

POLICY RESOLUTION NO. 2012-13

of the

Board of Trustees

of

Colonial Green Homeowners Association

Records Review Cost Schedule

WHEREAS, the Code of Virginia, 1950, as amended (the "Virginia Code"), was amended by statute effective July 1, 2012, to allow the association to impose and collect a charge, reflecting reasonable costs of materials and labor; and

WHEREAS, Section 55-510.D states the "Charges may be imposed only in accordance with a cost schedule adopted by the executive organ," and;

WHEREAS, Section 55-510.B lists the records that are considered Official Records of Colonial Green Homeowners Association; and

WHEREAS, it is the intent of the Board to establish procedures for the Association that meet the requirements of Section 55-510 of the Virginia Code as the same may be amended and/or supplemented from time to time; and

WHEREAS, the Board of Trustees will provide notice of this policy to all current owners by mailing a copy of this Resolution to current owners and to all future owners by including the Resolution in the resale disclosure packages prepared pursuant to Section 55-509.4 and Section 55-509.5 of Virginia Code; and

WHEREAS, this Resolution shall remain in full force and effect until the CIC Board adopts any applicable regulations pursuant to Section 55-510 or until amended by further resolution of the Board, whichever first occurs.

NOW THEREFORE, the Board of Trustees of Colonial Green Homeowners Association does hereby adopt this Resolution in order to adopt the following Cost Schedule for Reviewing Association Records:

1. The Official Records of Colonial Green Homeowners Association shall be maintained at the following location: Hall Associates, Inc., 213 South Jefferson Street, Suite 1007, Roanoke, Virginia, 24011 or another record keeping location approved by the Colonial Green Homeowners Association Board of Trustees at a regular Board meeting.
2. The records are open for inspection and available for photocopying by Members of the Association or their authorized agents.

3. The request of a member or authorized agent to inspect the Official Records of the Association must be in writing and must provide contact information for the requesting member to the Association's managing agent for scheduling purposes. Failure to include contact information may result in the Managing Agent's inability to schedule the inspection. The request must be mailed to the Association via Certified Mail, Return Receipt Requested, in care of the Managing Agent.
4. After receipt of a request for inspection of records, the Managing Agent will contact the requesting owner within five (5) business days to schedule a mutually convenient time for the records to be made available for inspection. The records should be made available for inspection within fifteen (15) business days of the receipt of the request for inspection of records.
5. After the initial inspection, if the records inspection is not completed by the inspecting party, the records will again be made available for inspection for one (1) eight (8) hour day, thirty (30) days after the initial inspection takes place.
6. The member that requests the inspection must be in attendance at the records inspection. The member is allowed to bring one additional member or an authorized agent. Non members and non attorneys who are not members or authorized agents of the association may not attend the inspection. No more than two (2) persons are permitted to inspect the records requested to be inspected at that time.
7. If a member requests that copies be made, the Association will have the pages copied at fifteen cents (.15) per page for black and white copies and forty-one cents (.41) per page for color copies, at that time, by the management company, Hall Associates. The member and/or the member's authorized agent, must pay, in advance, for the records being copied.
8. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for compiling copies of any information requested by unit owners. This charge will then be billed to the owner by the association. This includes, but is not limited to, copies of financials, correspondence, contracts, additional copies of minutes, insurance information, etc. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.
9. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for being present and assisting with questions while documents are reviewed within the office of the managing agent by the requesting owner. This charge will then be billed to the owner by the association. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.

10. The Managing Agent will implement a forty dollar (\$40) per hour charge to the association for preparing information for public viewing for the requesting owner. This charge will then be billed to the owner by the association. This includes but is not limited to removing any unit owner specific information from financial reports, architectural requests, landscaping change requests, correspondence, meeting notes, etc. Payment will be due at the time of inspection. There is a minimum fifteen (15) minute billing charge. After the first fifteen (15) minutes, the unit owner will be billed in fifteen (15) minute increments.

11. There is a thirty-five dollar (\$35) Non-Sufficient Fund fee charged to all unit owners whose check is returned for insufficient funds.

Records Not Available For Inspection

The following records are not available for inspection and copying by members or their authorized agents:

1. Any record protected by the attorney/client privilege or as outlined in Section 55-510.C of the Virginia Code:
 - 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 litigations. Probable litigation means those instances where there has been a specific threat of litigation from a party of 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 condominium instruments or rules and regulations promulgated by the executive organ;
 - e. Communications with legal counsel which related to subdivisions 1 through 4 or which is 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 executive organ held pursuant to subsection C of Section 55-510.1;
 - h. 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
 - i. 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.

2. Disciplinary, health, insurance, and personnel records of the Association's employees.

3. Medical records of owners or community residents.

Colonial Green Homeowners Association

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2012-13

Pertaining to: CICB-Mandated Records Review Cost Schedule

Duly adopted by the Board of Trustees of the Association on Sept. 18, 2012.

Motion by: Meredith Jones Seconded by: Joyce Graham

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
<u>Eric Sallee</u>	Director/Trustee	✓			
<u>Meredith Jones</u>	Director/Trustee	✓			
<u>Joyce Graham</u>	Director/Trustee	✓			
	Director				

Attest: [Signature] (President)

Date: 9/25/2012

Resolution effective as of date of adoption.

POLICY RESOLUTION NO. 2012-12

**ASSOCIATION COMPLAINT PROCEDURES
(for resolving certain complaints from members and others)**

Whereas, pursuant to Section 55-530(E) of the Virginia Code, the Virginia Common Interest Community Board ("CICB") has promulgated final regulations imposing requirement that each common interest community (including condominiums, property owners' associations and cooperatives) adopt a reasonable procedure for the resolution of certain written complaints from the members of such association and other citizens; and

WHEREAS, within 90 days of the effective date of the CICB regulations, all common interest communities must adopt a complaint procedure that is compliant with the CICB regulations;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT the Colonial Green Homeowners Association ("Association"), acting through its Board of Trustees, hereby adopts and establishes the following CICB-mandated Association complaint procedure for handling written complaints concerning actions or inactions allegedly inconsistent with state laws and regulations governing common interest communities:

- A. **Definitions.** Unless otherwise defined in this Resolution, the words, terms or phrases used in this Resolution shall have the same meanings as defined in the CICB regulations and/or in the Association's recorded covenants.

- B. **Complaint Form.** If a member of the Association, a resident or other individual alleges that an action, inaction or decision of the Association, the Board of Directors ("Board") or the Association's management agent ("Managing Agent") is inconsistent with state laws or regulations governing common interest communities, then that individual must submit a formal written complaint ("Complaint") to the Board using the attached Complaint Form (Exhibit A) in order to trigger the formal procedures described below. If the individual does not wish to trigger these formal procedures, then the individual should submit their questions, concerns or issues to the Managing Agent or the Board without using the attached form.
 - 1. **Complaint Form Instructions and Attachments.** A completed Complaint form must include a description of the specific facts and circumstances relevant to the individual's Complaint, and the specific action, result or resolution that is being requests. If the individual submitting the Complaint Form (the "Complaint") knows the law or regulation that has been allegedly violated or is otherwise applicable to the Complaint, then the Complainant must provide a reference to that law or regulation on the Complaint Form. The Complainant must also attach to the Complaint Form a copy of any documentation that Complainant believes support the validity of the Complaint (not including laws, regulations or the Association's governing documents).

A copy of these complaint procedures (including the required Complaint Form) will be available upon request from the Association by contacting Hall Associates.

C. **Mailing or Delivering Complaint to Board of Trustees.** The fully completed, signed and dated Complaint (including the Complaint Form and all attachments) shall be mailed or otherwise delivered to the Board at the following address:

By Mail: Board of Trustees, Colonial Green Homeowners Association
c/o Hall Associates Inc., Attention Chrissy Greene
213 S. Jefferson Street, Suite 1007
Roanoke, VA 24011

By Hand Delivery: Board of Trustees, Colonial Green Homeowners Association
c/o Hall Associates Inc., Attention Chrissy Greene
213 S. Jefferson Street, Suite 1007
Roanoke, VA 24011

D. **Means of Providing Notices to Complainant.** All written acknowledgements or other notices required by these procedures to be provided by the Association to the complainant shall be hand-delivered or mailed by registered or certified mail, return receipt requested, to the complainant at the address provided on the Complaint Form, or by facsimile transmission or email if the Complainant has previously provided the Association with the Complainant's written consent to communicate with him/her by electronic transmission. The Managing Agent shall retain in the Association's records proof of the mailing, delivery or electronic transmission of the acknowledgments and notices per Section H below.

E. **Acknowledging Receipt of Complaint.** Within seven (7) days of receipt of a Complainant's Complaint Form, the Managing Agent shall provide the Complainant with written acknowledgement of the Association's receipt of the Complaint.

1. Incomplete Complaint. If it appears to the Managing Agent that the submitted Complaint is missing the required minimum information, then the acknowledgment of receipt shall include notice to the Complainant of the identified problem(s) with the Complaint and advise the Complainant that he/she will need to submit a revised/corrected Complaint before it can be accepted and forwarded to the Board for consideration.

2. Forwarding to the Board. If it appears to the Managing Agent that the submitted Complaint includes the required minimum information, then on the same day that acknowledgment of receipt of the complaint is provided to the complainant, the Managing Agent shall provide the Board with a copy of the Complaint for consideration.

F. **Formal Action – Consideration of Complaint by Board.** All completed, signed and dated Complaints forwarded to the Board shall be considered by the Board at a meeting, and the Board shall decide what action, if any, to take in response to the Complaint.

1. Meeting at which Complaint will be Considered. Complaint will be considered by the Board at a regular or special Board meeting held within 90 days from the date on which the Complaint was forwarded to the Board for consideration.

2. **Notice to the Complainant.** At least Fourteen (14) days prior to the Board meeting at which the Complaint will be considered, the Managing Agent shall provide the Complainant with notice of the date, time, and location of the Board meeting at which the matter will be considered by the Board. This Notice may be combined with the acknowledgment of receipt referenced in Section D above.
 3. **Board's Decision on Complaint.** The Board shall make a decision on the Complaint by an appropriate vote of the members of the Board at the meeting pursuant to the Association's governing documents. The board's decision at the meeting shall fall into one of the following two categories:
 - a) A decision that there is *insufficient information* on which to make a final determination on the Complaint *or that additional time is otherwise required* to make a final determination, in which case the Board shall postpone making a final determination on the Complaint until a later scheduled Board meeting (announced at the meeting or by giving at least 14 days notice to the Complainant) and, if needed, make a written request for additional information from the applicable party(s), specifying a deadline by which time the additional information must be received by the Managing Agent for forwarding to the Board; or
 - b) *A final determination* on the Complaint, indicating whether the Complainant's requested action or resolution is, or is not, being granted, approved or implemented by the Board. A final determination may include, for example, a decision that no action will be taken on the Complaint due to the Complainant failing to timely provide additional information that was requested by the Association. No appeal process is available; the Board's rendered decision is final.
- G. **Notice of Final Determination.** Within seven (7) days after the final determination is made (per subsection F.3.b. above), the Managing Agent shall provide the Complainant with written notice of the Board's final determination. The notice of final determination shall be dated as of the date of issuance and include:
1. Specific citations to applicable provisions of the Association's governing documents, laws or regulations that led to the final determination;
 2. The Association's registration number as assigned by the CICB, and if applicable, the name and CICB-issued license number for the Managing Agent; and
 3. Notice of the Complainant's right to file a "Notice of Final Adverse Decision" with the CICB via the CIC Ombudsman (providing the applicable contact information).
- H. **Records.** The Managing Agent shall retain, as part of the Association's records, a record of each Complaint (including the Complaint Form and attachments, related acknowledgments and notices, and any action taken by the Association or Board in response to such Complaint) for a period of at least one (1) year from the date of the Association's final action on the Complaint.

1. **Resale Disclosure Packet.** A copy of this Resolution (including the Exhibit A Complain Form) shall be included as an attachment to Association-issued resale certificates.

Exhibit A
(POLICY RESOLUTION NO. 2012-12; "ASSOCIATION COMPLAINT PROCEDURES")

Colonial Green Homeowners Association

Delivery: c/o Hall Associates, Inc.
213 S. Jefferson Street, Suite 1007
Roanoke, VA 24011

Mailing: c/o Hall Associates, Inc.
213 S. Jefferson Street, Suite 1007
Roanoke, VA 24011

Phone #: 540.982.0011

ASSOCIATION COMPLAINT FORM
(for Complaints Against Association, Board or Managing Agent)

Pursuant to Section 55-530(E) of the Code of Virginia, 1950, as amended, the Board of Trustees ("Board") of the **Colonial Green Homeowners Association** (the "Association") has established this complaint form for use by persons who wish to register written complaints with the Association regarding the action, inaction or decisions by the Association or its Board or managing agent inconsistent with applicable laws and regulations.

1. Legibly describe your complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Include references to the specific facts and circumstances at issue and the provisions of Virginia laws and regulations that support the complaint. If there is insufficient space, attach a separate sheet of paper to this complaint form. Also, attach any supporting documents, correspondence and other materials related to the complaint (not including copies of laws, regulations or the Association's governing documents).

**Colonial Green Homeowners Association
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2012-12

Pertaining to: CICB-Mandated Association Complaint Procedures

Duly adopted by the Board of Trustees of the Association on Sept. 18, 2012.

Motion by: Meredith Jones Seconded by: Joyce Graham

NAME	TITLE	YES	NO	ABSTAIN	ABSENT
<u>Eric Sallee</u>	Director/Trustee	✓			
<u>Meredith Jones</u>	Director/Trustee	✓			
<u>Joyce Graham</u>	Director/Trustee	✓			
	Director				

Attest:  (President)

Date: 9/25/12

Resolution effective as of date of adoption.