

**WATERGATE AT LANDMARK CONDOMINIUM
UNIT OWNERS ASSOCIATION**

**POLICY RESOLUTION NO. 93
FORMERLY AR 112**

ACCESS TO ASSOCIATION BOOKS AND RECORDS

OCTOBER 27, 2015

RESOLVED BY THE BOARD OF DIRECTORS of the Watergate at Landmark
Condominium Unit Owners Association:


THAT, the Board of Directors approve Policy Resolution 93 Access to Association Books and
Records and rescind Administrative Resolution 112 Disclosure of Information in the Books and
Records of the Association.

Book of Minutes _____, of the Board Meeting of October 27, 2015

ATTESTED:



Vivian Moran, Secretary



Philip J. Schrock, President

10/30/15

Date

10/31/2015

Date

**WATERGATE AT LANDMARK CONDOMINIUM
UNIT OWNERS ASSOCIATION**

**POLICY RESOLUTION NO. 93
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ACCESS TO ASSOCIATION BOOKS AND RECORDS

*Establishing guidelines and procedures for requests
to examine Association books and records.*

WHEREAS, Section 2.1 of the Amendment and Restatement of Bylaws for Watergate at Landmark Condominium Unit Owners Association (“Bylaws”) provides that except as to those matters which either the Virginia Condominium Act (“Act”) or the Declaration for Watergate at Landmark Condominium (“Declaration”) specifically require to be performed by the vote of the unit owners, the administration of the condominium shall be performed by the Board of Directors (“Board”);

WHEREAS, Section 3.1 of the Bylaws provides that the affairs of the Watergate at Landmark Condominium Unit Owners Association (“Association”) shall be governed by a Board of Directors;

WHEREAS, Section 3.2 of the Bylaws provides that the Board shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by the Act or the condominium instruments directed to be exercised and done by the Association;

WHEREAS, Section 3.2 (6) of the Bylaws provides that the Board shall on behalf of the Association adopt and amend any rules and regulations; provided, however, that such rules and regulations shall not be in conflict with the Act or the condominium instruments;

WHEREAS, Section 3.2(11) of the Bylaws provides that in accordance with Section 55-79.74:1 of the Act, the Board, on behalf of the Association, shall keep books with detailed accounts in chronological order of the receipts and expenditures affecting the Property, and the administration of the Condominium, specifying the expenses of maintenance and repair of the common elements and any other expenses incurred. Such books and vouchers accrediting the entries therein shall be available for examination by the Unit Owners, their attorneys, accountants, Mortgagees and authorized agents during general business hours on business days at the times and in the manner set and announced by the Board for the general knowledge of the unit owners. All books and records shall be kept in accordance with generally accepted accounting principles, and the same shall be audited at least once each year by an independent auditor retained by the Board who shall not be a resident of the Condominium or affiliated with a unit owner. The cost of such audit shall be a common expense;

WHEREAS, Section 55-79.74:1.A of the Act provides that the Association shall keep detailed records of receipts and expenditures affecting the operation and administration of the

Condominium and specifying the maintenance and repair expenses of the Common Elements and any other expenses incurred by or on behalf of the association;

WHEREAS, Section 55-79.74:1.B of the Act provides that all books and records kept by or on behalf of the Association, including, but not limited to, the Association membership list, addresses and aggregate salary information of Association employees, will be available for examination and copying by a Unit Owner in good standing or his authorized agent so long as the request is for a proper purpose related to membership in the Association and not for pecuniary gain or commercial solicitation;

WHEREAS, Section 55-79.74:1.B of the Act also provides that the right of examination exists 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 business days' written notice for a unit owner association managed by a common interest community manager and ten business days' written notice for a self-managed unit owners' association, which notice shall reasonably identify the purpose for the request and the specific books and records of the Association requested;

WHEREAS, Section 55-79.74:1.C of the Act provides that certain books and records kept by or on behalf of the Association may be withheld from examination or copying by Unit Owners and contract purchasers;

WHEREAS, Section 55-79.74:1.D of the Act provides that prior to providing copies of any books and records, the Association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs thereof and charges may be imposed only in accordance with a cost schedule adopted by the Board;

WHEREAS, Section 55-79.74:1.D of the Act further provides that the cost schedule shall specify the charges for materials and labor, apply equally to all Unit Owners in good standing and be provided to such requesting Unit Owner at the time the request is made; and,

WHEREAS, the Board of Directors believes it in the best interest of the Association and Unit Owners to establish a procedure which ensures access to Association books and records in accordance with statutory requirements, gives guidance to enable proper responses to requests to examine and provides notice of the adopted cost schedule to all Unit Owners.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby establishes the following procedure for use in the event that a Unit Owner requests to examine and copy Association books and records.

A. All books and records kept by or on behalf of the Association will be available for examination and copying by a Unit Owner in good standing except for the following books and records that may be withheld under Section 55-79.74:1.C of the Virginia Condominium Act:

1. Personnel matters relating to specific, identified persons or person's medical records;

2. Contracts, leases and other commercial transactions to purchase or provide goods or services currently in or under negotiation;
3. Pending or probable litigation;
4. Matters involving state or local administration or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the Board;
5. Communications with legal counsel 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 held pursuant to Section 55-79.75.C of the Act;
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 Unit Owner, including any individual Unit Owner files kept by or on behalf of the Association.

B. Unit Owners not in *good standing* may not examine or copy Association books and records. For the purposes of this Resolution, a Unit Owner is not in *good standing* if the Unit Owner is more than sixty (60) days delinquent in the payment of any assessment to the Association.

C. Requests to examine and copy Association books and records must be made in writing, at least five business days in advance, and must reasonably identify the purpose for the request and specify the Association books and records requested. A request form is attached as Exhibit 1 to this Resolution. Requests should be submitted to the Executive Assistant to the Board of Directors.

D. Upon receipt and review of a request, the Executive Assistant to the Board of Directors on behalf of the Board will schedule with the Unit Owner a mutually convenient time during reasonable business hours. All Association books and records will be made available at the principal office of the Association Executive Assistant to the Board of Directors.

E. Prior to providing copies of any Association books and records, the Association may impose and collect a charge for the reasonable material and labor costs associated with compiling and copying the requested Association books and records. The cost schedule adopted by the Board of Directors is attached as Exhibit 2 to this Resolution and shall be provided to each person upon request for access to Association books and records.

F. The Board of Directors may periodically adopt and implement an updated cost schedule to replace the existing cost schedule attached as Exhibit 2 to this Resolution.

Exhibit 1
to the Resolution

**WATERGATE AT LANDMARK CONDOMINIUM
UNIT OWNERS ASSOCIATION**

Request to Examine and Copy Association Books and Records

Requesting Unit Owner

Unit Owner: _____

Mailing Address: _____

Address in Watergate at Landmark Condominium: _____

(if different than mailing address) _____

Home Phone: _____ Other Phone: _____

Email Address: _____

Nature of Request

Specific Association books and records requested to examine or copy:

Purpose of the request:

Requested date for examination: _____

(The Executive Assistant to the Board of Directors will contact the Unit Owner after receipt of the request to schedule a mutually convenient time for the Unit Owner to examine and copy the requested Association books and records.)

Unit Owner Acknowledgement

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 that are drafts and not yet incorporated into the Association books and records and Association books and records concerning specific matters provided for in Section 55-79.74:1.C of the Virginia Condominium Act.

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.

I hereby certify that the statements made on this form are true and complete to the best of my knowledge, information and belief.

Signature

Date

Printed Name

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Cost Schedule

For Providing Copies of Association Books and Records

Copy/Print/Scan (black & white)	\$0.15
Facsimile Transmittals	\$0.50 per page
Long distance telephone	Actual Cost
Postage	USPS Rates
Certified Mail	\$5.00 plus USPS postage/handling
#10 business envelope	\$0.10
6 x 9 envelope	\$0.20
10 x 15 envelope	\$0.35
Mailing labels, each	\$0.05
HOURLY RATES:	
Clerical Staff	\$50.00 per hour
Watergate Dept. Directors & Contractors	\$100.00 per hour plus additional contractor fees if applicable
General Manager, Deputy General Mgr.	\$175.00 per hour