

ELLIS MILL ESTATES HOMEOWNERS' ASSOCIATION, INC.

POLICY RESOLUTION NO. 2

**ACCESS TO ASSOCIATION BOOKS AND RECORDS**  
**(establishing guidelines and procedures for requests**  
**to examine and/or copy Association books and records)**

**WHEREAS**, Article IV, Section 4.1 of the By-Laws of the Ellis Mill Estates Homeowners' Association ("the Association") states that "The affairs of the corporation shall be managed by its directors." and Article IV, Section 4.1 of these By-Laws further states that "Whenever action or approval is required of the corporation, such action or approval shall be by the directors on behalf of the corporation, unless action or approval by the Members of the corporation is specifically required."; and

**WHEREAS**, Section 55-513 A. of the Virginia Property Owners' Association Act ("the Act") states that "The Board of Directors of the association shall have the power to establish, adopt and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members. Rules and regulations may be adopted by resolution . . ."; and

**WHEREAS**, Section 55-510 A. of the Act provides that the Association shall keep detailed records of receipts and expenditures affecting the operation and administration of the Association; and

**WHEREAS**, Section 55-510 B. of the Act provides that certain books and records of the Association must be made available for examination and copying by Members in good standing or their authorized agent, so long as the request is for a proper purpose related to membership in the Association, with this right to be exercised within time frames at a location as specified, and upon five days' advance written notice; and

**WHEREAS**, Section 55-510 D. of the Act, as amended and effective July 1, 2012, provides that prior to the examination or copying of the specified books and records, the Association may require the Member to pay a charge to cover the costs of material and labor, and that these charges may be imposed only in accordance with a cost schedule adopted by the Board of Directors ("Board") of the Association; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED THAT** the Board of Directors hereby adopts the following policy and cost schedule pursuant to Section 55-510 D. of the Act:

1. When a Member in good standing requests to inspect and copy Association books or records pursuant to Section 55-510 of the Act, the Association's Managing Agent ("Agent") shall not provide the Member with any requested copies until, or unless, the Agent receives from the Member, payment in full of the applicable charge as calculated by the Agent in accordance with the then current cost schedule specified in Exhibit A, "Cost Schedule" below, as may be revised from time to time.

On an annual basis or as otherwise needed, the Agent is authorized and directed by the Board to prepare and implement an updated Cost Schedule to replace the existing Cost Schedule, attached as Exhibit A to this Resolution, so that the material and labor costs specified in the Cost Schedule correspond to the applicable costs charged by the Agent pursuant to the Agent's contract with the Association. A Cost Schedule updated by the Agent pursuant to this provision shall be effective immediately upon being so updated.

2. The Cost Schedule applies equally to all Members in "good standing." Members not in "good standing," by being delinquent in the payment of any Association assessment to the Association, are not entitled to inspect or copy books and records.
3. The Agent will provide a Copy of the Cost Schedule to a requesting Member, at the time that the request is made by the Member, to inspect or copy Association books and records.
4. Requests to examine and copy Association books and records must be made in writing, at least five days in advance, must reasonably identify the purpose for the request, and specify the Association books and records about which the request for reviewing and copying, is being made. A form to use for this purpose is attached to this Resolution as Exhibit B. When completed, the form shall be submitted to the Association's Managing Agent.

Upon receipt and review of a request, the Agent will schedule with the homeowner, a mutually convenient time during reasonable business hours, at the principal office of the Agent, for the review and copying of the books and records.

EXHIBIT A  
TO  
ELLIS MILL ESTATES HOMEOWNERS' ASSOCIATION, INC.  
POLICY RESOLUTION 2

COST SCHEDULE FOR INSPECTION/COPYING OF BOOKS AND RECORDS  
As of August 2012

SERVICES AND MATERIALS

• 8½" x 11" and 8½" x 14" Color Reproduction	\$0.25 Per Page
• 8½" x 11" and 8½" x 14" Black & White Reproduction	\$0.10 Per Page
• Document Scanning to PDF	\$0.03 Per Page
• Office Supplies	Actual Cost
• Postage	Actual Cost
• Out-sized Materials and Color Reproduction	Actual Cost Charged by Printer
• Mailing	Actual Cost
• Notary	\$2.00 Per Signature

HOURLY STAFF BILLING RATES  
(Fifteen-minute Increments)

• Principals	\$150.00
• Community Manager	\$120.00
• Administrative Associate	\$ 65.00

EXHIBIT B  
TO  
ELLIS MILL ESTATES HOMEOWNERS' ASSOCIATION, INC.  
POLICY RESOLUTION 1

REQUEST TO EXAMINE AND COPY ASSOCIATION BOOKS AND RECORDS

Requesting Homeowner:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Address of home in \_\_\_\_\_

Association if different: \_\_\_\_\_

Home telephone number: \_\_\_\_\_ Other telephone number \_\_\_\_\_

Email address: \_\_\_\_\_

Nature of Request:

Specify Association books and records requested for examination or copying:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purpose of the request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested date for examination: \_\_\_\_\_

(The Association Managing Agent will contact the above noted homeowner after receipt of this request, to schedule a mutually convenient time for the requested examination and copying.)

Acknowledgment of Requirements for Examination  
by Homeowner

My request is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation.

I understand that the Association may withhold from examination or copying, Association books and records as specified in the Virginia Property Owners' Association Act, Section 55-510 C.

I understand that the Association may impose and collect, a charge, reflecting reasonable costs of materials and labor, related to my request prior to providing copies of any Association books and records. I have received and reviewed the current Cost Schedule for such materials and labor.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

ELLIS MILL ESTATES HOMEOWNERS' ASSOCIATION, INC.  
RESOLUTIONS ACTION RECORDED

Resolution Type: Policy No. 2

Pertaining to: Access to Association Books and Records

Duly adopted by the Board of Directors through an Action Without a Meeting.

VOTE:

	YES	NO	ABSTAIN
<u>Ad H. Khal</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> Vice-President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kathy A. Hameel</u> Secretary/Treasurer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Kathy A. Hameel 12/18/12  
Secretary Date

Resolution effective December 28, 2012 (Date)