.,**
a Colorado non-profit corporation

By: Cynthia Hansen