



82 East Coach Drive, Antonito, Colorado, 81120

**BCLOA Policy/Procedure Resolution**  
*(supersedes and replaces Records Policy and  
Email Communications dated October 11, 2019 in its entirety)*

**RECORDS POLICY AND EMAIL COMMUNICATIONS  
POLICY AND PROCEDURE**  
**POLICY #2022-3**  
**Adopted 4-30-2022**  
**Effective 5-15--2022**

In compliance with the Colorado Common Interest Ownership Act, the Board of Directors desires to adopt a uniform and systematic records inspection policy. The Board of Directors further wishes to adopt a policy regarding email communications. The Association hereby adopts the following policies and procedures for records inspection and email communications:

The Board Director or individual responsible for maintaining the particular record(s) is annotated after each item, i.e., President, Treasurer, Secretary, Committee Chairperson, etc. The individual responsible for maintaining the record(s) shall make them available to the Secretary in a timely manner for filing, storing, posting on the website, or other disposition as required and appropriate.

**I. Records**

- A.** In addition to any records specifically required by the Association's declaration or bylaws, the Association shall maintain the following records:
1. Detailed records of receipts and expenditures affecting the operation and administration of the Association for a period of seven years (*Treasurer*);
  2. Records of claims for construction defects and amounts received pursuant to settlement of those claims (*Secretary*);
  3. Minutes of Membership meetings including Annual meetings, minutes of Board meetings, a record of all actions taken by the Members or Board without a meeting (i.e., by written ballot or written consent in lieu of a meeting), and a written record of all actions taken by a committee of the Board (*Secretary, Committee Chairperson to provide written reports*);
  4. Written communications among, and the votes cast by, Board members that are directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws or Colorado law, including email communications as described in Section II.A.2 (*Secretary*);
  5. Names of Members in a form that permits preparation of a list of names and physical mailing addresses of all Members, showing the number of lots for which each Member is entitled to vote; (*Secretary*);
  6. Current articles of incorporation, declaration, covenants, bylaws, rules and regulations, responsible governance policies required pursuant to Colorado law, and any other policies adopted by the Board (*Secretary*);
  7. Annual financial statements for the prior three years (*Treasurer*);
  8. Quarterly financial reports, to the extent available, showing, in reasonable detail, the Association's assets and liabilities and results of its operations for the current and prior

- year (*Treasurer*);
9. Tax returns for the prior seven years, to the extent available (*Treasurer*);
  10. List of the names, physical mailing and email addresses of its current directors and officers (*Secretary*);
  11. Association's most recent annual report filed with the Secretary of State (*Treasurer*);
  12. Financial records sufficiently detailed to enable the Association to provide statements of unpaid assessments in accordance with Colorado Common Interest Ownership Act (*Treasurer*);
  13. Association's most recent reserve study, if any (*Treasurer*);
  14. Current written contracts to which the Association is a party (*President, Secretary*);
  15. Written contracts for work performed for the Association within the immediately preceding two years (*President, Secretary*);
  16. Records of Board or committee actions to approve or deny design or architectural approval requests from Members (*Architectural Committee maintains and files*).
  17. Ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate (*Secretary*);
  18. Resolutions adopted by the Board concerning characteristics, qualifications, rights, limitations, and obligations of Members (*Secretary*);
  19. Written communications within the prior three years from the Association to Members;
  20. A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association (including those of any management company) in connection with the purchase or sale of a unit and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessment due; and
  21. The following additional information as required by C.R.S. 38-33.3-209.4 will be kept and made available:
    - a. The name of the Association's designated agent or management company, if any;
    - b. A valid physical address and telephone number for both the Association and manager or management company, if any;
    - c. The name of the common interest community;
    - d. The initial date of recording of the Declaration;
    - e. The reception number or book and page for the Declaration;
    - f. Date on which the fiscal year commences (*Treasurer*);
    - g. Operating budget for the current fiscal year (*Treasurer*);
    - h. The Association's current assessments per lot and any special assessments (*Treasurer*);
    - i. Annual financial statements, including any amounts in reserve, for the fiscal year immediately preceding the current annual disclosure (*Treasurer*);
    - j. Results of the most recent available financial audit or review, if any (*Treasurer*); and
    - k. List of all Association insurance policies, including company names, policy limits, policy deductibles, additional named insureds, and expiration dates. The insurance policies themselves will also be kept and made available. (*1<sup>st</sup> or 2<sup>nd</sup> Vice President*).

The foregoing records shall be the sole records of the Association. If the Association stores other types of documentation, or stores documentation for a longer time period than may be required above, such documents shall not be considered records of the Association.

- B.** The records set forth in Paragraph A, with the exception of any records that are protected and not subject to inspection, shall be made reasonably available upon written request for inspection and copying by a Member or the member's authorized agent. "Reasonably available" means available during normal business hours after written request of at least 10 days or at the next regularly scheduled Board meeting if the meeting occurs within thirty days after the request.

The written request shall describe the records sought with reasonable particularity. The Board may require that requests be submitted on the form attached to this policy. Records posted on the Bear Creek Website are available for inspection at all times. Members may read and copy those directly from the website and may not request hard copies.

- C.** No Member may use Association records, or allow Association records to be used, for commercial purposes.
- D.** The membership list may not be used:
1. To solicit money or property unless such money or property will be used solely to encourage Members to vote in an election held by the Association;
  2. For any commercial purpose;
  3. For sale or distribution to, or purchase by, any person;
  4. For any purposes unrelated to the Member's interest as a Member; or
  5. For any purpose prohibited by law.
- E.** Pursuant to Colorado law, the following records may be withheld from inspection and copying to the extent that such records are or concern:
1. Architectural drawings, plans, and designs, unless the legal owner of such drawings, plans or designs provides written consent to the release to the Architectural Committee;
  2. Contracts, leases, bids or records related to transactions to purchase or provide goods or services that are still in or under negotiation or the content of which is confidential, competitive information of the author or submitter or source of the records, such as business plans of service providers;
  3. Communication with legal counsel protected by the attorney work product doctrine;
  4. Disclosure of information in violation of law;
  5. Records of an executive session of the Board; and
  6. Records related to an individual Lot other than that of the Member who seeks the records.

If such records are made available for inspection, the procedure set forth in paragraph 1.B. shall apply.

- F.** Pursuant to Colorado law, the following records are not subject to review, inspection and/or copying and will be withheld from any inspection:
1. Personnel, salary, or medical records related to specific individuals.
  2. Personal identification of members including owners' names, telephone numbers, electronic mail addresses, driver's license numbers, social security numbers; and vehicle identification information.

Notwithstanding the limitations above, an Owner or resident may provide the Association

with prior written consent to the disclosure of, and the Association may publish to other Owners and residents, the person's telephone number, electronic mail address, or both. Such permission must be given in writing by the Owners using the attached form. Absent such permission, the Board will maintain Owner records sufficient to allow billing of assessments and other administrative matters required of the Board.

- G. Upon receipt of a request, the Association shall make an appointment with the Member, at a time convenient to both parties (subject to the requirements of Paragraph 1.B above), to conduct the inspection. Unless otherwise agreed, all records shall be inspected at the maintenance building/office. All appointments for inspection will be limited to two hours. If additional time is needed, another appointment will be made within two weeks, at a time convenient to both parties.
- H. At the discretion of the Board of Directors, records will be inspected only in the presence of a Board member, or other person designated by the Board.
- I. During inspection, an Owner may designate pages to be copied with a paperclip, post-it-note, or other means provided by the Association. Copies will be made at a cost based on the standard schedule of fees charged by the Association, which charges shall include reasonable retrieval costs for off-site files or for any other necessary special processing. The Owner shall be responsible for paying the total copying cost prior to receiving the copies.
- J. Records may not be removed from the office.
- K. Nothing contained in these policies shall be construed to require the Association to create records that do not exist or compile records in a particular format or order.
- L. The Association may pursue any Owner for damages or injunctive relief or both, including reasonable attorney fees, for abuse of inspection and copying rights, including use of any records for a commercial purpose.

## **II. Email Communication**

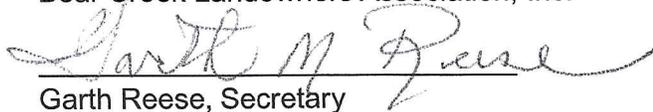
- A. The Association's Board of Directors recognizes the limitations involved with email correspondence, and, due to the increased burden on the Board posed by email correspondence, the Association enacts the following policies and procedures;
  - 1. **Separate email addresses:** Board members have established the following email addresses for Association business:
    - a. **President:** [bearcreekloa.president@gmail.com](mailto:bearcreekloa.president@gmail.com)
    - b. **1<sup>st</sup> Vice President:** [bearcreekloa.firstvicepresident@gmail.com](mailto:bearcreekloa.firstvicepresident@gmail.com)
    - c. **VP Community Affairs:** [bearcreekloa.vpcommunityaffairs@gmail.com](mailto:bearcreekloa.vpcommunityaffairs@gmail.com)
    - d. **Treasurer:** [bearcreekloa.treasurer@gmail.com](mailto:bearcreekloa.treasurer@gmail.com)
    - e. **Secretary:** [bearcreekloa.secretary@gmail.com](mailto:bearcreekloa.secretary@gmail.com)
  - 2. These email addresses will be used for each board position regardless of the person filling the position. If a board member changes office, he or she will assume the use of the appropriate email address for the office. The former office holder will coordinate the transfer of the email password, which shall then be changed by the new office holder. Board members shall use these email address exclusively for Association business.
  - 3. **Board action taken outside of meeting via email:** The Board shall endeavor to limit action outside of a meeting. Nevertheless, if action must be taken between Board meetings, by taking a vote through the use of email, the Board may do so in accordance with Bear Creek Policy 2011-#11-2, Policy for Action Taken Outside of a

Board Meeting. The purpose of this procedure is to assist the Secretary in determining which email correspondence relates to actions taken outside of a meeting. Failure to strictly follow this procedure will not negate or invalidate the action.

4. Parties to be included in email communications: All Board members should be included in any email discussion regarding Association business that is to be handled by the Board as a whole. Communications regarding matters that do not require a Board vote and relate to matters delegated to fewer than all of the Board members may be limited appropriately. Such matters should be reported to the full Board at the next Board meeting.
5. Retention and purging of email records: Except as required by Paragraph I.A.4 above and except with regard to matters related to anticipated or pending litigation, email communications may be purged after three years. Email relating to anticipated or pending litigation must be retained for three years following the date on which the matter has been finally decided or settled and all appeal rights of any party thereto have expired.
6. Email communication between Board members and Owners: No individual Board member is authorized to speak for the Board as a whole without authorization from the Board. Members who submit an inquiry to an individual Board member shall be encouraged to submit their concerns and/or questions to the Association's Secretary for inclusion on the agenda for the next Board meeting (refer to Bear Creek Policy 2012-#12-1, Conduct of Board Meetings). The Board as a whole will then consider the issues that have been properly included on the agenda. The Board may designate a person to respond to the Owner on behalf of the Board as a whole.

SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Land Owners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Policy and Procedure Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on \_\_\_\_\_, 2022. In witness thereof, the undersigned has subscribed his/her name.

Bear Creek Landowners Association, Inc.

  
Garth Reese, Secretary

AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS BEAR CREEK  
LANDOWNERS ASSOCIATION, INC.

I, the undersigned, have requested to inspect and/or obtain copies of the records of the Bear Creek Landowners Association, Inc., that are described in the list attached hereto, in which each record is described specifically and numbered for ease of reference.

I understand that under the terms of the Colorado Revised Nonprofit Corporation Act, Association records may not be obtained or used for any purpose unrelated to my interests as an Owner. I further understand and agree that, without limiting the generality of the foregoing, Association records may not be used for any of the following purposes:

- (i) To solicit money or property unless such money or property will be used solely to encourage Owners to vote in an election held by the Association;
- (ii) For any commercial purpose;
- (iii) For sale to, distribution to, or purchase by any person;
- (iv) For any purpose prohibited by law; or
- (v) For any purpose not related to the reason specified in this Agreement.

In the event any document requested is used for any purpose other than that stated above, I will be responsible for any and all damages, penalties, and costs incurred by the Association, including attorney fees resulting from such improper use. I will additionally be subject to any and all enforcement procedures available to the Association through its governing documents and Colorado law.

Understood and agreed to by:

\_\_\_\_\_  
Property Owner

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

\_\_\_\_\_  
Property Owner

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

Address: \_\_\_\_\_

\_\_\_\_\_

File: BCLOA Records

BEAR CREEK LANDOWNERS ASSOCIATION  
MEMBERSHIP DIRECTORY INFORMATION

Owner(s) Names: \_\_\_\_\_  
Lot Number(s): \_\_\_\_\_  
Address(es): \_\_\_\_\_  
    Bear Creek: \_\_\_\_\_  
    Permanent Residence: \_\_\_\_\_  
Telephone Number(s): \_\_\_\_\_  
Email Address(es): \_\_\_\_\_  
\_\_\_\_\_

**\*Lot Numbers will continue to be shown in all cases.**

1. *Your Permission to Include the Following Information in the Published Association Directory Please Check Yes or No.*

Include Owner(s) Names:	<b>YES ( )</b>	<b>NO ( )</b>
Include Address(es):	<b>YES ( )</b>	<b>NO ( )</b>
Include Telephone Number(s):	<b>YES ( )</b>	<b>NO ( )</b>
Include Email Address(es):	<b>YES ( )</b>	<b>NO ( )</b>

2. *Permission for the **Board** to Correspond with you by Email regarding Business related to the Association: YES ( ) NO ( )*

3. *Permission for **other members** to correspond with you by using the email addresses published in the Member's Directory about:*

- a. Any item of personal interest to the member. **YES ( ) NO ( )**
- b. Any member's personal position on Issues related to actions being proposed or discussed a by the Board, or complaints about the Board or a Board member.  
**YES ( ) NO ( )**
- c. A member's personal position on Issues related to an election of Directors.  
**YES ( ) NO ( )**

Be advised, the Board is not required to consider the content of member-to-member emails. Issues you personally want the Board to consider should be sent directly to the Board of Directors.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We understand that under the terms of the Colorado Revised Nonprofit Act, the Bear Creek Landowners Association records may not be obtained or used for any purpose unrelated to my interests as an Owner.

Understood and agreed to by:

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

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

**Please notify the Board of any future changes in your contact information or with regard to your response to this document.**

File: BCLOA Records.