

# West Eugene Village Resolution Association Recordkeeping and Inspection Policy

## **Recital**

**Whereas** the Board of Directors has the right and duty to adopt administrative policies;

**And whereas** the Board of Directors desires to adopt a set of uniform and systematic rules which provide clarification for the Association's obligations with respect to recordkeeping and the Owner's rights with respect to inspection and copying of those records.

**Therefore**, be it resolved that the attached Association Recordkeeping and Owner Inspection Policy and accompanying forms be incorporated into the West Eugene Village Book of Resolutions.

# **West Eugene Village, Inc.**

## **Association Recordkeeping and Inspection Policy**

The Board of Directors, in developing this Association Recordkeeping and Inspection Policy relied on the provisions of ORS 94.670 of the Oregon Planned Community Act and ORS 65.771 of the Oregon Revised Statutes to provide clarification for the Association's obligations with respect to recordkeeping and the Owner's rights with respect to inspection and copying of those records.

The Association hereby adopts the following policies and procedures for recordkeeping and record inspection:

1. The Association shall maintain the following records:
  - A. Detailed records of receipts and expenditures affecting the operation and administration of the Association;
  - B. Minutes of Membership meetings, of Board meetings, and a record of all actions taken by the Members of the Board without a meeting (i.e., by written ballot or written consent in lieu of a meeting);
  - C. The names of Members in a format that permits preparation of mailing labels which lists the names and physical addresses of all Members and shows the number of votes each Member is entitled to vote ("Membership list");
  - D. The current articles of incorporation, declaration, bylaws, rules and regulations, and any other resolutions adopted by the Board;
  - E. Annual financial statements for the past three years;
  - F. Financial statements showing the Association's assets and liabilities and results of its operations for the past five years;
  - G. Tax returns for the past five years;
  - H. A list of the names, phone numbers and physical mailing addresses of the current directors and officers;
  - I. The most recent annual report delivered to the Secretary of State;
  - J. The Association's most recent reserve study, or summary thereof;
  - K. Current written contracts to which the Association is a party;
  - L. Written contracts for work performed for the Association within the immediately preceding five years;
  - M. Records of Board or committee actions to approve or deny design or architectural approval from Members;
  - N. Ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate;
  - O. Written communications within the past three years to Members generally as Members.
  - P. HOA insurance policies for the past five years.

These 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 may not be considered records of the Association.

1. The records set forth in Paragraph 1 shall be made reasonably available for inspection and copying by a Member or the Member's authorized agent during convenient business hours. This means available during normal business hours after prior written request of at least 7 days. All requests must be submitted on the form attached to this policy.
2. No Member may use, or allow Association records to be used, for commercial purposes.
3. In addition, a Membership list may not be:
  - A. used to solicit money or property;
  - B. used for any commercial purpose;
  - C. sold to or purchased by any person;
  - D. used for any purposes unrelated to the Member's interest as a Member; or
  - E. used for any other purpose prohibited by law.

Any Member requesting a Membership list shall be required to sign the agreement attached to this policy indicating that he or she will not use the list for the purposes stated above.

4. The following records may be withheld from inspection and copying to the extent that such records are, or concern:
  - A. Architectural drawings, plans, and designs, unless the legal owner of such drawings, plans, or designs provides written consent to the release;
  - B. Contracts, leases, bids or records related to transactions to purchase or provide goods or services that are still in or under negotiation;
  - C. Communication with legal counsel protected by the attorney-client privilege;
  - D. Disclosure of information in violation of law;
  - E. Records of an executive session of the Board; and
  - F. Records related to an individual Lot other than the Member's.
5. The following records are not subject to review, inspection and/or copying and will be withheld from any inspection:
  - A. Personal identification and account information of Members, including:
    1. bank account information
    2. telephone numbers
    3. electronic mail address
    4. driver's license numbers
    5. social security numbers
    6. vehicle identification information

C. Board or Committee member's working papers, personal papers and electronic mail on personal accounts. These items are not considered association records.

7. Upon receipt of a request, the Association shall make an appointment with the Owner, at a time convenient to both parties (subject to the requirements of Paragraph 2 above), to conduct the inspection. All appointments for inspection will be limited to 4 hours. If additional time is needed, another appointment will be made within 10 days, at a time convenient to both parties.

8. 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.

9. 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 to Association owners. The Owner shall be responsible for paying the total copying cost prior to receiving the copies.

10. 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.

11. 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.

This Recordkeeping and Inspection Policy were adopted by resolution of the Board of Directors of the Association.

**West Eugene Village Inc. Homeowners Association, Inc.**  
**Request for Access to Association Records**

Owner Name: \_\_\_\_\_ Lot # \_\_\_\_\_ Date: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_

Pursuant to the Association's Recordkeeping and Inspection Policy, I hereby request that West Eugene Village Inc. provide access to the records of the Association. I understand that upon receipt of this request, the Association will set an appointment with me during regular business hours.

1. The records that I wish to review are (attach a separate piece of paper if necessary):

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

2. I acknowledge and accept the Association's records inspection policy. I acknowledge that the records of the Association will be made available to me only at such time and place as the Association's policy provides, and that there may be a cost associated with providing copies of these documents for me. I agree to pay any costs associated with copying these documents. In the event the records provided to me by the Association are used for any commercial purposes, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Oregon law.

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**West Eugene Village Inc. Homeowners Association, Inc.**  
Request for West Eugene Village Membership List

Owner Name: \_\_\_\_\_ Lot # \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

I have requested a copy of the Membership list for West Eugene Village, Inc. Association.  
This list shall be used only for the following purpose:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that under the terms of Oregon law, the Membership or voting list, or any portion thereof, may not be obtained or used for any purpose unrelated to my interests as a Member of the Association. I further understand and agree that the Membership list, or any portion thereof, may not be:

- A. Used to solicit money or property unless such money or property will be used solely to solicit votes of the Members in an election held by the Association;
- B. Used for any commercial purpose;
- C. Sold to or purchased by any person; or
- D. Used for any other purpose prohibited by law.

In the event the list is used for any improper purpose, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Oregon law.

Understood and agreed to this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by:

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