

**SOUTH RIDING PROPRIETARY
POLICY RESOLUTION #2001-2
Amended June 2016
Access to Association Books and Records**

WHEREAS, Article 4, Section 1 (4) of the Bylaws for South Riding Proprietary (“Association”) empowers the Board of Directors (“Board”) to adopt and amend reasonable rules and regulations not inconsistent with the Association Documents;

WHEREAS, Article 9, Section 2 of the Bylaws, Section 13.1-933 of the Virginia Nonstock Corporation Act and Section 55-510 of the Virginia Property Owners Act (“Act”) provide that so long as the request is for a proper purpose related to his/her membership in the Association, all books and records kept by or on behalf of the Association shall be available for examination and copying by a member in good standing or his/her authorized agent; and

WHEREAS, for the benefit and protection of all owners, the Board deems it desirable to adopt a policy resolution to clarify rights and procedures for access to Association books and records.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors, on behalf of the Association hereby adopts the following rules and regulations governing access to the Association’s books and records as follows:

I. Definitions

- a. Member NOT in good standing - a current lot owner who is more than thirty (30) days past due in the payment of assessments or has been found by the Covenants Committee or Board, after notice and hearing to be in violation of any provision of the Association Documents or Rules and Regulations.
- b. Authorized agent – One who is authorized to act for or in place of another; a representative of a Lot Owner. The Association shall require written verification of Lot Owner designation of an authorized agent.
- c. Proper Purpose - A purpose which does *not* include pecuniary gain or commercial solicitation.

II. Book and Records Available to Examine or Copying

- a. Subject to the provisions of Section 55-510.C of the Act and this Resolution, 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 shall be available for examination and copying by a member in good standing or the authorized agent of a member in good standing, including but not limited to:
- i. The Association's membership list and addresses; and,
 - ii. The actual salary of the six (6) highest paid compensated employees of the Association earning over \$75,000 and aggregate salary information of all other employees of the Association.

III. Books and Records Not Available to Examine or Copy

Books and records kept by or on behalf of an Association may be withheld from examination or copying to the extent that they concern:

- 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 negotiations;
- c. Pending or probable litigation;
- d. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Association Documents or Rules and Regulations;
- e. Communications with legal counsel 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 Board held pursuant to Section 55-510.1.C of the Act;

- h. 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
- i. 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.

IV. Procedures for Requesting, Examining and copying Books and Records

- a. Requests to examine and copy Association books and records must be made by a member in good standing, in writing to the Association Staff, at least ten (10) business days in advance and must reasonable 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;
- b. Upon receipt and review of a request, The Association's Manager on behalf of the Board will schedule, with the member, a mutually convenient time during reasonable business hours at the principal office of the Association;
- c. Prior to providing copies of any Association books and records, the Association may impose and collet a charge, reflecting the reasonable costs of materials and labor associated with compiling and copying the requested 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;
- d. Electronic renderings will not be provided; and,
- e. The Board may periodically adopt and implement an updated cost schedule to replace the existing cost schedule attached as Exhibit 2 to this Resolution.

**SOUTH RIDING PROPRIETARY
RESOLUTION ACTION RECORD**

Resolution Type: Policy #2001-2 Amended June 2016

Pertaining to: Access to Association's Books and Records

Duly adopted at a meeting of the Board of Directors held June 2, 2016

Motion by:

Seconded by:

VOTE

| | <u>YES</u> | <u>NO</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|--------------|------------|-----------|----------------|---------------|
| Mr. Turner | X | | | |
| Mr. Fisher | X | | | |
| Ms. LaClare | X | | | |
| Mr. Ubelhart | X | | | |
| Mr. Lange | X | | | |
| Mr. Smith | X | | | |
| Ms. Walker | X | | | |

ATTEST:



Secretary

Aug 04 2016

Date

FILE:

Book of Minutes-2016

Book of Resolutions: 2016

Resolution effective date: August, 1 2016

EXHIBIT 2

**SOUTH RIDING PROPRIETARY
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**Cost Schedule for
Examination and Copies of Association Books**

- I. Meeting and examination time
 - \$40.00- \$80.00 per hour based on staff member

- II. Copies of Association books and records
 - \$0.50 per page

EXHIBIT 1

**SOUTH RIDING PROPRIETARY
REQUEST TO EXAMINE AND COPY ASSOCIATION BOOKS AND
RECORDS**

Requesting Member

Member Name: _____

South Riding Property Address: _____

Mailing Address: _____

(If different)

Phone: _____

Email Address: _____

Nature of Request

Specific Association books and records request to examine or copy:

Is a copy of these documents requested ___ YES ___ NO

Purpose of the request:

Member acknowledgement

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

*The Association Staff will contact the member within 10 days of receipt of this request.