

**POLICY RESOLUTION NO. 2013-2**

**of the**

**Board of Directors**

**of**

**Penn Forest Place Homeowners Association**

**Records Review Cost Schedule**

**WHEREAS**, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2012, to allow the association to impose and collect a charge, reflecting reasonable costs of materials and labor; and

**WHEREAS**, Section 55-510.D states the "Charges may be imposed only in accordance with a cost schedule adopted by the executive organ," and;

**WHEREAS**, Section 55-510.B lists the records that are considered Official Records of Penn Forest Place Homeowners Association; and

**WHEREAS**, it is the intent of the Board to establish procedures for the Association that meet the requirements of Section 55-510 of the Virginia Code as the same may be amended and/or supplemented from time to time; and

**WHEREAS**, the Board of Directors will provide notice of this policy to all current owners by mailing a copy of this Resolution to current owners and to all future owners by including the Resolution in the resale disclosure packages prepared pursuant to Section 55-509.4 and Section 55-509.5 of Virginia Code; and

**WHEREAS**, this Resolution shall remain in full force and effect until the CIC Board adopts any applicable regulations pursuant to Section 55-510 or until amended by further resolution of the Board, whichever first occurs.

**NOW THEREFORE**, the Board of Directors of Penn Forest Place Homeowners Association does hereby adopt this Resolution in order to adopt the following Cost Schedule for Reviewing Association Records:

1. The Official Records of Penn Forest Place Homeowners Association shall be maintained at the following location: Hall Associates, Inc., 2800 Keagy Road, Roanoke, Virginia, 24018 or another record keeping location approved by the Penn Forest Place Homeowners Association Board of Directors at a regular Board meeting.
2. The records are open for inspection and available for photocopying by Members of the Association or their authorized agents.

3. The request of a member or authorized agent to inspect the Official Records of the Association must be in writing and must provide contact information for the requesting member to the Association's managing agent for scheduling purposes. Failure to include contact information may result in the Managing Agent's inability to schedule the inspection. The request must be mailed to the Association via Certified Mail, Return Receipt Requested, in care of the Managing Agent.
4. After receipt of a request for inspection of records, the Managing Agent will contact the requesting owner within five (5) business days to schedule a mutually convenient time for the records to be made available for inspection. The records should be made available for inspection within fifteen (15) business days of the receipt of the request for inspection of records.
5. After the initial inspection, if the records inspection is not completed by the inspecting party, the records will again be made available for inspection for one (1) eight (8) hour day, thirty (30) days after the initial inspection takes place.
6. The member that requests the inspection must be in attendance at the records inspection. The member is allowed to bring one additional member or an authorized agent. Non members and non attorneys who are not members or authorized agents of the association may not attend the inspection. No more than two (2) persons are permitted to inspect the records requested to be inspected at that time.
7. If a member requests that copies be made, the Association will have the pages copied at fifteen cents (.15) per page for black and white copies and forty-one cents (.41) per page for color copies, at that time, by the management company, Hall Associates. The member and/or the member's authorized agent, must pay, in advance, for the records being copied.
8. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for compiling copies of any information requested by unit owners. This charge will then be billed to the owner by the association. This includes, but is not limited to, copies of financials, correspondence, contracts, additional copies of minutes, insurance information, etc. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.
9. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for being present and assisting with questions while documents are reviewed within the office of the managing agent by the requesting owner. This charge will then be billed to the owner by the association. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.
10. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for preparing information for public viewing for the requesting owner. This charge will then be billed to the owner by the association. This includes but is not limited to removing any unit owner specific

information from financial reports, architectural requests, landscaping change requests, correspondence, meeting notes, etc. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.

11. There is a thirty-five dollar (\$35) Non-Sufficient Fund fee charged to all unit owners whose check is returned for insufficient funds.

### **Records Not Available For Inspection**

The following records are not available for inspection and copying by members or their authorized agents:

1. Any record protected by the attorney/client privilege or as outlined in Section 55-510.C of the Virginia Code:
  - 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 or under negotiation;
  - c. Pending or probable litigations. Probable litigation means those instances where there has been a specific threat of litigation from a party of the legal counsel of a party;
  - d. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive organ;
  - e. Communications with legal counsel which related to subdivisions 1 through 4 or which is protected by the attorney-client privilege or the attorney work product doctrine;
  - f. Disclosure of information in violation of law;
  - g. Meeting minutes or other confidential records of an executive session of the executive organ held pursuant to subsection C of Section 55-510.1;
  - h. Documentation, correspondence or management or executive organ reports compiled for or on behalf of the unit owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; or
  - i. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.
2. Disciplinary, health, insurance, and personnel records of the Association's employees.
3. Medical records of owners or community residents.

Penn Forest Place Homeowners Association

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2013-2

Pertaining to: CICB-Mandated Records Review Cost Schedule

Duly adopted by the Board of Directors of the Association on Oct. 28, 2013.

Motion by: Dettart Seconded by: Westervelt

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
<u>Westervelt</u>	Director	<input checked="" type="checkbox"/>			
<u>Moran</u>	Director	<input checked="" type="checkbox"/>			
<u>Dettart</u>	Director	<input checked="" type="checkbox"/>			
<u>Dudley</u>	Director	<input checked="" type="checkbox"/>			
<u>Albert</u>	Director	<input checked="" type="checkbox"/>			
	Director				
	Director				

Attest:  (Officer)

Date: 10-28-13

Resolution effective as of date distributed to owners.