

FRESHWATER ESTATES PROPERTY OWNERS ASSOCIATION  
ADMINISTRATIVE RESOLUTION No. 05-2013  
(As amended March 30, 2019)

Process for Requesting Access to Association Books and Records

**WHEREAS**, the Code of Virginia, Chapter 26, Property Owners Association Act (Act), requires compliance by Freshwater Estates Property Owners' Association (FEPOA), with Title 55, Section 510, access to association records and meetings of the Board of Directors (hereafter referred to as Board). To this end, FEPOA shall keep detailed records of receipts and expenditures affecting the operation and administration of the Association by its elected Board and in accordance with generally accepted accounting practices;

The Act provides the right of examination is restricted to members in good standing without reference to the duration of membership and may be exercised (i) only during reasonable business hours at a mutually convenient time and location and (ii) upon five days written notice reasonably identifying the purpose for the request and the specific books and records of the Association requested;

**WHEREAS**, Section 55-510(C) provides that certain books and records kept by or on behalf of the Association may be withheld from examination or copying to the extent that they concern;

- Members *not in good standing* if the member is delinquent of any assessment to the Association or has been found by the Board, after notice and hearing, to be in violation of the governing documents or rules and regulations,
- Personnel matters relating to specific identified persons or person's medical records;
- Contracts, leases and other commercial transactions to purchase or provide goods or services currently in or under negotiation;
- 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;
- Matters involving state or local administration or other formal proceedings before a government tribunal for enforcement of the Association documents or rules and regulations; promulgated pursuant to § 55-513
- Communications that relate to above bulleted items in this section, or that are protected by the attorney-client privilege or the attorney work product doctrine;
- Disclosure of information in violation of law;
- Meeting minutes or other confidential records of an Executive Session of the Board held pursuant to Section 55-510.1(C) of the Act;
- 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; or

- Individual lot owner or member files, other than those of the requesting lot owner, including any individual owner's or member's files kept by or on behalf of the Association.
- Books and records kept by or on behalf of an association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.
- Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof. Charges may be imposed only in accordance with a cost schedule adopted by the Board in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.
- Notwithstanding the provisions of subsections B and C of the Act, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the Board in the discharge of his duties as a director.
- Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board hereby establishes the following procedure for use in the event that a member requests to examine and copy Association books and records except where noted.

- Requests must be made in writing using the **FEPOA Request for Records Form**, at least five business days in advance, and must reasonably identify the purpose for the request and specify the Association books and records requested. Completed request forms shall be sent via US Mail to FEPOA, Box 73, Mineral, VA 23117. A request form is attached to this Memorandum.
- Requests will be received by the Board Secretary who will contact the member to arrange a mutually convenient time and place during reasonable business hours for the member to inspect non-restricted books and records.

- The FEPOA Board has approved the following cost schedule:

On-Site Secretary or other Board member.....\$20.00/hour  
(Billed in 15minute increments)

Copies..... \$ .50/page

The Board may amend charges as reflected in the cost schedule when deemed necessary to do so.

Date 3/30/2019

Paula J Staub, President

Attest:

Jacky Murphy, Treasurer  
William Blanchard, Infrastructure  
Duane C. Sergent, Web Manager

I hereby certify a vote was taken and the Resolution above was adopted by a vote of two-thirds of the Board at the meeting of the Board on the 30<sup>th</sup> day of March 2019.

Steve Grill, Secretary

Minutes dated 3/30/19