

PARK WEST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION 16-04

**REGARDING POLICIES AND PROCEDURES FOR RESPONDING TO
REQUESTS FOR EXAMINATION AND COPYING OF THE
ASSOCIATION'S RECORDS**

WHEREAS, Park West Community Association (the "Association") is a Virginia nonstock corporation subject to the provisions of the Virginia Nonstock Corporation Act; and,

WHEREAS, Park West Community Association is an association subject to the Virginia Property Owners' Association Act; and,

WHEREAS, Section 55-510 of the Virginia Code provides that the Association shall make available all books and records kept by or on behalf of the association to any member in good standing or his authorized agent as long as the request is for a proper purpose related to the member's membership in the Association and subject to certain provisions contained within the Section,

NOW, THEREFORE, BE IT RESOLVED THAT the following policy is established and adopted for requesting examination and copying of the Association's books and records:

1) TERMS

- a) 'Governing Documents' refers to, but is not limited to, the Articles of Incorporation, the Declaration, the By-Laws, any Resolution, any Rules and Regulations, and any Community Guidelines duly adopted by the Association.
- b) 'Processing Costs' refers to the labor costs of locating, assembling, duplicating, and supplying the records.
- c) 'Custodial Services Costs' refers to the material costs related to copying, costs of mailing, and the labor costs related to the Association's management staff or other representatives being present during an inspection of records.
- d) 'Committee' refers to any duly authorized committee or task force of the Association.
- e) 'Member' refers to every person or entity who holds membership in the Association.
- f) 'Owner' refers to any record owner, whether one or more persons or entities, of a fee simple title of any Lot within the Property, This excludes any owner having an interest merely as a security for the performance of an obligation. There are both resident and non-resident owners.
- g) 'Management Agent' refers to the entity employed by the Board of Directors to perform such duties and services as authorized in writing at an established rate of compensation.

- h) For Notices to Members, in addition to the Declaration, Article X, Section 6 the following also applies.
 - i) Notices may be delivered by hand to the Member.
 - ii) All fees and charges associated with mailing notifications via registered or certified mail, return receipt requested shall be applied and posted to the Member's account.

2) RECORD KEEPING AND ACCESS TO RECORDS

- a) Acting on its own or through the Management Agent, the Association shall prepare and keep detailed records of receipts and expenditures affecting the operation and administration of the Association for a minimum of one year. With respect to books, records, and/or files relating to other matters; the Association shall keep those books and records for such reasonable time periods as determined by the Management Agent or the Board.
- b) Subject to certain exceptions set forth below, Members (or their authorized agent) shall have the right to examine and copy these books and records, provided that their membership is in good standing, which means that they must be current in the payment of assessments and other duly levied charges and compliant with all other responsibilities of membership.
- c) In order to exercise these rights, Members must complete the attached form attached hereto as Exhibit B and file it with the Association's Management Agent or Board. After receipt of a filing, an Association representative shall have the authority to review the form and make determinations as to its completeness and satisfaction of all requirements.
- d) Upon receipt of the completed form, the Association shall estimate the costs incurred by the Association that are associated with responding to the request, and then provide the member with the estimate within a reasonable period of time. An estimate may include, but not be limited to, both Processing Costs and Custodial Service Costs. Prior to the acquisition of any rights under this policy, Members must pay the estimated charges in advance. Upon receipt of payment (or clearance of a personal check), the Association shall make arrangements for a meeting at a mutually convenient time or provide the Member with copies of the requested records within five days of receipt of the payment.
- e) Whenever a Member's written request specifies to examine original records in the management office, the Association shall have a individual from the Management Agent with the Member and serve as a custodian of the records for the protection of the documents. The Association shall include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.
- f) After rendering of services requested, the Association shall compare the estimate with the actual costs incurred by the Association, as set forth in the cost schedule attached hereto as Exhibit A. If the amount paid by the Member exceeds the actual costs, the Association shall promptly refund the difference to the Member. If the actual costs exceed the estimate, the Association shall notify the Member and the Member shall be obligated to pay the

difference. The Association may withhold additional services and/or copies until it receives payment.

3) EXEMPT RECORDS

- a) Books and records kept by or on behalf of the Association may be withheld from the membership's right to examine and/or copy to the extent they concern:
 - i) Personnel matters related to specific, identified persons or a person's medical records;
 - ii) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently in or under negotiation;
 - iii) 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;
 - iv) Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55-513 of the Code of Virginia.
 - v) Communications with legal counsel that relate to items i through iv listed above that are protected by the attorney-client privilege or the attorney work product doctrine;
 - vi) Disclosure of information in violation of law;
 - vii) Minutes or other confidential records of an executive session of the Board held in accordance with subsection C of § 55-510.1 of the Code of Virginia;
 - viii) 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;
 - ix) Individual 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; or
 - x) Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

4) REQUESTS OF MINIMAL TIME AND COST: If the Association concludes that a request submitted by a Member involves a minimum amount of time and cost to the Association, it may waive any of the above requirements. For the purposes of this Resolution, "minimal requests" shall include requests for copies of:

- a) Approved minutes or highlights of the most recent meeting of the Board or membership meeting;
- b) Approved minutes or highlights of the most recent meeting of any Committee;
- c) The Association's current annual operating budget;

- d) The Association's most current financial management report;
- e) The Association's most recent annual audit;
- f) The Association's most recent income tax forms; or
- g) The file of the requesting member.

5) MISCELLANEOUS

- a) Members may appeal any decision made under this policy to the full Board, provided that the Member files a written appeal of the decision within 30 days of the date of the decision. The Board will hear and resolve the appeal.
- b) The Association shall not have any obligation to create documents in response to any Member's request for records.
- c) This Resolution does not apply to the records of individual Board or Committee members involved in the performance of their responsibilities or authorities.
- d) The Board shall have the right to amend the cost schedule attached hereto as Exhibit A without having to amend the entire Resolution.

6) RESALE DISCLOSURE PACKET. A copy of this Resolution shall be included as an attachment to Association-issued resale certificates or disclosure packets.

RESOLVED and adopted by the Board of Directors for the Park West Community Association at a duly convened meeting held on SEPTEMBER 20TH, 2016 and incorporated into the Book of Resolutions of the Association. This Resolution replaces Resolution 13-01 earlier approved on October 8, 2013 by said Board of Directors.

By: Mark J C Griffin 6 OCT 16
Mark Griffin, President of the Board of Directors DATE

Attest: J Murphy 6 Oct 16
Joan Murphy, Secretary of the Board of Directors DATE

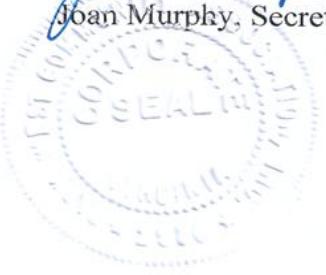


Exhibit A
(Policy Resolution 16-04)

Cost Schedule for Copying and Examining Association Records
(current as of August 16, 2016)

Attachment A of the current Community Management contract is the source document for the rates specified herein. The contract rates specified herein are accurate as of the date specified above in this Exhibit.

Rate for Processing Costs

Rates are based as follows:

Management Company Executive - \$175.00 per hour
Team Leader - \$125.00 per hour
Community Manager - \$85.00 per hour
Bookkeeping Support - \$60.00 per hour
Maintenance - \$50.00 per hour
Administrative Staff - \$40.00 per hour

Rate for Custodial Services Costs

Rates are based as follows:

Management Company Executive - \$175.00 per hour
Team Leader - \$125.00 per hour
Community Manager - \$85.00 per hour
Bookkeeping Support - \$60.00 per hour
Maintenance - \$50.00 per hour
Administrative Staff - \$40.00 per hour

The charges shall be billed at 15 minute increments.

Copies shall be billed at a rate of **\$0.18** per page

Mailing costs shall be billed at any actual rate imposed by the U.S. Postal Service for standard first class mailing, unless the Member requests an alternative mailing method. If an alternative mailing method is requested, all actual rates imposed by the requested carrier shall be billed directly through to the requesting party.

**Exhibit B
(Policy Resolution 16-04)**

**PARK WEST COMMUNITY ASSOCIATION, Inc.
REQUEST TO EXAMINE AND COPY BOOKS AND RECORDS**

MEMBER NAME: _____ **DATE:** _____

ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL: _____

I hereby request the Association to provide me with thhe right to examine and copy the books and records of the Association, subject to the procedures stated in Resolution 16-04.

1) The books and records that I wish to examine or copy are:

a) _____

b) _____

c) _____

d) _____

2) I certify that my request is not for commercial purposes or my personal financial gain. The purpose of my request is as follows:

3) Please state whether you wish to examine the Association's books and records at the Association's management office: **YES** _____; **NO** _____. If you select "NO", the managing agent will presume that you are seeking copies of the books and records requested above.

4) I acknowledge that my rights to examine the Association's books and records are subject to the procedures set forth in Resolution 16-04, which, by this reference, is incorporated herein.

MEMBER SIGNATURE: _____ **DATE:** _____