



## **MOA Books & Records Policy** **Effective July 1, 2012**

<b>MOA Records Policy</b>	<b>2</b>
Meeting Minutes	2
E-Mail & Telephone Number Privacy	2
MOA Director Right to Inspect	2
Records Retention & Disposal	3
<b>MOA Bylaws Section 10.03 Board Policy</b>	<b>4</b>
Purpose	4
Inspection & Copying of Records	4
Persons Entitled to Inspect and/or Copy	5
Written Request Required	5
Inspection of Records	5
Copying of Records	5
Conduct	5
Enforcement	6
Fees	6
<b>MOA Records Request Form</b>	<b>7</b>



## **MOA Records Policy**

### **MEETING MINTUES**

The MOA Secretary shall assign the General Manager or designate to prepare clear and succinct meeting minutes for all Official MOA Board and Town Hall Meetings. The meeting minutes must at minimum include:

- Directors present and whether a quorum was present
- All motions, the name of the individual making the motion, the name of the individual supporting the motion, the resulting vote count, and whether the motion passes or fails
- At meetings where an Open Forum is held, the name of each member who presents an issue and a summary of each issue presented
- The date of final approval

After the MOA Secretary or designate is satisfied with the content of the draft version of the minutes, they shall be placed on the MOA internal website as soon as is practical. Upon approval at a subsequent MOA Board meeting, the meeting minutes shall be the official record of the meeting and will be available for member inspection and copying. The Annual Meeting minutes of MOA may be approved at the next Annual Meeting of the Association in accordance with the MOA Bylaws.

### **E-MAIL & TELEPHONE NUMBER PRIVACY**

All member e-mail addresses and telephone numbers provided to the MOA Administration are private and confidential. These restricted records are only to be used by the MOA administrative staff for appropriate business purposes. The release of these records, even to MOA Board and/or Committee members, is strictly prohibited.

### **MOA DIRECTOR RIGHT TO INSPECT**

It is important for Directors to have access to records in order to uphold their fiduciary duty to act in the best interests of the Association. It is also important that the personal records possessed by the Association be protected. This policy is intended to protect the Association and its Directors by ensuring that any records provided to a Director, outside of the records distributed to them during the normal course of business, are reasonably related to their duties as stated in the governance documents of the Association. Therefore, Director requests for records, which in the judgment of the President fall outside of the scope of their duties, must be submitted in writing for the Board to review and potentially approve.

The request shall be made on the "MOA Director Right to Inspect Form" with a detailed description of the records they want along with a detailed statement of purpose. The request form should then be submitted to the General Manager who will determine the resources needed if the request is granted, or state a reason why the records are not available prior to forwarding the request to the President and Board for review. The Board shall then review the request and its associated materials and determine whether the request is for a proper purpose that does not violate the rights of the Members or any other third party in addition to not exposing the Association, its Directors, Officers or the General Manager to potential liability.

If the request is denied, the reasons for the denial shall be placed on record. If the request is approved, the requestor shall agree in writing that the records provided shall not be used for any purpose other than that for which it was approved. All private or privileged records shall remain



confidential, and no original records shall be altered, damaged or destroyed during any inspection or copying of the same.

After inspection, the requestor shall return all of the records to the General Manager. Any misuse or release of the records may result, subject to approval of a 2/3 Board vote, in the loss of an Officer or Committee Chair position and may result in a public reprimand and/or subsequent Board approved recall effort.

Member personal records, including but not limited to e-mail addresses and telephone numbers is exempt from this "Director Right to Inspect Policy" unless the requestor can demonstrate to the Board how the records are required to perform the fiduciary responsibility of a Director/Officer.

When a Director request is approved and the records provided, there is no charge to the Director. However, a record shall be maintained of all such requests along with an imputed cost.

### **RECORDS RETENTION & DISPOSAL**

The MOA Board of Directors recognizes that records retention and disposal are important in the efficient operation of the Association, and there are state and federal laws along with industry standard accounting practices that define the records retention standards MOA must follow. The General Manager shall be responsible for establishing records retention and disposal guidelines that meet all applicable laws and standards, as well as protect all personal, private, sensitive and/or confidential records.



## **MOA Bylaws Section 10.03 Board Policy**

The MOA Bylaws Section 10.03 states:

*Section 10.03 The following records of the association shall be available for inspection (and/or copying) by the members in accordance with a written policy adopted and revised from time to time by the board for the purpose of minimizing the burden on, and disruption to, the MOA staff and management in responding to record requests:*

- a) Minutes of member meetings.*
- b) Minutes of board meetings, except those of executive sessions.*
- c) CPA's Annual Financial Statements Reports.*
- d) Written policies adopted by the board.*
- e) Records expressly authorized by the Board of Directors.*
- f) The following records are subject to the policy, but also require a statement of proper purpose:*
  - i. Record of members (i.e. their names and last known addresses).*
  - ii. Existing MOA contracts (except employment contracts), promissory notes, and security instruments; and*
  - iii. Prior fiscal year filed tax return (or other governmental filings) excluding any personnel information.*

*With reference to "executive sessions", those are meetings of the board relating to employee discipline, member misconduct, personal matters relating to a member or employee, business or legal strategy, communications with (or relating to) legal counsel, contract negotiations or other matters which are deemed by the board to have a potential negative impact on the association if disclosed.*

### **PURPOSE**

The purpose of this policy is to define the mandatory procedures for requesting, inspecting and/or copying Association records identified in Section 10.03 of the MOA Bylaws.

### **INSPECTION & COPYING OF RECORDS**

#### **Records available for inspection:**

- Association Balance Sheet, effective as of the end of the preceding fiscal year.
- Association Statement of Income for the preceding fiscal year.
- Association Statement of Source and Application of Funds for the previous fiscal year, if one was prepared.
- Minutes of member meetings.
- Minutes of board meetings, except those of executive sessions.
- CPA's Annual Review.
- Written policies adopted by the Board.
- Records expressly authorized by the Board of Directors (i.e. Quarterly Financial Reports, Treasurer's Monthly Reports, and Monthly Financial Reports).

#### **Records requiring a statement of proper purpose:**

- Record of members (i.e., their names and last known addresses)
- Existing MOA contracts (except employment contracts), promissory notes, and security instruments
- Prior fiscal year filed tax return (or other governmental filings) excluding any personnel information.



- Member records of account

### **PERSONS ENTITLED TO INSPECT AND/OR COPY**

Every member-in-good-standing shall have the right to inspect and/or copy the Association's records in accordance with this policy. A member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on a member's behalf. Any such authorized representative shall be considered a "member" for purposes of this policy.

### **WRITTEN REQUEST REQUIRED**

A member who wants to inspect and/or copy the Association's records shall submit a written request to the Association's Secretary or General Manager on the approved *Member Record Request Form* provided by the Association. The request must specify the particular record(s) desired, including pertinent dates or periods, whether the request is for inspection, copying, or both, and sign the request stating that the information provided shall not be used for personal financial gain or commercial purposes. The request must be sufficiently detailed to allow the Association to retrieve the record(s) requested. All records requests pertaining to MOA Bylaws Section 10.03 must include an explicitly spelled out statement of purpose by the requestor. The Association's Board of Directors may deny access to such records, if the purpose is deemed improper.

A verbal or incomplete request to inspect and/or copy Association records shall be denied and referred to this policy. The Association will have no further obligation to respond until a proper written request is submitted.

### **INSPECTION OF RECORDS**

No member may submit more than one request for inspection and/or copying of records in a 30-day period, and there is a maximum number of 20 records totaling no more than 200 pages per request. If a member's request exceeds these limits, the Association shall provide records for inspection in the order requested up to the limiting factor. The member shall then submit a written request(s) for additional sessions until the original request has been fulfilled. Additional sessions are subject to the same rules and restrictions as the original inspection request.

All inspections shall take place at the Association's office or at such other location as the Association designates. No member shall remove original records from the location where the inspection is taking place and the records shall not be altered in any way.

Inspections shall be by appointment only, during the normal operating hours of the Association's business office.

### **COPYING OF RECORDS**

If a member has requested copies of records, their request form shall list the record(s) desired.

During an inspection, if a requestor decides that they need copies, they may place a tab, clip, or Post-It note upon the page(s) desired and applicable fees will be due upon receipt of the copies.

### **CONDUCT**

Members shall not exercise their inspection and/or copying rights in order to harass another member, resident, association agent, officer, director, or employee.



Members inspecting and/or requesting copies of records shall conduct themselves in a professional and courteous manner and shall not interfere or disrupt the operations of the association.

### **ENFORCEMENT**

Violation of this policy shall result in the immediate suspension of the violator's inspection and copying privileges until they appear for a hearing in front of the Board of Directors.

Nothing in these rules shall be construed as to prevent the Association from pursuing any other remedy under the Governing Documents or State law for any violations, or from combining a fine with any other remedy or requirement to redress any violation.

### **FEES**

Fees shall be charged by the Association for production of requested records in accordance with the published *MOA Fees Schedule*. The fees shall be paid in cash, personal check or credit card at the time the copies are delivered. However, advance payment may be required when considering the size and cost of the job, the member's payment record, and/or other relevant factors.

This *MOA Books & Records Policy* dated July 1, 2012 replaces the following policies and rescinds any prior Board motion, resolution, or similar action relating to Association records, MOA Member records, MOA Member correspondence, and/or other similar records.

1. Records Policy dated 7-30-2010
2. E-mail Privacy Resolution dated 9-18-2010
3. MOA Meeting Minutes Policy dated 2-17-2007
4. MOA Director Right to Inspect Policy dated 6-23-2013
5. Open Meeting Policy dated 6-16-2007
6. MOA Records Policy dated 6-23-2012

This document supersedes any prior Policy, Resolution, or Board action concerning the subject matter contained herein unless specified otherwise.

### **Revision Log**

- Policy re-written and approved 8-24-13
- Made retroactive to 7-1-12 on 9-21-13

This policy was passed unanimously by the MOA Board of Directors at their regular meeting held on August 24, 2013 at which a quorum was present. Then, on September 21, 2013, this policy was made retroactive to July 1, 2012.



**MOA Records Request Form**

Date of Request: \_\_\_\_\_

Member Name: \_\_\_\_\_ (MUST BE "IN GOOD STANDING")

Address: \_\_\_\_\_ Lot #: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Pursuant to MOA's Books & *Records Policy*, I hereby request access to the following records:

1.) \_\_\_\_\_

Specific Reason for Request: \_\_\_\_\_

2.) \_\_\_\_\_

Specific Reason for Request: \_\_\_\_\_

3.) \_\_\_\_\_

Specific Reason for Request: \_\_\_\_\_

4.) \_\_\_\_\_

Specific Reason for Request: \_\_\_\_\_

I have read and understand the MOA *Books & Records Policy* and agree to its terms as stated.

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

-----  
**MOA OFFICE USE**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Date Response Required: \_\_\_\_\_ 30-Day Extension: \_\_\_\_\_

Response: DENIED IN PART IN FULL (circle one) (Attach response to this form when complete)

Amount Due: \$ \_\_\_\_\_ MUST BE PAID IN FULL BEFORE INFORMATION IS RELEASED