

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

"An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."

BOARD OF DIRECTORS RESOLUTION #2013-12

SUBJECT: DOCUMENT RETENTION AND AVAILABILITY

PURPOSE: To ensure the use of proper practices and timelines regarding the preparation, organization, retention, and distribution of documents created on behalf of and/or delivered to the Association.

AUTHORITY: The Declaration, Articles of Incorporation, Bylaws & CC&Rs of the Association, Oregon law, specifically ORS 94 Oregon planned Community Act, and ORS 65 Oregon Non Profit Corporation, and Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act) as amended in 1995 (HOPA).

Whereas, Under Section 2 of Article IX of the Declaration, Article V of the Bylaws, and ORS 94.630, the Board of Directors has all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law, the Declaration or Bylaws may not be delegated to the Board by the owners;

Whereas, ORS 94.630(1)(a) and Article V, Section 2(a), of the Bylaws empower the Board to adopt rules and regulations;

Whereas, Article XII, Section 1 specifies that each Owner and Occupant shall comply with the Declaration, Bylaws, and rules and regulations adopted thereto.

Whereas, Article XIV, Section 1 specifies that in addition to the records required by the Bylaws, the board shall keep detailed records of the actions of the Board, including minutes of the board and minutes of the meetings of the Association.

Whereas, The Article XIV, Section 1 specifies that the board shall also keep detailed and accurate financial records in chronological order of the receipts in which there shall be an account for each Lot or Living Unit subject to assessment.

Whereas, ORS 94.670 specifies the Association's duty to keep and retain within the State, for defined periods, documents, records, and other information delivered to it (i.e. deposit of assessments; payment of association expenses; review of financial statement by certified public accountant; examination of records by owner).

THEREFORE BE IT RESOLVED THAT:

- I. The Association shall keep minutes of its Annual Membership meeting, the meetings of the Board of Directors, committee meetings, a record of all corporate action taken by the members or directors without a meeting, and a record of its accounting activities.

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

"An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."

BOARD OF DIRECTORS RESOLUTION #2013-12

SUBJECT: DOCUMENT RETENTION AND AVAILABILITY

- II. The Association shall keep clear, accurate, and precise records in chronological order of all receipts and expenditures, itemizing the maintenance and repair expenses of the Common Property and any other expenses incurred, and shall keep any other financial records sufficient for proper accounting purposes.
- III. The board shall keep an assessment roll in chronological order of the receipts in which there shall be an account of each Lot or Living Unit subject to assessment. Such account shall designate: 1.) The name and address of the Owner, 2.) The dates and amounts on which the assessment becomes due, 3.) The amounts paid upon the account, and 4.) Any balance due on the assessments.
- IV. The Association's records and documents shall be reasonably available for examination by an owner or mortgagee, and upon written request from the owner or mortgagee, such records and documents shall also be made available for duplication.
- V. Information, documents, and reports created on behalf of, and delivered to the Association shall be retained by the Association consistent with the following guidelines:
 - A. **PRMANENT RETENTION:**
 - The original or a photocopy of the recorded declaration and recorded bylaws, and the articles of incorporation, along with any supplements and amendments to such documents.
 - A deed to the common property if a planned community, unless otherwise provided in the declaration.
 - Plans for underground site service, site grading, drainage and landscaping together with cable television drawings.
 - Financial records sufficient for proper accounting such as balance sheet, and income statement, accounts payable and receivable ledgers, bank statements, cancelled checks, bank signature cards, certificates of deposit, budgets, inventories, invoices, billing records, notes payable and receivable, purchase orders, tax or accountant reviews or audits, tax returns and supporting preparation, financial statements, accountant reports, records of reserve accounts and the Association's Reserve Study, including all updates and other sources of information that serve as a basis for calculating reserves, operating budget and

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

"An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."

BOARD OF DIRECTORS RESOLUTION #2013-12

SUBJECT: DOCUMENT RETENTION AND AVAILABILITY

budget for replacement and maintenance of the common property or common elements, and other asset records.

- The minute books, including all minutes, and other books and records of the Association and the board of directors.
- All adopted resolutions, and operating rules, regulations, policy, and procedure.
- A roster of owners and their addresses and telephone numbers, including a notation regarding current directors, officers, and committee chairpersons.
- Insurance policies and insurance documentation.
- A list of any written warranties on the common property or common elements that are in effect and the names of the contractor, subcontractor, or supplier who made the installation.
- A list of the general contractor and the electrical, heating and plumbing subcontractors responsible for construction or installation of common property or common elements.
- Employment or service contracts in which the Association is one of the contracting parties, or service contracts which oblige the Association or owners to pay some or all of the fee or charge of a service provider.
- The report filed annually with the Corporation Division of the State of Oregon.

B. ONE (1) YEAR RETENTION:

- Proxies and ballots one (1) year from the date of determination of the vote.
- Proxies and ballots for amendments to governing documents one (1) year from the date of recording the amendment.

D. NON-STATUTORY RETENTION - TEN (10) YEARS:

- Contracts - from date of completion of contract.
- Insurance Policies - from effective dates.
- Insurance Claims.
- Legal files, pleadings, judgments, and other related documentation.
- All written communication including emails.
- Miscellaneous records.

VI. The Association shall provide to the owners the following records:

- A. **Within thirty (30) days after adopting the annual budget**, a summary of the budget.

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

"An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."

BOARD OF DIRECTORS RESOLUTION #2013-12

SUBJECT: DOCUMENT RETENTION AND AVAILABILITY

- B. **Within ninety (90) days after the end of the fiscal year**, an annual financial statement consisting of a balance sheet, and an income statement.
 - C. **Before any fine or charge may be imposed**, a copy of a Schedule of Fines and Charges if such schedule is not contained in the declaration, bylaws, or any amendment thereto.
 - D. **Within ten (10) days of receipt of a written request from an owner** - an assessment statement that contains the amount of assessment(s) due from the owner and unpaid at the time the request was received, including: 1.) Regular and special assessments, 2.) Fines and other charges, 3.) Accrued interest, 4.) Late payment charges, and 5.) The percentage rate at which interest accrues on assessments that are not paid when due.
- VII. The following records shall be withheld from examination by owners and mortgagees:
- A. Personnel matters relating to the identification of a person or a person's medical record.
 - B. Contracts, leases, and other business transactions that are currently under negotiation to purchase or provide goods or services.
 - C. Communications with legal counsel.
 - D. Disclosure of information in violation of law.
 - E. Documents, correspondence or management or board reports compiled for or on behalf of the Association or the board of directors by its agents or committees for consideration by the Board in executive session.
 - F. Files of individual owners, other than those of a requesting owner or requesting mortgagee of an individual owner, including any individual owner's file kept by or on behalf of the Association.
- VIII. The Association shall maintain a copy, suitable for the purpose of duplication, and within ten (10) business days after receipt of a written request by an Owner, furnish the following:

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

"An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."

BOARD OF DIRECTORS RESOLUTION #2013-12

SUBJECT: DOCUMENT RETENTION AND AVAILABILITY

- The Declaration (CC&Rs) and Bylaws, including amendments or supplements in effect, the recorded plat, if feasible, and the association rules and regulations currently in effect.
- The most recent financial statement.
- The current operating budget of the Association.
- The reserve study.
- The Association's Architectural standards and guidelines.

IX. The Board of directors by resolution may adopt reasonable rules governing the frequency, time, location, notice, and manner of examination and duplication as well as the imposition of a reasonable fee, including personnel costs, for furnishing copies of any documents, information, or records described in this Section VIII of this Resolution

The provisions contained in this document shall be formally reviewed and approved or rescinded by the Board of Directors at the beginning of each successive three (3) year period effective January 2014.

As reviewed and approved by action of the Board of Directors of the KC Highlands Homeowners Association, Inc an Oregon Planned Community restricted to residents fifty-five (55) years of age or older, and Non Profit Corporation.

By: Mary Davis Date: 11-13-13
President

Attested: Barlene Whitten Date: 11-13-13
Secretary