

**EAGLE RIVER COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC.  
POLICY REGARDING ASSOCIATION RECORDS**

**PURPOSE:** To adopt a standard procedure regarding retention and inspection of Association records in compliance with Colorado Law and the Governing Documents.

**AUTHORITY:** The Governing Documents and Colorado Law.

The Governing Documents are comprised of:

- a. Condominium Declaration for Eagle River Commercial Center Condominium Association, as amended and supplemented;
- b. Plat Maps for Eagle River Commercial Center Condominium Association, as amended;
- c. Bylaws of Eagle River Commercial Center Condominium Association, as amended;
- d. Articles of Incorporation for Eagle River Commercial Center Condominium Association;
- e. Rules and Regulations of Eagle River Commercial Center Condominium Association;
- f. Responsible Governance Policies of Eagle River Commercial Center Condominium Association, as required by C.R.S. 38-33.3-209.5.

Colorado Law is comprised of:

- a. Colorado Common Interest Ownership Act (“*CCIOA*”) codified at C.R.S. 38-33.3-101 et seq.; and
- b. Colorado Revised Not for Profit Corporation Act (“*CRNPCA*”) codified at C.R.S. 7-121-102 et. seq.

**EFFECTIVE DATE:** DECEMBER 13, 2023.

**RESOLUTION:** Eagle River Commercial Center Condominium Association, Inc. (“*Association*”) hereby adopts the following Policy Regarding Association Records (“*Policy*”) which replaces any prior policies regarding Association records. Any undefined term herein shall have the meaning provided for in the Governing Documents and Colorado Law.

**I. RECORDS RETAINED**

**A. Records Retained for Copying and Inspection.**

(1) The Association shall maintain the records set forth in this Section I (A) (1) and make said records available to all Owners as provided for in this Policy. These are the sole records of the Association for purposes of document retention and production to Owners:

- (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 subject to confidentiality agreements and not inclusive of attorney/client communications, work product, or Board of Directors discussions. Disclosure of sensitive documents shall not be required during the pendency of litigation, in the absence of a court order.
- (c) Final Board of Directors approved minutes of all meetings of the Owners and Board of Directors, a record of all actions taken by the Owners or Board of Directors without a meeting, and a record of all actions taken by any committee of the Board of Directors;
- (d) Written communications or the relevant portions thereof among, and the votes cast by, Board of Directors that:
  - (i) directly relate to an action taken by the Board of Directors without a meeting pursuant to C.R.S. 7-128-202; or
  - (ii) directly relate to an action taken by the Board of Directors 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, and showing the number of votes each Owner is entitled to vote subject to the following limitations:
  - (i) A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to an Owner's interest as an Owner without prior written consent of the Board of Directors.
  - (ii) Without limiting the general requirement of subparagraph (i) of this subsection (e), without the express written consent of the Board of Directors, an Owner list or any part thereof may not be:
    - (A) Used to solicit money or property unless such money or property will be used solely to solicit the votes of Owners in an election to be held by the Association;
    - (B) Used for any commercial purpose; or
    - (C) Sold to or purchased by any person.
- (f) The current Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, Responsible Governance Policies adopted pursuant to C.R.S. 38-33.3-209.5, and other policies adopted by the Board of Directors;
- (g) Financial statements as described in C.R.S. 7-136-106 for the past three (3) years and tax returns of the Association for the past seven (7) years, to the extent required by law to be retained or otherwise retained by the Association;
- (h) A list of the names, electronic mail addresses, and physical mailing addresses of its current Board of Directors and Officers;
- (i) The Association's most recent annual report delivered to the Secretary of State;
- (j) Financial records sufficiently detailed to enable the Association to comply with C.R.S. 38-33.3-316(8) concerning statements of unpaid assessments;



- (k) The Association's most recent Reserve Study;
- (l) Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two (2) years. This pertains to final contracts executed by the Association and does not encompass negotiations and drafts;
- (m) Records of Board of Directors 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 (1) year after the election, action, or vote to which they relate;
- (o) Resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of Owners; and
- (p) All written communications within the past three (3) years to all Owners generally as Owners.

**B. Records Available Upon Request Subject to Charge.**

(1) The records retained by the Association for inspection and copying per Section I (A) above are available for examination and copying by an Owner or the Owner's authorized agent upon submission of a written request to the Association which describes with reasonable particularity the records sought. Certain Records might not be available until ninety (90) days after the beginning of the Association's fiscal year. The Association's Records Request form can be used for this purpose. Said request must be made at least ten (10) days prior to the requested inspection or production of the requested records documents. The Association will make the records requested available for inspection and copying during normal business hours or the next regularly scheduled Board of Directors meeting if the Board of Directors meeting occurs within thirty (30) days after the record request. The Association will not condition the production of records for copying and inspection upon the statement of a proper purpose.

(2) The Association may impose a reasonable charge, which may be collected in advance, to cover the costs of labor and material for providing copies of Association records. The charge will not exceed the estimated cost of production and reproduction of the records. The following documents though will be provided without charge:

- (a) The current Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, Responsible Governance Policies adopted pursuant to C.R.S. 38-33.3-209.5, and other Policies adopted by the Board of Directors.

(3) An Owner's right to copy records under this Policy includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by the Owner. The Association is not obligated to compile or synthesize information or create a record for an Owner.

**C. Records That Can be Withheld from Inspection and Copying.**

(1) The Association may withhold from inspection and copying records to the extent they are or concern:

- (a) Architectural drawings, plans, and designs, unless released upon the written consent of any third-party legal owner of the drawings, plans, or designs;
- (b) Contracts, leases, bids, or records related to transactions and negotiations to purchase or provide goods or services that are currently in or under negotiation;
- (c) Communications with legal counsel that are protected by the attorney-client privilege or the attorney work product doctrine;
- (d) Information, the disclosure of which would be in violation of law;
- (e) Records of an executive session of the Board of Directors; and
- (f) Individual Units other than those of the requesting Owner.

**D. Records That Will Not be Provided for Inspection.**

- (1) The Association will not provide the following Records for inspection or copying:
  - (a) Personnel, salary, or medical records relating to specific individuals; or
  - (b) Personal identification and account information of Owners, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

**E. No Commercial Purpose.** The Association's records and the information contained within those records shall not be used for commercial purposes.

**PRESIDENT'S CERTIFICATION:** The undersigned President of Eagle River Commercial Center Condominium Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Policy was approved and adopted by the Board of Directors of the Association in compliance with the Governing Documents and Colorado Law.

EAGLE RIVER COMMERCIAL CENTER CONDOMINIUM  
ASSOCIATION, INC., a Colorado nonprofit corporation

By: DAN LAMBERT  pres.  
President of the Board of Directors



**EAGLE RIVER COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC.  
RECORDS REQUEST FORM**

Eagle River Commercial Center Condominium Association, Inc. (“*Association*”) maintains and makes available for inspection and copying the records per the Colorado Common Interest Ownership Act at C.R.S. 38-33.3-209.4 and 317 which are listed below (“*Records*”).

**Please note that the Association maintains a majority of the Records upon the Association website. Please check the website first for Records you desire to review. If the Records you desire to review are not on the website please check the box next to the Records you are seeking and submit this form to the Association as set forth below. The Association may assess a reasonable charge, payable in advance, to cover the costs of labor and material for copying.**

**RECORDS REQUESTED – PLEASE CHECK BOX**

- Detailed records of receipts and expenditures affecting the operation and administration of the Association;
- Records of claims for construction defects and amounts received pursuant to settlement of those claims subject to confidentiality agreements and not inclusive of attorney/client communications, work product, or Board of Directors discussions. Disclosure of sensitive documents shall not be required during the pendency of litigation.
- Final Board of Directors approved minutes of all meetings of the Owners and Board of Directors, a record of all actions taken by the Owners or Board of Directors without a meeting, and a record of all actions taken by any committee of the Board of Directors;
- Written communications or the relevant portions thereof among, and the votes cast by, Board of Directors Members that are:
- (i) Directly related to an action taken by the Board of Directors without a meeting pursuant to C.R.S. 7-128-202; or
  - (ii) Directly related to an action taken by the Board of Directors without a meeting pursuant to the Association’s Bylaws.
- The current Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, Responsible Governance Policies adopted pursuant to C.R.S. 38-33.3-209.5, and other policies adopted by the Board of Directors;
- Financial statements as described in C.R.S. 7-136-106, for the past three (3) years and tax returns of the Association for the past seven (7) years, to the extent available;
- A list of the names, electronic mail addresses, and physical mailing addresses of its current Board of Directors Members and Officers;

- \_\_\_\_\_ Most recent annual report delivered to the Secretary of State, if any;
- \_\_\_\_\_ Financial records sufficiently detailed to enable the Association to comply with C.R.S. 38-33.3-316(8) concerning statements of unpaid assessments;
- \_\_\_\_\_ The Association's most recent Reserve Study, if any;
- \_\_\_\_\_ Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two (2) years. This pertains to final contracts executed by the Association and does not encompass negotiations and drafts;
- \_\_\_\_\_ Records of Board of Directors or committee actions to approve or deny any requests for design or architectural approval from Owners;
- \_\_\_\_\_ Ballots, proxies, and other records related to voting by Owners for one (1) year after the election, action, or vote to which they relate;
- \_\_\_\_\_ Resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of Owners;
- \_\_\_\_\_ All written communications within the past three (3) years to all Owners generally as Owners. The date on which the Association's fiscal year commences;
- \_\_\_\_\_ The Association's operating budget for the current fiscal year;
- \_\_\_\_\_ A list, by Unit type, of the Association's current assessments, including both regular and special assessments;
- \_\_\_\_\_ Association's annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
- \_\_\_\_\_ The results of the Association's most recent available financial audit or review;
- \_\_\_\_\_ A list of all Association insurance policies, including, but not limited to, property, general liability, Association Director and officer professional liability, and fidelity policies. Such list shall include the company names, policy limits, policy deductibles, additional named insureds, and expiration dates of the policies listed.
- \_\_\_\_\_ List of the names of all Owners and the physical mailing addresses, NOT electronic email addresses, at which the Association communicates with them, and showing the number of votes each Owner is entitled to vote subject to the following limitations:
  - (i) Owner understands and agrees that pursuant to the Colorado Common Interest Ownership Act, at C.R.S. 38-33.3-317(2)(b)(I) and (II), the Membership List may not be obtained or used for any purpose unrelated to my interest as an Owner



without the prior express consent of the Board of Directors. Owner further understands and agrees that without limiting the generality of the foregoing, the Association's Membership List may not be:

- a. used 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. used for any commercial purpose;
- c. sold to, otherwise distributed to, or purchased by any person; or
- d. Any other purpose prohibited by law.

**In the event the Membership List is used in violation of these limitations, undersigned Owner will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees resulting from such improper use. Owner may additionally be subject to any and all enforcement procedures available to the Association through its Governing Documents and Colorado Law.**

The Association is not obligated to compile or synthesize information or create a record for an Owner. This form may be submitted by mail or in person to:

Hand Delivery:

Mail:

Email:

Understood and agreed to by:

\_\_\_\_\_  
Owner

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner

Date: \_\_\_\_\_

\_\_\_\_\_  
Address

**EAGLE RIVER COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC.  
AUTHORIZATION OF OWNER TO DISCLOSE PHONE NUMBER AND EMAIL  
ADDRESS TO OTHER OWNERS**

Owner(s) of Unit No. \_\_\_\_\_ at Eagle River Commercial Center Condominium Association, Inc. hereby authorizes the Association to DISCLOSE THE OWNER'S PHONE NUMBERS AND EMAIL ADDRESSES TO OTHER OWNERS AT EAGLE RIVER COMMERCIAL CENTER CONDOMINIUM ASSOCIATION PER C.R.S. 38-33.3-317(3.5)(B).

This authorization shall remain effective until withdrawn in writing by Owner(s). The Association has no obligation to change, retrieve or destroy information authorized to have been provided hereunder upon withdrawal of the grant herein.

Dated: \_\_\_\_\_, 202\_\_

OWNER(S):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_