

Association of Unit Owners of The Collection

ASSOCIATION POLICY 115 – E-MAIL COMMUNICATIONS AND REQUESTS FOR DOCUMENTS AND INFORMATION TO ASSOCIATION

The following policies are established for submission of requests for documents and/or information to the Association.

Email Communications

1. Email from Collection owners and residents to the Association, the Board and/or management regarding Collection issues shall be directed or referred to the General Manager for appropriate routing, action and response.
2. Email communications regarding Association matters (regarding Collection management, operations, maintenance, facilities, and services) should not be submitted by owners directly to the Board of Directors, individual Directors, Managing Agent, or the Association's attorney. Owners may (and are encouraged to) attend Board Meetings to address the Board during the Owners Forum portion of the agenda to discuss Association matters.
3. Committees may establish their own procedures for owner e-mail communications.
4. Nothing herein shall restrict owners or their authorized agents from making specific inquiries regarding their unit directly to the Managing Agent or General Manager.
5. Association business should be conducted at Board and/or Committee meetings. E-mail communications among owners and Board members should not be utilized to conduct Association business except to the extent permitted by Hawaii law and/or the Association's governing documents.
6. Board voting by email shall only be utilized for emergencies (which generally pertain to those matters the Board reasonably determines to be of such urgency that delay of their consideration until the next Regular or Special Board Meeting may cause prejudice or harm to the Association) whereby any action taken pursuant to an email vote is subject to ratification at the Board meeting following the taking of such action.

Document and Information Requests

Hawaii Revised Statutes ("HRS") HRS §514B-154.5 permits owners and/or the owner's authorized agent to submit document and information requests to the Association via the, "managing agent, resident manager, board or through a board member, or the Association's representative." While owners may continue to submit document and information requests to the Association via any of the parties identified in HRS §514B-154.5, owners and/or their authorized agents are **requested** to submit such requests to the **General Manager** so these requests might be logged and forwarded to the appropriate party for preparation of a timely response on behalf of the Association.

Owners are advised that HRS §514B-154.5 requires the Association to make certain documents and information available to any requesting owner or the owner's authorized agent, including:

1. All financial and other records to comply with disclosures for the resale of units
2. Declaration, Bylaws, House Rules, master association documents
3. Receipts and expenses for common elements, including maintenance and repair, and delinquent assessments
4. Records and vouchers authorizing payments and statements

5. Agreements for managing the operations of the property
6. List of members of the Association and current addresses
7. Current financial statement
8. Meeting minutes of the Association
9. Meeting minutes of the Board of Directors
10. Financial statements and general ledgers, insurance policies, contracts, delinquencies of ninety days or more
11. Proxies, tally sheets, ballots, unit owners' check-in lists, and certificate of election
12. Copies of an association's documents, records, and information, whether maintained, kept, or required to be provided pursuant to HRS §§514B-154.5, 514B-152, 514B-153, or 514B-154
13. Management contract for the entity that manages the property
14. Other documents not specified in HRS §514B-154.5, may be requested by a unit owner whereby the Board is required to provide a written explanation for its refusal to produce such documents
15. Contract, job description, and compensation for management personnel including general manager and operations manager

Deadline for response: Requested documents (or a written response thereto) shall be made available within 30 days from receipt of the request, except that requested board meeting minutes shall be provided within 15 days from receipt of the request. Copies of requested documents may be provided to the owner at a cost not to exceed \$1.00 a page.

Assessment of Reasonable Costs. HRS §§514B-154.5(b) and 514B-105(d) authorizes the Association to assess reasonable costs incurred to respond to a request for, "legal or other information", however, the Association is required to notify the unit owner in writing at least ten (10) days prior to incurring the reasonable cost of providing such legal or other information in response to the request. After being notified of the reasonable cost of providing the legal or other information, the unit owner may withdraw the request, in writing, without being charged such reasonable cost.

Affidavit. To the extent permitted by HRS §§514B-154.5, the Association may require the requesting party provide a signed and notarized affidavit as a condition of providing and/or making available for examination certain types of documents.

Other Association Documents. At the discretion of the Board, requests for "other documents" (No. 14 above) may be referred to Association legal counsel for review and/or drafting of an appropriate response. The Association may charge the requesting owner reasonable costs, including attorneys' fees, to conduct a review and draft a response, in accordance with HRS §514B-105(d).

Appeals. Any appeal pertaining to a response to a request for documents or information received by the Association from an owner and/or owner's authorized agent, including assessment of reasonable costs incurred pursuant to HRS §514B-105(d), as well as reasonable fees for duplication, postage, stationery, and other administrative costs associated with handling the request, shall be decided by a majority of the Board's Executive Committee (Board officers including the President, Vice-President, Secretary, and Treasurer).