

**RESOLUTION
OF THE
ALPINE MOUNTAIN RANCH ASSOCIATION
REGARDING POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF
ASSOCIATION RECORDS**

SUBJECT: Adoption of a policy and procedure for the inspection and copying of Association records by Owners and retention of Association permanent records

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

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law

**EFFECTIVE
DATE:** August 22, 2023

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

1. Records for Inspection. Subject to Section 2 below, the following are the records of the Association which shall be deemed to be the sole records of the Association for purposes of inspection by Owners:

- (a) 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 any such claims;
- (c) Minutes of all meetings of Owners;
- (d) Minutes of all meetings of the Executive Board (except records of executive sessions of the Executive Board);
- (e) Records of actions taken by the Owners without a meeting;
- (f) Records of actions taken by the Executive Board without a meeting, including written communications and e-mails among Executive Board members that are directly related to the action so taken;
- (g) Records of actions taken by any committee of the Executive 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 each Owner is entitled to vote;
- (i) The Association'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 Executive Board, including the Association'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 Lot, of the Association's current assessments, including both regular and special assessments;
 - (n) The result of the Association's most recent available financial audit or review, if any;
 - (o) A list of the Association'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 Executive 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 Association within the prior two years;
 - (u) Records of Executive 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 Executive Board;
 - (x) All written communications sent to all Owners generally within the past three years;
 - (y) A record showing the date on which the Association's fiscal year begins; and
 - (z) A record of all waivers of notices of meetings of Owners and of the Executive Board or any committee of the Executive Board.

2. Exclusions. The Association may withhold from inspection and copying certain records as provided by Colorado law, and which shall not be deemed to be records of the Association, 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 Executive Board;
- (e) Individual Lot files other than those of the requesting Owners.

The Association *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. Access to Records; Online Access. Upon the request of an Owner or an Owner's authorized representative, the Association's financial and other records shall be made reasonably available for examination and copying by such Owner and such Owner's duly appointed representatives, subject to certain time and content restrictions listed above. In addition, the Association has chosen to make certain documents available on its website for an Owner's self service copying at no cost.

4. Inspection/Copying Association Records. An Owner or his/her authorized representative is entitled to inspect and copy any of the books and records of the Association, listed above, subject to the exclusions set forth above, during regular business hours at the Association's principal office. In order for the Association to have the desired books, records and personnel available, a completed written Notice of Intent to Inspect and Copy Association Records, attached hereto as Attachment 1, should be submitted to the Association at least five (5) business days prior to the date the Owner expects to inspect the records. Notices can be sent to the Association's office by (a) mail at Alpine Mountain Ranch Association, c/o Property Manager, 33105 Meadow Creek Drive, Steamboat Springs, CO 80487; or (b) email at awilliams@alpinemountainranch.com. The Owner's request should be made on the Association's Notice of Intent to Inspect and Copy Association Records and (a) must not be made for a prohibited purpose; and (b) must describe with reasonable particularity the records sought. The notice must also include the Owner's contact information – name, address, phone number, and email address (if available). The Association may decide not to make requested records available for inspection and copying at the Association's office, but rather provide the requested records at the next regularly scheduled meeting so long as such meeting occurs within thirty (30) days after the request for inspection has been made.

5. Use of Records. Association 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 Association, the membership list may not be used for any of the following without the consent of the Executive 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 Association;
- (b) For any commercial purpose; or

(c) Sold to or purchased by any person.

6. Fees/Costs. Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association to copy such records for the Owner. The Association may require a deposit equal to the anticipated actual cost of copying 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.

7. Inspection. The Association reserves the right to have a third party present to observe during any inspection of records by an Owner or the Owner's representative.

8. Original. No Owner shall remove any original book or record of the Association from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Association.

9. Creation of Records. Nothing contained in this Policy shall be construed to require the Association to create records that do not exist or compile or synthesize information.

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

11. 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 Property.

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

13. Amendment. This policy may be amended from time to time by the Executive Board.

14. Complete Statement. This policy supersedes any previous policy on the same subject.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Alpine Mountain Ranch Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Executive Board, at a duly called and held meeting of the Executive Board on August 22, 2023 and in witness thereof, the undersigned has subscribed his name.

ALPINE MOUNTAIN RANCH ASSOCIATION,
a Colorado non-profit corporation,

By: 
Its: President

Attest: 
Its: Secretary

Attachment 1

Notice of Intent to Inspect and Copy Association Records

**ALPINE MOUNTAIN RANCH ASSOCIATION,
A COLORADO NONPROFIT CORPORATION
Notice of Intent to Inspect and Copy Association Records**

This Notice of Intent to Inspect and Copy Association Records is made pursuant to the Association's Records Inspection and Copying Policy, adopted by the Executive Board of Alpine Mountain Ranch Association, a Colorado nonprofit corporation, to be effective as of January 1, 2021.

Date of Request: _____

Date you would like to review the records: _____

Person(s) Requesting Association Records: _____

Lot Number of Requesting Person(s): _____

Contact Information for Lot Owner:

Lot Owner Name : _____

Lot Owner Address: _____

Lot Owner Phone: _____

Lot Owner e-mail: _____

If the person requesting Association Records is not a member of the Association, please attach appropriate documentation showing that the person requesting Association records is authorized to inspect and copy such records.

Please note that all costs of inspection and any authorized copies must be paid in advance by the person requesting them.

Review of Records. Please include type of record, date of record, and any specifics that will identify the information you would like.

Record

Date

_____	_____
_____	_____
_____	_____
_____	_____

Copies of Records. Please indicate those records for which you request copies.

Record

Date

_____	_____
_____	_____
_____	_____

Person Making Inspection and/or Requesting Copies (if different from Lot Owner information provided above):

Name: _____

Date: _____

Address: _____

Authorized by: _____

Signature

Print name

Title

Date