

POTOWMACK CROSSING II CONDOMINIUM

POLICY RESOLUTION NO. 14-1

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

WHEREAS, Article III, Section 2 of the By-Laws of Potowmack Crossing II Condominium ("By-Laws"), as recorded among the land records of City of Alexandria, Virginia in Book Number 1508, page number 577, *et seq.*, empowers the Board of Directors ("Board") of Potowmack Crossing II Condominium ("Association") to govern and manage the business and affairs of the Association, to adopt and publish rules and regulations, and to provide for the operation of all the property and services of the condominium; 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; and

WHEREAS, pursuant to House Bill 1741 from the 2011 Virginia General Assembly Legislative Session, the Association must adopt a cost schedule policy that (i) specifies the charges for materials and labor; (ii) applies equally to all members in good standing; and, (iii) is provided to any member requesting to review and/or copy the Association's books and records at the time the request is made; and

WHEREAS, the Board has decided that it is in the best interest of the Association to adopt such a written policy regarding record keeping, access and production, in order to comply with its pending statutory obligation;

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following policy:

A. Record Keeping and Access to Records

1. Acting on its own or through a managing agent, the Association shall prepare and keep detailed books and records of receipts and expenditures affecting its operation and administration for a minimum of one (1) year. With respect to books, records and/or files relating to other matters, 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, which means they must be current in the payment of assessments and other duly levied charges and compliant with all other responsibilities of membership.
3. In order to exercise these rights, members must complete the attached form, Exhibit A, and file it with the Association's management agent. After receipt of a filing, an Association representative shall have the authority to review the form and make determinations as to its completeness and satisfaction of all requirements.
4. Upon receipt of the completed form, the Association shall estimate the costs associated with responding to the request, based on Exhibit B, attached, and then provide the member with the estimate within a reasonable period of time. An estimate may include, but not be limited to, the labor costs of locating, assembling,

duplicating, and supplying the records (“Processing Costs”), material costs related to copying, costs of mailing, and the labor costs related to the Association’s management staff being present during an inspection of records (“Custodial Services Costs”). Prior to the acquisition of any rights under this policy, 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 days of receipt of the payment.

5. Whenever a member makes a written request to examine original records in the management office, the Association shall have a member of its staff meet with the member and serve as a custodian of the records for the protection of the documents. The Association shall 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 attached hereto as Exhibit B. 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 membership’s right to examine and/or copy:

1. Personnel records related to a specific, identified employee;
2. Any documentation which relates to a (i) contract, lease and/or 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 Condominium Instruments, including any duly adopted rules and regulations;
3. Written communications to or from legal counsel that are protected under the attorney-client privilege of confidentiality;
4. Any records that any law prohibits the Association from providing to a third party;
5. Minutes and other records reviewed in an executive session of the Board or any other duly authorized committee or task force of the Association (collectively hereinafter referred to as “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 minimum amount of time and cost to the Association, it may waive any of the above requirements. For purposes of this Resolution, "minimal requests" shall include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board 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. Members may appeal any decision made under this policy to the full Board, provided that the member files a written appeal of the decision within 30 days of the date of the decision. The Board will hear and resolve the appeal.

2. The Association shall not have any obligation to create documents in response to any member's request for records.

3. This Resolution does not apply to the records of individual Board or Committee members involved in the performance of their responsibilities or authorities.

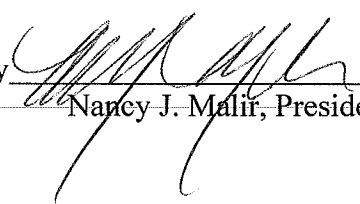
4. The Board shall have the right to amend the cost schedule attached hereto as Exhibit B without having to amend the entire Resolution.

E. Effective Date Of Resolution

The effective date of this Resolution shall be June 1, 2014.

I hereby certify that this Resolution was duly adopted by the Board of Directors at a regular meeting on April 23, 2014

POTOWMACK CROSSING II CONDOMINIUM

By  President
Nancy J. Malir, President

RESOLUTION ACTION RECORD

Duly adopted at a regular meeting of the Board of Directors held April 23, 2014.

Motion by: Katharine Pilkington Seconded by: Meredith Jones

VOTE: YES NO ABSTAIN ABSENT

Nancy J. Malif X _____
Nancy J. Malif, President

Meredith Jones X _____
Meredith Jones, Secretary

Kate Pilkington X _____
Kate Pilkington, Member
TREASURER

ATTEST:

Meredith Jones 4/23/2014
Date

Resolution effective: June 1, 2014.

EXHIBIT A

RECORD REQUEST FORM

You may use this form to request copies of or inspect the official records of the Potowmack Crossing II Condominium (“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:

Potowmack Crossing II Condominium
c/o Delbe Property Management
5125 MacArthur Blvd.
Suite 430
Washington, DC 20016
FAX: (202) 237-0348

Name of Requesting Party:

Mailing Address: _____

Address of Property located within the Association if different from mailing address:

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 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 mean a member who 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 Governing Documents.

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

Signature: _____

Received by: _____ Date: _____

EXHIBIT B

Cost Schedule

Copy/Print/Scan (black & white)	\$0.15 per page
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	\$ 55.00 per hour
Community Manager	\$100.00 per hour
Senior Management	\$175.00 per hour

CERTIFICATE OF MAILING OR DELIVERY

I hereby attest that this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Owners on this 5th day of May, 2014.

**POTOWMACK CROSSING II
CONDOMINIUM**

5/5/14
Date


Scott Burka, Manager