

MOA Director Right to Inspect Policy

In addition to the rights granted to Owner/Members of the Association to inspect books and records of the Association, it is recognized that Directors and Officers of the Association may need to access records beyond those available to non-director Owners/ Members. The basic premise of this policy is to ascertain that any Director/Officer's request for information is reasonably related to the performance of their duties as a Director as stated in the governance documents of the Michaywé Homeowners Association (MOA).

In order to accomplish this objective, it is reasonable and necessary that any requests for information outside of any usual and customary requests and records made available to a Director/Officer based on their regular duties, as determined by either the General Manager or the Board President, shall be made in a written format (see "MOA Director Right to Inspect" Information request form) to document the request and protect the Board and the Association and be submitted to the Board for action.

This Request shall detail what information the Director/Officer wishes to inspect and the purpose for such a request. The General Manager shall review the request and determine the resources required to comply with the request or state a reason why the information is not available and attach such information to the request before forwarding it to the President and the Board for review.

The Board shall review the General Manager's recommendations and shall determine if the request is for a "proper purpose" that does not violate the rights of the Members or any other third party and does not expose the Association or any Director, Officer or the 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 requesting Director/Officer shall agree in writing that any information gathered during this "right-to-inspect" process shall not be used for any purpose other than for that approved and any private or privileged information shall not be published or divulged to any person or entity not specifically approved to receive the same (unless specifically approved in the approval).

No original records or information shall be altered, damaged or destroyed during any inspection or copying of the same. After review of the information, the requesting Director/Officer shall return all information provided or copied to the General Manager.

Any use or release of the information provided by the Association by the requesting Director/Officer, contrary to the approval granted and this policy, 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 information, including but not limited to email address, cell phone numbers, and delinquency information, is protected from this "right to inspect" unless the requestor can explicitly show to the Board how the information is required to perform the fiduciary responsibility of a Director/Officer.

While the information requested is to be made available at no charge to the Director, a record shall be maintained of all such requests and an imputed fee dollar figure of the effort is to be computed per the following guidelines:

The costs incurred by the Association for producing a requested writing shall be limited to actual mailing costs, the costs of duplication and/or publication of the requested writing, and the labor involved in producing the requested writing. The cost of "labor" as used herein shall include the time required for searching for the requested writing, examining the requested writing, reviewing the requested writing, and the deleting, redacting and/or the separating of exempt from non-exempt information.



- a.) Labor – actual time involved multiplied by the hourly rate of the employee obtaining the requested writing. If the employee obtaining the requested writing is paid a salary, the hourly rate for said employee shall be determined by dividing the weekly income of said employee by 40. For the purposes of computation, the weekly income of a salaried employee shall include the costs of any and all benefits provided by MOA and/or its subsidiaries to the salaried employee including, but not limited to, medical insurance, dental insurance, optical insurance, life insurance, and retirement benefits.
- b.) Duplication/Publication - \$1.00 for the first page of the requested writing and \$0.25 for each additional page thereafter.
- c.) Mailing – Actual.
- d.) Mileage – The cost of mileage shall be determined by multiplying the Internal Revenue Service standard mileage rate at the time the request is fulfilled, by the number of miles driven in order to complete the request for records.
- e.) Miscellaneous – The actual cost(s) incurred by MOA and/or its subsidiaries for any cost(s) not otherwise addressed herein.

This policy was approved by the MOA Board of Directors at their December 29, 2011 Regular Meeting at which a quorum was present.



MOA Director / Officer Records Request Form

Date of Request: _____

Director/Officer Name: _____

Phone: _____ E-mail: _____

I hereby request access to the following records:

Record #1:	
Specific Reason for Request:	
Record #2:	
Specific Reason for Request:	
Record #3:	
Specific Reason for Request:	
Record #4:	
Specific Reason for Request:	

Requestors Comments: _____

I have read and agree to the terms of the "MOA Director Right to Inspect Policy."

Director/Officer Signature: _____ Date: _____

MOA OFFICE USE

Received By: _____ Date: _____ Date Response Required: _____ 30-Day Extension: _____

Date Response Completed: _____ Response: DENIED IN PART IN FULL (circle one)

(Attach response to this form when complete) Amount charged to MOA Board: \$ _____

