



MOA Books & Records 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 procedures for requesting, inspecting, and/or copying Association records identified in the MOA Bylaws Section 10.03.

INSPECTION & COPYING OF RECORDS

Members in good standing shall have the right to inspect and/or copy Association records in accordance with this policy. A member may authorize an attorney or other designated representative in writing to conduct the inspection or request copies on their behalf.

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 attached *MOA Records Request Form*. Requests may be submitted in the following manner:

- In person
- By mail:

MOA Board of Directors - Records Request
1535 Opal Lake Road
Gaylord, MI 49735



- Faxed to 989-939-8511. To ensure a prompt response, faxed requests should contain the term “MOA Records Request” on the first/cover page
- E-mailed to gm@michaywe.com or board@michaywe.com. To ensure a prompt response, e-mail requests should contain the term “MOA Records Request” in the subject line.

The request must specify the record(s) desired, including pertinent dates or periods, whether the request is for inspection and/or copying, and sign the request stating that the information provided shall not be used for personal financial gain or commercial purposes. A request must sufficiently describe a record to enable the Association to find it. All records requests pertaining to MOA Bylaws Section 10.03 must include an explicit 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 for Association records shall be denied and the requestor shall be referred to this policy. The Association will have no further obligation to respond until a proper written request is submitted.

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 limit per request of 20 records totaling no more than 200 pages. If a request exceeds these limits, the Association shall provide records for inspection in the order requested up to the limit. The member shall then submit additional written request(s) until the original request has been fulfilled. Additional requests 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. Inspections shall be by appointment only, during the normal operating hours of the Association’s business office. 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.

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. Treasurer’s Monthly Reports, Monthly Financial Reports, Committee Reports approved by the MOA Board).

Records requiring a statement of proper purpose:

- Records of members (i.e., their names and last known addresses) excluding telephone numbers, e-mail addresses, and any other information that is not publicly available
- 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.

MOA RESPONSE

Within 30-days of receipt of a records request, MOA will issue a response. If a request has been received by fax or e-mail, the request is deemed to have been received on the following business day. MOA will respond to a request in one of the following ways:

- Grant the request
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request
- Issue a written notice that due to the nature of the request, MOA needs an additional 30-days to respond.
- Issue a written notice indicating that the requested record is available at no charge on the MOA website.

COPYING OF RECORDS

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

During an inspection, if a requestor decides that they want 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.

FEES

If the request is granted, or granted in part, MOA will ask that payment be made for the allowable fees associated with responding to the request before the record is made available.

If MOA has made a good faith calculation that the total fee for processing the request will exceed \$30.00, MOA will require that a deposit be provided in the amount of 50% of the total estimated fee. When MOA requests the deposit, it will provide a non-binding best effort estimate of how long it will take to process the request following receipt of a deposit. Charges and/or deposits for MOA records requests may be paid in cash, by personal check, or credit card, but not applied to a property owner account.

Labor Costs

- All labor costs will be estimated and charged in 15-minute increments with all partial time increments rounded down.
- Labor costs will be charged at the hourly rate of \$25 per hour.

Copying, Duplication, and Mailing Costs

MOA must use the most economical method for making copies of records, including using double-sided printing, if cost-saving and available.

- **Non-paper Physical Media**
 - The cost for records provided on non-paper physical media, such as computer discs, flash drives, or other similar media will be at the actual and most reasonable economical cost for the non-paper media. This cost will only be assessed if MOA has the



technological capability necessary to provide the record in the requested non-paper physical media format.

- **Paper Copies**

- Paper copies of records made on standard letter (8-1/2 x 11) or legal (8-1/2 x 14) sized paper will cost \$.15 per sheet of paper.
- Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.

- **Mailing Costs**

- The cost to mail records will use a reasonably economical and justified means.
- MOA may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

CONDUCT

Members inspecting and/or requesting copies of records shall conduct themselves in a professional and courteous manner and shall not interfere with or disrupt the operations of the association. Members shall not exercise their inspection and/or copying rights to harass another member, resident, association agent, officer, director, or employee.

ENFORCEMENT

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

Revision Log

- 9-23-17: Policy rewritten and approved
- 9-21-13: Made retroactive to 7-1-12
- 8-24-13: Policy re-written and approved

This policy was passed by the MOA Board of Directors at their regular meeting held on September 23, 2017 at which a quorum was present.



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 (circle one): GRANTED - GRANTED IN PART - DENIED - DENIED IN PART (Attach response to this form when complete)

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