

# The Tanoan Communities East Association, Inc.

## **POLICY:**

It is the policy of The Tanoan Communities East Association, Inc. (Association) to grant access to the Association's books and records to homeowners, where such information is specifically requested and will be used for the conduct of Association business.

By definition, this will limit access to certain information. Furthermore, access to information, books and records of the Association will be limited wherein Federal, State or local laws or ordinances specifically protect such information.

## **PROCEDURE:**

### **Inspection of Records:**

Any homeowner, or an owner's agent, may ask to inspect the records by following the procedure noted below:

1. The homeowner shall complete the **Record Inspection Form** in its entirety. Failure to complete any part of the form will result in the request being denied.
2. Once properly completed, the form shall be provided to the Management Company, with a copy to the President of the Association by the homeowner requesting the inspection.
3. The records will generally be available for inspection by mutual agreement within five (5) business days.
4. The requesting homeowner must provide detailed information as to specific records that are being requested. Failure to specify the records, reasons for them being requested and how the information will be used will result in the request being denied.
5. Based on the foregoing requirement for specific information, it is generally presumed that one-hour will be sufficient for making the information available. If more than one hour is deemed necessary by the homeowner, then the homeowner should state such on the request form. The board, when reviewing the request, will determine whether additional time is allowed for reviewing the records. Generally, the records will be made available at the offices of the Management Company.
6. Pursuant to this policy and procedure, any homeowner will be granted access to only one file at a time. This does not limit access to more than one file during the inspection period. It does limit access to one file at a time so that the files are properly maintained and organized.
7. The homeowner, or his/her representative, may request photocopies of records at a cost of \$.25 per page.
8. Requesting homeowners should note that the board representative is authorized to tag any and all information copied by the homeowner for review and reference by the board, its officers and representatives.

Homeowners are advised that certain information will not be made available pursuant to Federal, State, and/or local laws or ordinance. Further, books and records kept by or on behalf of the Association may be withheld from examination or copying by members to the extent that they concern the following and the document listed therein shall remain confidential and not subject to disclosure or copying only for so long as the reason for maintaining confidentiality exists:

- a. Personnel matters relating to specific, identified persons or a person's medical records;
- b. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in place or under negotiation;
- c. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or the legal counsel of a party;
- d. Communications with legal counsel that relate to subsections A through D or that is protected by the attorney-client privilege or the attorney work product doctrine;

- e. Meeting minutes or other confidential records of an Executive Session of the Board;
- f. 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 in executive session;
- g. Individual member files, other than those of the requesting Member, including any individual member's files kept by or on behalf of the Association.

No records are to be removed from the premises, destroyed, damaged, marked upon, added to or altered in any way.

All records will be returned in the same condition as they were received (properly organized and filed).

Any Board member or representative of the board will be allowed to observe all actions of the homeowner involving the handling of the records and any copying thereof through out the duration of the allotted time. If the observing Board member or representative witnesses an abuse of the procedure stated herein, or the physical records themselves, he/she may declare the session immediately ended. Access will be terminated for that time and future access may be affected. If this happens, the homeowner understands that his/her appeal rights will be to the full Board at its next scheduled meeting.

The requesting homeowner, by signing the notice, specifically agrees that the information will be used in accordance with this procedure and will be used only for valid Association business. He/She specifically foregoes use of this information for any marketing or solicitation of the homeowners.

9. In addition to any copying charges, any and all other costs related to the access and copying of files will be paid by the homeowner requesting such access.

10. Special procedure for access to Architectural Planning Committee files -

As with any request, the specific details and how they relate to association business will be required. Requests for review of any Architectural Planning Committee files are subject to previous review by the board or its representative before such file is made available to the requesting homeowner. Again, this information is being limited to protect privacy of other homeowners, or the confidential nature of any other information. While information in these files will be made available to the requesting homeowner, privacy protection of other homeowners, officers, directors, APC members, etc. must also be respected. In instances where the board or its representative deems privacy to be a concern, the related document will be photocopied, at the inspecting homeowners expense, with the appropriate information subsequently deleted (names, or other identifying references) prior to delivery of that document to the requesting homeowner.

11. The Association shall not be required to create records that do not exist.