

FAIRFIELD HOUSE CONDOMINIUM UNIT OWNERS ASSOCIATION

ADMINISTRATIVE RESOLUTION NO. 2012-1

(Requests for Examination and Copying of the Association's Records)

WHEREAS, Article III, Section 2 of the Association's Bylaws provides that the Board of Directors ("Board") shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all acts and things which are not required by law or the Condominium Instruments to be done by the Association; and

WHEREAS, Section 55-79.74:1 of the Virginia Code obligates the Association to provide its members who are in good standing with the Association with the right to examine and copy certain records of the Association, subject to certain procedures approved by the Board of Directors;

WHEREAS, the Board of Directors has decided that is in the best interest of the Association to adopt a written policy regarding the provision of records to its Members.

NOW, THEREFORE, BE IT RESOLVED:

A. Record Keeping and Access to Records

1. Acting on its own or through a managing agent, the Association shall prepare and keep, for a minimum of one (1) year, detailed books and records of receipts and expenditures affecting the operation and administration of the Association. With respect to all books, records and/or files relating to matters other than expenditures, the Association shall keep those books and records for such reasonable time periods as determined by the managing agent.
2. Subject to certain exceptions set forth below, members shall have the right to examine and copy these books and records, provided that their membership is in Good Standing. Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligation to the Association and compliant with all other responsibilities of membership, including, but not limited to, maintenance of his or her Unit in a condition that does not violate any term or provision of the Condominium Instruments.
3. In order to exercise the rights described herein, members must complete the attached form, Exhibit B, and file it with the Association's managing agent, or other duly appointed representative. After receipt of a filing, the Association's representative shall have the authority to review the form and make determinations as to its completeness and satisfaction of all requirements necessary to allow the Association to act upon the filing. If a form is not complete, the Association shall notify the member of the deficiency and required

corrective action. Only when the Association receives the completed form will the Association begin the process of responding to the request.

4. Upon receipt of a completed form and within a reasonable period of time, the Association shall provide the member with the cost schedule attached hereto as Exhibit A, as well as an estimate on the costs associated with responding to the request. An estimate may include, but not be limited to, the costs of locating, duplicating, and supplying the records, which includes the cost of materials and labor. Prior to the Association performing any work related to the request, members must pay the estimated charges in advance. Upon receipt of payment (or clearance of a personal check), the Association shall make arrangements for a meeting at a mutually convenient time or provide the member with copies of the requested records within five (5) days of receipt of the payment.
5. Whenever a member makes a written request to examine original records, the Association shall have a member of its managing agent or the Board of Directors meet with the member and serve as a custodian of the records for the protection of the documents. The Association will include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.
6. After the rendering of services requested, the Association shall compare the estimate with the actual costs incurred by the Association as set forth in the cost schedule. If the amount paid by the member exceeds the actual costs, the Association shall promptly refund the difference to the member. If the actual costs exceed the estimate, the Association shall notify the member and the member shall be obligated to pay the difference. The Association may withhold additional services and/or copies until it receives payment.

B. Exempt Records

The following records are exempt from the members' right to examine and copy:

1. Personnel matters related to a specific, identified employee and person's medical records;
2. Any documentation which relates to a (i) contract, lease and other commercial transactions currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations;
3. Communications with legal counsel which are protected by the attorney-client privilege;
4. Any records that any law prohibits the Association from providing to a 3rd party;

5. Minutes and other records reviewed in an executive session of the Board or Committee;
6. Individual member files, other than those of the requesting member;
7. Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

C. Requests of Minimal Time and Cost

If the Association concludes that a request submitted by a member involves a nominal amount of time and cost to the Association, it may waive any of the above requirements. For purposes of this Resolution, "nominal requests" shall include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board of Directors or membership meeting;
2. Approved minutes or highlights of the most recent meeting of any Committee;
3. The Association's current annual operating budget;
4. The Association's most current financial management report;
5. The Association's most recent annual audit;
6. The Association's most recent income tax forms; and
7. The file of the requesting member.

D. Miscellaneous


1. The Association shall not have any obligation to create documents in response to any member's request for records.
2. The Board shall have the right to amend the cost schedule attached hereto as Exhibit A without having to amend the entire resolution.

EFFECTIVE DATE OF RESOLUTION

The effective date of this Resolution shall be _____, 2012.

I hereby certify that this Administrative Resolution was duly adopted by the Board of Directors at a regular meeting on July 10,, 2012.

FAIRFIELD HOUSE CONDOMINIUM
UNIT OWNERS ASSOCIATION

By: 
Avi Sahgal, President

CERTIFICATION OF MAILING

I hereby certify that this Administrative Resolution was mailed and/or hand-delivered to the addresses of record of the Unit Owners on this 10 day of July, 2012.

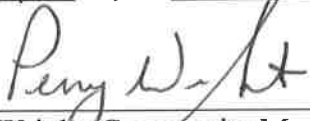

Perry Wright, Community Manager
Fairfield House Condominium
Unit Owners Association

Exhibit A

Cost Schedule

Hourly rate for copying of materials (up to 2 hours): \$ 50.00 per hour
For each hour over 2 hours: \$ 50.00 per hour

Hourly rate for serving as custodian of records (up to 2 hours): \$ 50.00 per hour
For each hour over 2 hours: \$ 50.00 per hour

The charges shall be billed in 15 minute increments.

Copies shall be billed at a rate of \$ 0.20 per page

Delivery charges: At Cost

Exhibit B

**FAIRFIELD HOUSE CONDOMINIUM UNIT OWNERS ASSOCIATION
RECORD REQUEST FORM**

You may use this form to request copies of or inspect the official records of Fairfield House Condominium Unit Owners Association ("Association"). In order to properly submit a request, please complete, sign and date this form and mail or fax it to the Association's common interest community manager at the address below:

Fairfield House Condominium Unit Owners Association Management Staff

(facsimile) _____

Name of Requesting Party: _____

Mailing Address: _____

Address of Property located within the Association if different than mailing:

Phone: (Home) _____ **(Work)** _____
(Mobile) _____ **(Email)** _____

Please describe the records you wish to copy and/or inspect (include all relevant, dates, names or other identifying information):

Please describe the purpose of your request: _____

Please check applicable box(es):

I am requesting to receive copies of the above-referenced records. []

I am requesting to conduct an in-person inspection of the above-referenced records. [] I am requesting to inspect such records on _____ at _____.

(The Association will provide you confirmation of the appropriate time, date and location for the inspection)

Please note, not all Association records are available for review and inspection, per Section 55-79.74:1 C. of the Virginia Condominium Act. You will be notified if your request contains records subject to withholding. You will also be notified of the estimated cost, if any, related to your request and such charges must be paid in advance of the Association fulfilling your request.

Be advised, the Association is only obligated to respond to record requests from those members of the Association who are in "Good Standing." Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligation to the Association and compliant with all other responsibilities of membership, including, but not limited to, maintenance of his or her Unit in a condition that does not violate any term or provision of the Condominium Instruments.

You must date and sign this form. Anonymous complaints will not be accepted.

Signature: _____ Date: _____
Received by: _____
Date: _____

**Fairfield House Condominium Association
Matters for Board Decision Worksheet
Meeting Date: July 10, 2012**

Motion:

“I _____ move to approve Administrative Resolution 2012-1 (Requests for Examination and Copying of the Association’s Records)

Motion:
2nd:

Summary: As part of the new regulations adopted by the State of Virginia, associations are now required to have a cost schedule on file listing the charges owners need to pay when requesting copies of various association documents. This is different from resale packets and includes copying charges and personnel cost to find documents, etc.

CMC Recommendation:

Management recommends approving this Resolution in order to comply with the new regulations adopted by the State of Virginia.

Vote:

	In Favor	Opposed	Abstained	Absent
Avisesh Sahgal	✓			
Joni Calmbacher	✓			
Steve Mackey		✓		
Amanda Rieter				✓
Marilyn Jones	✓			