

HOMEOWNERS ASSOCIATION, INC.

RESOLUTION NO. 05.2017.2

ACCESS TO ASSOCIATION BOOKS AND RECORDS

*Establishing guidelines and procedures for requests
to examine Association books and records.*

WHEREAS, Article III, Section 1.0. of the Bylaws of Seven Lakes Homeowners Association, Inc. (“Bylaws”) provides that the business and affairs of the Seven Lakes Homeowners Association, Inc. (“Association”) shall be managed by the Board of Directors (“Board”) and that the Board shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Virginia Property Owners’ Association Act (“Act”) or by the Association Documents to be exercised and done by lot owners;

WHEREAS, Section 1.0.(a) of the Bylaws provides that the Board shall have the power to adopt and amend any reasonable Rules and Regulations not inconsistent with the Association Documents;

WHEREAS, Section 1.1. (a) of the Bylaws provides that the books and records of the Association shall be available for examination by members, their attorneys, accountants, or authorized agents during general business hours on business days at the time and manner established by the Board for the general knowledge of the members and that the Board may fix from time to time a reasonable charge to cover the direct and indirect costs of providing any documents;

WHEREAS, Section 13.1-932 of the Nonstock Corporation Act requires the Association to maintain certain records as set forth therein, including without limitation appropriate accounting records and minutes of Association and Board meetings;

WHEREAS, Section 13.1-933 of the Nonstock Corporation Act provides that Association members are entitled to inspect and copy, during regular business hours at the Association’s principal office, any Association records described in Section 13.1-932 provided that at least five business days’ prior notice is provided, and the demand is made in good faith and for a proper purpose, and the member describes with reasonable particularity the member’s purpose and the records the member desires to inspect;

WHEREAS, Section 55-510.A of the Act provides that the Association shall keep detailed records of receipts and expenditures affecting the operation and administration of the Association and in accordance with generally accepted accounting practices;

WHEREAS, Section 55-510.B of the Act provides that so long as the request is for a proper purpose related to membership in the Association, all books and records kept by or on behalf of the Association will be available for examination and copying by a member in good standing or his authorized agent;

WHEREAS, Section 55-510.B of the Act also provides that the right of examination exists without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five days written notice reasonably identifying the purpose for the request and the specific books and records of the Association requested;

WHEREAS, Section 55-510.C of the Act provides that certain books and records kept by or on behalf of the Association may be withheld from examination or copying;

WHEREAS, Section 55-510.D of the Act provides that prior to providing copies of any books and records, the Association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof and charges may be imposed only in accordance with a cost schedule adopted by the Board;

WHEREAS, Section 55-510.D of the Act further provides that the cost schedule shall specify the charges for materials and labor, apply equally to all members in good standing and be provided to such requesting member at the time the request is made; and,

WHEREAS, the Board believes it in the best interest of the Association and members to establish a procedure which ensures access to Association books and records in accordance with statutory requirements, gives guidance to enable proper responses to requests to examine and provides notice of the adopted cost schedule to all members.

NOW, THEREFORE, BE IT RESOLVED THAT the Board hereby establishes the following procedure for use in the event that a member requests to examine and copy Association books and records.

A. All books and records kept by or on behalf of the Association, except for the following books and records that may be withheld under Section 55-510.C of the Act, will be available for examination and copying by a member in good standing:

1. Personnel matters relating to specific, identified persons or person's medical records;
2. Contracts, leases and other commercial transactions to purchase or provide goods or services currently in or under negotiation;
3. Pending or probable litigation;
4. Matters involving state or local administration or other formal proceedings before a government tribunal for enforcement of the Association documents or rules and regulations;
5. Communications with legal counsel protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;
7. Meeting minutes or other confidential records of an executive session of the Board held pursuant to Section 55-510.1.C of the Act;
8. Documentation, correspondence or management or Board reports compiled for or on behalf of the Association or the Board by its agents or committees for consideration by the Board or committee in executive session; or
9. Individual lot owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the Association.

B. Members who are not in *good standing* may not examine or copy Association books and records. For the purposes of this Resolution, a member is not in *good standing* if the member is delinquent in the payment of any assessment to the Association or has been found by the Board, after notice and hearing, to be in violation of the governing documents or rules and regulations.

C. Requests to examine and copy Association books and records must be made in writing, at least five days in advance, and must reasonably identify the purpose for the request and specify the Association books and records requested. A request form is attached as Exhibit 1 to this Resolution. Requests should be submitted to the Association Managing Agent.

D. Upon receipt and review of a request, the Association Managing Agent on behalf of the Board will schedule with the member a mutually convenient time during reasonable business hours. All Association books and records will be made available at the principal office of the Association Managing Agent.

E. Prior to providing copies of any Association books and records, the Association may impose and collect a charge for the reasonable material and labor costs associated with compiling and copying the requested Association books and records. The cost schedule adopted by the Board is attached as Exhibit 2 to this Resolution and shall be provided to each member upon request for access to Association books and records.

F. The Board may periodically adopt and implement an updated cost schedule to replace the existing cost schedule attached as Exhibit 2 to this Resolution.

HOMEOWNERS ASSOCIATION, INC.

Request to Examine and Copy Association Books and Records

Requesting Member

Member: _____

Mailing Address: _____

Address in Seven Lakes: _____

(if different than mailing address) _____

Home Phone: _____

Other Phone: _____

Email Address: _____

Nature of Request

Specific Association books and records requested to examine or copy:

Purpose of the request:

Requested date for examination: _____

(The Association Managing Agent will contact the member after receipt of the request to schedule a mutually convenient time for the member to examine and copy the requested Association books and records.)

Member Acknowledgement

My request is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation.

I understand that the Association may withhold from examination or copying Association books and records concerning specific matters provided for in Section 55-510.C of the Virginia Property Owners' Association Act.

I understand that the Association may impose and collect a charge, reflecting reasonable costs of materials and labor related to my request prior to providing copies of any Association books and records. I have received and reviewed the current cost schedule for such materials and labor.

I hereby certify that the statements made on this form are true and complete to the best of my knowledge, information and belief.

Signature

Date

Printed Name

HOMEOWNERS ASSOCIATION, INC.

Cost Schedule 2017

For Providing Copies of Association Books and Records

1. Labor Costs	\$45 per hour <i>(includes time spent compiling requested books and records)</i>	In minimum 15 minute increments
2. Material Costs	\$0.10 per page copied Mailing: At cost (including postage), plus 20% labor cost per mailing.	

