

**RESOLUTION 2019
OF
THE BOARD OF DIRECTORS
OF
HERONS COVE CONDOMINIUM ASSOCIATION, INC.**

(Policy for Records Inspection and Cost Schedule)

WHEREAS, all Owners of Lots in Herons Cove are Members of Herons Cove Condominium Association, Inc. (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 55-79.74:1 of Virginia’s Condominium Act (“CA”) 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 CA 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 55-79.74:1 of the CA; and

NOW THEREFORE, the Board of Directors of Herons Cove Condominium Association, Inc. (“Board”) does hereby adopt this Resolution in order to adopt the following Records Request procedures and Cost Schedule:

1. Cost Schedule: Pursuant to Section 55-79.74:1.D of Virginia’s Condominium 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 55-79.74:1.B of the CA, and subject to Section 55-79.74:1.C of the CA 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 55-79.74:1.C of the CA, 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 CA;

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;

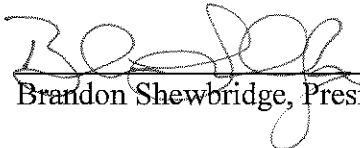
h. Documentation, correspondence or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or

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.

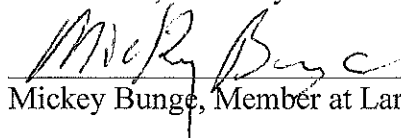
4. Condominium Act: Section 55-79.74:1 of Virginia's Condominium Act is attached hereto as Exhibit A to this Resolution.

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 Herons Cove Condominium Association, Inc. has set their hands on this 27 day of March, 2019.


Brandon Shewbridge, President

Chris Sural, Secretary


Mickey Bunge, Member at Large


Kenneth Young, Treasurer


Chris Stafford, Secretary


Stephanie Kokolis, Member at Large

SECTION 55-79.74:1.A through D OF
VIRGINIA'S CONDOMINIUM ACT (Effective July 1, 2012)

§ 55-79.74:1. Books, minutes and records; inspection.

A. The declarant, the managing agent, the unit owners' association, or the person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C and D, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices.

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including, but not limited to, the unit owners' association membership list, addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association, and not for pecuniary gain or commercial solicitation. 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 unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the unit owners' association's books and records or if such books and records 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 condominium instruments or rules and regulations promulgated by the executive organ;
5. Communications with legal counsel which relates to subdivisions 1 through 4 or which is 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 executive organ held pursuant to subsection C of § 55-79.75;

8. 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

9. 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.

D. Prior to providing copies of any books and records, the unit owners' 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 executive organ in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

ASSOCIATION NAME
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 55-79.74:1 of Virginia's Condominium 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 Completed

Printed Name of Association Manager who certified Date Records Request Completed

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

A List of Documents provided in response to Requests Request: