

RAINBOW LAKE ESTATES HOME OWNERS ASSOCIATION

POLICY

DOCUMENT RETENTION AND DESTRUCTION

SUBJECT: Document Retention and Destruction

PURPOSE: To adopt a Document Retention and Destruction Policy

EFFECTIVE DATE: *January 8, 2014*

RESOLUTION: The following resolution has been adopted by the Association pursuant to Colorado law, the Declaration of Covenants, Conditions, and Restrictions for Rainbow Lake Estates Conservation Development and the Bylaws of the Association at a regular meeting of the Board of Directors.

SECTION 1: INTRODUCTION

1.1 Scope

This Document Retention and Destruction Policy applies to the Rainbow Lake Estates Homeowners Association (hereinafter the "Association"), the Association Manager, and the Association's Board of Directors. The documents maintained by the Association's legal counsel are not subject to this Document Retention and Destruction Policy.

1.2 Purpose

This Document Retention and Destruction Policy is created to establish guidelines for identifying, retaining, storing, protecting and disposing of the Association's Documents (the "Documents"). This Document Retention and Destruction Policy is necessary to ensure that the Association conducts itself in a cost-effective manner while also adhering to legal and business requirements.

1.3 Policy

A. It is the Association's policy to maintain complete and accurate Documents. All Documents will be maintained by the Association Manager and only those records and memoranda maintained by the Association Manager will be deemed Documents. Documents are to be retained for the period of their immediate use unless longer retention is required for historical reference, contractual or legal requirements, or for other purposes as set forth in this Document Retention and Destruction Policy.

B. Documents that are no longer required or have satisfied their recommended period of retention are to be destroyed in an appropriate manner.

C. The Association Manager is responsible for ensuring that Documents within his or her area of assigned responsibility are identified, retained, stored, protected and subsequently disposed of, in accordance with the guidelines set forth in this Document Retention and Destruction Policy.

1.4 Compliance

This Document Retention and Destruction Policy is not intended to be all inclusive, and accordingly must be tailored to meet the specific needs of the Association. The retention periods set forth herein are guidelines based on the current retention periods set forth in federal, state, and local statutes and regulations (none of which explicitly address the Association), and industry custom and practice. Nothing in this policy shall be construed so as to require the development or production of a Document not otherwise required by the Association in the routine conduct of business.

1.5 Board Members

The Association does not require Board Members to maintain any Documents. Board Members in their discretion may dispose of Documents generated by the Association because the Association has maintained such Documents in the Official Files. However, if Board Members receive Documents relating to the Association, which were not generated by the Association, or not received through the Association, Board Members shall send the originals of such Documents to the Association Manager to be maintained in the Official Files. Documents created by Board members for their own use as a member of the Board of Directors, including but not limited to notes, drafts, emails, summaries, etc. are not Documents of the Association and maybe destroyed by the Board Member at any time, unless otherwise provided herein. E-mail discussions among Board members which result in an action or decision outside of a regular Board or Owners meeting shall be copied to and saved by the Association's manager pursuant to this policy. No Board Member shall disclose or provide any Document to any owner outside of the Board of Directors. Directors shall direct Owners to make a formal request to the Association pursuant to its inspection of records policy.

1.6 Annual Purge of Files

The Association Manager shall conduct an annual purge of files. The annual purge of files shall be completed within the first quarter of each calendar year.

1.7 Destruction Procedure

All Documents to be purged or destroyed pursuant to this Document Retention and Destruction Policy shall be shredded or deleted electronically.

1.8 Certification

Following the annual purge of files, the Association Manager shall complete a Certification Letter directed to the Association's Board of Directors stating that all Documents under his or her control conform to the retention guidelines.

1.9 Miscellaneous

There may be an immediate destruction of copies of any Document, regardless of age, provided that an original is maintained in the Official Files of the Association.

1.10 Onset of Litigation

At such time as the Board or the Association has been served with a lawsuit, or if it is reasonably foreseeable that litigation may be imminent, all Documents potentially relevant to the dispute must be preserved notwithstanding anything in this policy to the contrary. Therefore, at the direction of legal counsel the Association Manager will advise the Board Members, and any other person who may maintain Association Documents, of the facts relating to litigation. Thereafter, all Documents potentially relevant to the dispute shall be deemed "held" until such litigation is concluded and all appeal periods have expired. At the conclusion of the litigation the "hold" period will cease and the time periods provided in the Document Retention and Destruction Guidelines will recommence.

SECTION 2: DEFINITIONS

2.1 Current

Current means the calendar year in which the Document was created, obtained or received.

2.2 Document

Document means any documentary material that is generated or received by the Association in connection with transacting its business, is related to the Association's legal obligations, and is retained for any period of time. The term "Document" includes, among others, writings, drawings, graphs, charts, photographs, tape, disc, audio recordings, microforms, and other electronic documents from which information can be obtained or translated such as electronic mail, voice mail, floppy disks, hard discs and CD ROM. The Documents, as defined in this policy, may encompass more records than those which are available for inspection by Owners pursuant to the Association's Inspection of Records Policy. Not all Documents may be records of the Association as that term is defined in the Inspection of Records Policy and Colorado law, and therefore may not be subject to inspection by Owners.

2.3 Association Manager Association

Manager means the Manager of the Association, currently Flagstaff Management

2.4 Official Files

Official Files means the files maintained by the Association Manager of the Association. Legal documents and documents subject to the attorney-client privilege and the work product privilege maintained by the Association's legal counsel are not part of the "Official Files" of the Association.

2.5 Permanent

Permanent means that the retention period for that Document is permanent.

SECTION 3: Document Retention and Destruction Guidelines

The Association's Documents are grouped into five functional categories as set forth below. Although every conceivable Document is not listed, the following list should indicate to which subcategory a particular Document relates. The listed documents may or may not be applicable to the Association; inclusion on this listing does not require the production of any record or Document that is not normally produced or obtained by the Association in the routine conduct of business.

1.	<u>Accounting Records</u>	<u>Retention Period</u>
	Accounts Payable	7 years
	Account Receivable	7 years
	Audit Reports	Permanent
	Chart of Accounts	Permanent
	Depreciation Schedules	Permanent
	Expense Records	7 years
	Financial Statements (Annual)	Permanent
	Fixed Asset Purchases	Permanent
	General Ledger	Permanent
	Inventory Records	7 years
	Loan Payment Schedule	7 years
	Federal and State Tax Returns	Permanent
2.	<u>Bank/Financial Records</u>	<u>Retention Period</u>
	Bank Reconciliation	2 years
	Bank Statements	7 years
	Deposit Tickets	6 years
	Cancelled Checks	7 years
	Cash Receipts and Cash Disbursement Journals	7 years
	Owner Ledgers	Ownership period + 7 years

Electronic Payment Records	7 years
Audit Reports	Permanent
Personal Property Tax Returns	Permanent
Budgets	1 year
Reserve Study	Retain current plan at all times

3. **Corporate Record**

Retention Program

Board Minutes	Permanent
Committee Minutes	Permanent
Member Meeting Minutes	Permanent
Bylaws, Articles and CC& R's	Permanent
Rules and Regulations	Permanent
Policies and Guidelines	Permanent
Record of actions of the Board of Directors or Members without a Meeting (for example, records of decisions made by the Board via e-mail)	Permanent
E-mail communications among Board members directly related to and resulting in a decision made by the Board outside of a meeting.	1 year
General e-mail discussions among the Board which do not result in any decision being made outside of a meeting	6 months
Record of Waivers of Notices of Meetings of Members, Board of Directors or Committees	Permanent
Board Resolutions	Permanent
Business Licenses	Permanent

Contracts	Life +7 years or warranty period
Correspondence from Legal Counsel	Permanent
Insurance Policies	Life + 4 years
Leases/Mortgages	Permanent
Patents/Trademarks	Permanent
Bids, Proposals	Permanent
Homeowner Records	Permanent
Vendor Invoices	7 years
Written Correspondence between Association and Vendors	7 years
Photographs	7 years
Periodic Reports Filed with the Secretary of State	1 year
Videotapes and Audiotapes of Board Meetings	Until minutes approved
Proxies and Ballots (generally)	1 year after relevant action
Proxies and Ballots for Document Amendments	Permanently
Deeds, Easements and Other Real Property Records	Permanently
4. <u>Employee Records, if any</u>	<u>Retention Period</u>
Benefits Plans	Permanent
Personnel Files	7 Years
Employment Applications	3 Years
Employment Taxes	7 years
Payroll Records	7 years
Pension/Profit Sharing Plans	Permanent
5. <u>Real Estate Records</u>	<u>Retention Period</u>
Construction Records	Permanent

	Warranties	Permanent
	Leasehold Improvements	Permanent
	Lease Payment Records	Life + 4 Years
	Real Estate Purchases	Permanent
6.	<u>Owner Communications</u>	<u>Retention Period</u>
	Written Communications to all Owners generally (including meeting or other notices sent via e-mail, facsimile and regular mail)	6 Years
7.	<u>Individual Member Files</u>	<u>Retention Period</u>
	Correspondence to Members individually (not including enforcement letters)	As long as Member owns +4 years
	Enforcement Letters (including covenant violation letters and violation letters and delinquency letters)	As long as Member owns +4 years
	Owner Complaints (written)	As long as Member owns +4 years
	Architectural requests and any responses from the Association regarding Requests	Permanently
	Any Correspondence between Association and Members not otherwise listed	As long as member owns +4 years
8.	<u>Miscellaneous</u>	
	Miscellaneous Documents (not otherwise listed herein)	At Board's discretion

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Rainbow Lake Estates Homeowners Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association in accordance with the Association Bylaws on January 8, 2014 and in witness thereof, the undersigned has subscribed his name.

RAINBOW LAKE ESTATES HOMEOWNERS ASSOCIATION,

a Colorado non-profit corporation,

A handwritten signature in black ink, appearing to read "D. J. Swain". The signature is written in a cursive, flowing style with a prominent initial "D" and a long horizontal stroke at the end.

By:

President,

Rainbow Lake Estates Home Owners Association