

**CHAPTER FOUR - Section 4.05 C**  
**OFFICIAL RECORDS OF THE ASSOCIATION**  
**AVAILABILITY TO LMOA MEMBERSHIP**

Date:	August 15, 1983
Amended:	December 19, 1983
Amended:	September 21, 1989
Amended:	March 26, 1992
Amended:	February 24, 2000
<b>Proposed:</b>	<b>December 17, 2009</b>

**I. POLICY**

In accordance with the Virginia Property Owners' Association Act (POAA), it is the policy of the LMOA Board of Directors that the Association shall keep detailed records affecting the operation and administration of the Association. All financial books and records shall be kept in accordance with generally accepted accounting practices. All other records and files relating to the conduct of the Association's business shall be kept in accurate, neat, up-to-date and **accessible-retrievable** order.

**II. RECORDS AVAILABLE FOR MEMBERSHIP INSPECTION**

- A. In accordance with the POAA, ~~§Section 55-510, and subject to the provisions of subsection B.~~ **The Association shall keep detailed records and receipts and expenditures affecting the operation and administration of the Association. All financial books and records shall be kept in accordance with generally accepted accounting practices. Subject to the restrictions of subsection B, below, below,** all books and records kept by or on behalf of the Association, including, but not limited to, the Association's membership list and addresses, which shall not be used for purposes of ~~monetary-pecuniary~~ gain or commercial solicitation, and aggregate salary information of employees of the Association, shall be available for examination and copying by a member in good standing or his/her authorized agent so long as the request is for a proper purpose related to his/her membership in the Association. This right of examination ~~may~~ **shall exist without reference to the duration of membership and may** be exercised (i) only during reasonable business hours or at a mutually convenient time and location, and (ii) upon five days' written notice reasonably identifying the purpose for the request and the specific books and records **of the association** requested.
- B. As permitted in the POAA ~~§-Section 55-510.C., certain records and documents~~ **books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:**
- 1. Personnel matters relating to specific, identified persons or a person's medical records;**
  - 2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiations;**
  - 3. Pending or probable litigation. Probable litigation means those instances where there has been a specific threat of litigation from a party or legal counsel of a party;**
  - 4. Matters involving state and local administrative or other formal proceedings before a governmental tribunal for enforcement of the Association documents or**

rules and regulations promulgated pursuant to POAA § 55-513 (Adoption and Enforcement of Rules);

5. Communications with legal counsel that relate to items 1 through 4 above or that are protected by the attorney-client privilege or the attorney work product doctrine;
  6. Disclosure of information in violation of law;
  7. Meeting minutes or other confidential records of an executive session of the Board of Directors held in accordance with POAA §55-510.1C;
  8. Documentation, correspondence or management or Board reports compiled for or on behalf of the Association or the Board by its agents or committees for consideration by the Board in executive session; or
  9. Individual unit owner or member files, other than those of the requesting lot owner, including any individual lot owners' or member's files kept by or on behalf of the Association.
- C. Prior to providing copies of any books and records to a member in good standing, the Association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs.
- D. ~~as listed therein may be withheld from public inspection and copying. It is the policy of LMOA that these listed records shall not be released for inspection and/or copying unless a formal requests therefor is made to the Board of Directors stating the specific reasons why these inspections and/or copying should be allowed. The Board of Directors will review the request, obtaining legal counsel as appropriate, prior to making a decision on such request. The requester shall be notified of the decision of the Board of Directors in a timely manner.~~
- ~~C.~~ Video Recordings of meetings are available for viewing by members on the same basis as other books and records of the Association, except that equipment to play the recordings must be operated by LMOA staff. A member may use his or her own equipment to copy a recording ~~while the tape is being played~~ or may reimburse the Association for the use of equipment ~~and tapes~~ used to produce a recording. Original recorded ~~tapes-media~~ produced by LMOA may not be removed from the Administration Building.
- ~~D.~~ A fee reflecting the cost (labor, material, and equipment costs) of preparing copies will be imposed and collected prior to providing copies of any books and records. The fee shall be set, reviewed from time to time and adjusted by the General Manager. A receipt will be provided for any fees collected and a record kept of cash received by the office.

### III. RESPONSIBILITIES

- A. The Board of Directors shall have a scheduled July meeting with key staff in attendance and televised in open session as part of the Board orientation and organizational meeting for a comprehensive instructional session of POAA requirements for records retention and availability to the membership.
- B. The General Manager or designee shall determine the validity of all requests to inspect and copy records of the Association in accordance with this policy. In the event ~~a request is denied by~~ the General Manager **denies the request**, a letter stating the specific reason for such denial shall be promptly provided to the person making the request. The person making the request may appeal to the Board of Directors, which shall make the final decision.