

**RESOLUTION 2012
OF
THE BOARD OF DIRECTORS
OF
MARINERS POINTE HOMEOWNERS ASSOCIATION**

(Policy for Records Inspection and Cost Schedule)

WHEREAS, all Owners of Lots in Mariners Pointe are Members of Mariners Pointe Homeowners Association (Owners and Members collectively referred to in this Resolution as “Members”); and

WHEREAS, the Association and all Members are subject to the provisions of Virginia’s Property Owners’ Association Act and Virginia’s Nonstock Corporation Act; and

WHEREAS, Section 55-510.B of Virginia’s Property Owners’ Association Act (“POAA”) authorizes Association Members to request examination and copying of books and/or records (“Records Request”) kept by or on behalf of the Association, *provided, however*, the request is for a proper purpose related to the Member’s membership in the Association, *provided, further*, Records Requests are subject to the limitations and exemptions set forth in the POAA as set forth more fully in this Resolution; and

WHEREAS, the Association is authorized to impose and collect a charge to respond to Records Requests; and

WHEREAS, effective July 1, 2012, the Association may impose and collect a charge to respond to Records Requests only in accordance with a cost schedule (“Cost Schedule”) adopted pursuant to Section 55-510 of the POAA; and

NOW THEREFORE, the Board of Directors of Mariners Pointe Homeowners Association (“Board”) does hereby adopt this Resolution in order to adopt the following Records Request procedures and Cost Schedule:

1. Cost Schedule: Pursuant to Section 55-510.D of Virginia’s Property Owners’ Association Act, the Association shall impose and collect a charge as follows for response to a Member’s Records Request, as defined in Section 2 below:
 - a. \$125.00 per hour, charged by the quarter hour, for the costs of labor to respond to the Member’s Records Request;
 - b. \$0.13 per page, for the cost of black and white copies, and \$0.20 per page, for the cost of color copies for the materials required to respond to the Member’s Records Request. Copies of documents larger in width and/or length than standard (8 1/2 x 11) copy paper and/or legal-sized paper shall be charged at a rate that

shall be determined by the Association in its discretion, but in no case shall the rate be greater than the actual copying cost thereof.

The cost schedule shall apply equally to all Association Members in good standing, and shall be provided to an Association Member submitting a Records Request at the time the Records Request is made.

2. Records Request Policy:

a. Pursuant to Section 55-510.B of the POAA, and subject to Section 55-510.C of the POAA and Section 3 below, and so long as the request is for a proper purpose related to a Member's 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 Member's authorized agent ("Records Request") including but not limited to:

(1) The Association's Membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and

(2) The actual salary of the six highest compensated employees of the Association earning over \$75,000, if any, and aggregate salary information of all other employees of the Association, if any; however, individual salary information shall not be available for examination and copying during the Declarant Control Period, if the Association is still in the Declarant Control Period.

b. The Board of Directors considers an Association Member in "good standing", and therefore eligible to submit and receive a response to, a Records Request, if the Member's financial obligation is current in accordance with the Association's Bylaws and/or Collections Policy.

c. 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 (5) days' written notice reasonably identifying the purpose for the request and the specific books and records of the Association requested.

3. Exemptions: Pursuant to Section 55-510.C of the POAA, books and records kept by or on behalf of the Association may, and hereby shall, be withheld from inspection and 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 negotiation;

c. 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;

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 promulgated pursuant to the POAA;

e. Communications with legal counsel that relate to subdivisions a. through d. or that are 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 of Directors;

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 in executive session; or

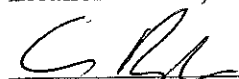
i. Individual Unit Owner or member files, other than those of the requesting Lot Owner, including any individual lot owner's or member's files kept by or on behalf of the association.

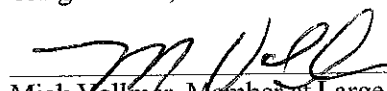
4. Section 55-510 of Virginia's Property Owners Association Act is attached hereto as Exhibit A to this Resolution.

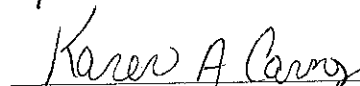
5. Association Records Request Form: The Association's Records Request Form shall be or shall be similar to the Form attached as Exhibit B to this Resolution.


IN WITNESS WHEREOF the Board of Directors of Mariners Pointe Homeowners Association has set their hands on this 16th day of June, 2020.


Eleanor Harrell, President


Craig Dodson, Treasurer


Mick Vollmer, Member at Large


Karen Carnes, Vice President


Guillermo Samuels, Secretary

SECTION 55-510.A through D OF
PROPERTY OWNERS' ASSOCIATION ACT (as of July 1, 2012)

§ 55-510. Access to association records; association meetings; notice.

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his 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 authorized agent including but not limited to:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and
2. The actual salary of the six highest compensated employees of the association earning over \$75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

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 days' written notice reasonably identifying the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;
2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
3. 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;
4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55-513;
5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;
6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55-510.1;

8. 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

9. Individual unit 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.

D. (Effective July 1, 2012) 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 of directors 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.

MARINERS POINTE HOMEOWNERS ASSOCIATION
Request for Access to Association Books and Records

Owner's Name: _____

Association Address: _____

Mailing Address: _____

Date: _____

Telephone Number: _____

Email Address: _____

I hereby request the Association provide access to the Association's books and records pursuant to Section 55-510 of Virginia's Property Owners' Act.

1. The books and records that I wish to review are ("Records Request"):

a. _____

b. _____

c. _____

Attach additional requests on separate sheets as necessary.

2. By my/our signature(s) below, I/we certify that my/our request to review the Association's books and records is for a proper purpose related to my/our Association membership, and if my/our request includes a request for an Association membership list and addresses ("Membership List"), the Membership List shall not be used for purposes of commercial gain or solicitation. Specifically, my/our reason(s) for wanting to review the books and records of the Association is as follows:

3. By my/our signature(s) below, I/we further acknowledge:

a. I/we have received and accept the Association's Policy for Records Inspections and Cost Schedule;

b. My/our Records Request will be made available at such time and place as the Association's policy provides;

c. There may be a cost associated with the Association's processing of the Records Request;

d. I/we agree to pay any costs associated with the Association's processing of the Records Request, including but not limited to the actual and reasonable costs of materials and labor; and

e. I/we may be required to pay for such costs prior to receipt and/or review of the completed Requests Request.

Member Signature

Date

Member's Printed Name

Member Signature

Date

Member's Printed Name

=====

This Block for Association Use Only:

Date Records Request Received by Association's Manager: _____

Records Request Received By: _____

Signature of Association Manager to certify Date Records Request Received:

Printed Name of Association Manager who received Records Request

Date Records Request Completed by Association's Manager: _____

Records Request Response Completed By:

Signature of Association Manager to certify Date Records Request Received:

Printed Name of Association Manager who received Records Request

Copies of all documents provided in response to this Records Request are attached.

A List of Documents provided in response to Requests Request: