

The Estuary Homeowners' Association, Inc.  
c/o Premier Community Consultants, Inc.  
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January 7, 2014

Enclosed are two Resolutions adopted by your Board of Directors at their budget meeting on December 16, 2013. They are:

Resolution Number 2013 – 1  
Architectural Control Committee Application Fees

Resolution Number 2013-2  
Records Inspection Policy

Please keep these resolutions with your documents for The Estuary.

For the Board of Directors  
The Estuary Homeowners' Association, Inc.

*Pam Washburn*

Pamela S. Washburn, CMCA®, AMS®, PCAM®  
Community Association Manager

**THE ESTUARY HOMEOWNERS ASSOCIATION OF NEW TAMPA, INC.  
ARCHITECTURAL CONTROL COMMITTEE APPLICATION FEES**

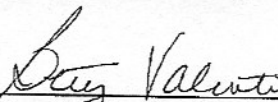
**WHEREAS** Section 19.8.1 of the Community Declaration of for The Estuary Homeowners Association, Inc. has provided that the Architectural Control Committee has the right to establish fees for modification applications to the exterior of homes and lots,

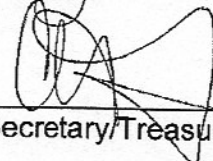
**NOW, THEREFORE, LET IT BE RESOLVED THAT** a fee of \$50 will be charged to each applicant requesting a modification to the exterior of the applicants' house or lot.

**LET IT ALSO BE RESOLVED** that the application fee will be waived to all applicants who submit the application for approval to the Architectural Control Committee prior to undertaking the modification and receiving such approval in writing from the Architectural Control Committee.

**LET IT BE FURTHER RESOLVED** that the application fee will be invoiced to all applicants who submit an Alteration Application after such improvement has been done upon the exterior of the house or lot and prior to receiving the required approval from the Architectural Control Committee. Such fees will be payable to the Association within thirty days of notification and will be collected in accordance with the Community Declaration.

Adopted this 16th day of December, 2013

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary/Treasurer

**THE ESTUARY HOMEOWNERS ASSOCIATION OF NEW TAMPA, INC.**

**RECORDS INSPECTION POLICY**

**WHEREAS** Section 6.12 of the Bylaws of for The Estuary Homeowners Association, Inc. has provided that the Board of Directors has the right to adopt, publish, promulgate and enforce rules and regulations governing the use of The Estuary, and;

**WHEREAS** there have been changes in Florida Statutes 720.303 (4) and (5) defining official public records of the Association and how association members may review official records of the Association; and

**WHEREAS** the Board of Directors desires to bring the Records Inspection Policy into compliance with Florida Statute 720,303;

**NOW, THEREFORE, LET IT BE RESOLVED THAT** the following policy be adopted for the inspection and copying of Association Records.

**Inspection and Copying of Association Records**

**1. Records Defined**

- a. The records available for inspection and copying by a Member are those designated by Florida Statute 720.303 (4) and (5) as amended from time to time.
- b. The Association's Board may withhold from inspection any records that in its reasonable business judgment would fall into any of the following categories:
  - i. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including but not limited to, any record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceeding until the conclusion of the litigation or administrative proceedings.
  - ii. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.
  - iii. Personnel records of the Association employees, including but not limited to, disciplinary, payroll, health, and insurance records.

- iv. Medical records of parcel owners or community residents.
  - v. Social security numbers, driver's license numbers, credit card numbers, electronic mailing addresses, telephone numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation mailing address and property address.
  - vi. Any electronic security measure that is used by the association to safeguard data, including passwords.
  - vii. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
- c. A list of members containing their addresses and parcel identification number shall not be released to anyone not a Member.
  - d. Minutes are not part of the official records until approved by the Board or in the case of a Members' meeting by the Members.
  - e. Financial Statements including any supplement reports are not part of the official records until accepted by the Board at their next meeting.
  - f. The Association and its' managing agent are not responsible to create special reports for the purpose of satisfying this policy.

## **2. Persons Entitled to Inspect or Copy**

Every member shall have the right to inspect or copy the Association's records in compliance with the rules and procedures contained within this policy. A Member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on the Member's behalf. Any such authorized representative shall be considered a "Member" for purposes of this policy.

## **3. Written Request Required**

- a. Inspection or copying shall be limited to those records specifically requested in advance, in writing by regular, priority or certified mail. Record inspection requests will not be accepted verbally, by email or by fax.
- b. A Member who wants to inspect or copy the Association's records shall submit a written request to the Association's office or complete and submit the attached Request for Access to the Association Books and Records Form.
- c. The request shall specify the particular record desired, including pertinent dates or time periods. The request shall be sufficiently detailed to allow the Association to retrieve the particular record(s) requested.

- d. The Association shall make the records available for inspection no later than the tenth (10<sup>th</sup>) business day after receipt of a written request submitted by certified mail, return receipt requested. This timeframe may be extended by the Member's written request, or if the records are so voluminous or otherwise in such condition as to render this timeframe unreasonable.
- e. The Association shall notify the Member (by telephone, in person, or in writing, including certified, return receipt requested) that the records are available, and specify the time date and in place for the inspection.

#### **4. Inspection Rules**

- a. All inspections shall take place at the Association's office or such other location as the Association designates as long the location is within 45 miles of the Association.
- b. Hours of inspection are between 9:00 am and 5:00 pm Monday through Thursday excluding legal holidays.
- c. The record inspection session shall not extend beyond one eight (8) hour business day per month.
- d. The record inspection shall be under the supervision of someone designated by the Association to monitor and assist in the record inspection. The Association may institute any supervision or reasonable security measures to safeguard the integrity of the records.
- e. No Member shall remove original records from the location where the inspection is taking place.
- f. Members shall not alter the records in any way. Marks may not be made on any record and the record sequence shall not be altered.
- g. The maximum number of Members present during the inspection shall not exceed four (4).

#### **5. Copying Rules**

- a. If a Member wants a copy of any record, the Member shall designate in writing the record desired. Any written request shall designate the specific record or portion thereof.
- b. During an inspection, the Member may designate such record by use of a tab, clip, or sticky note on the page or pages desired.
- c. If the Association has a photocopy machine available where the records are maintained, it must provide Members with copies on request during the inspection if the entire request is limited to no more than 25 pages.
- d. A Member may use a portable device including a smartphone, tablet, portable scanner or any other technology capable of scanning or taking photographs,

to make an electronic copy in lieu of the Association's providing the Member with a copy of such records.

**6. Inspection Costs**

- a. The Association may impose fees to cover the costs of providing copies of official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds ½ hour and if the personnel costs do not exceed \$20 per hour. This included the Manager's trips to storage to retrieve archived records.
- b. Personnel costs may not be charged for records request that result in the copying of 25 or fewer pages.
- c. The Association may charge up to \$.25 per page for copies made on the Association's photocopier. If the Association does not have a photocopier available where the records are kept or if the records requested to be copied exceed 25 pages in length, the Association may have the copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice.
- d. A duplexed page is considered to be 2 copies.
- e. Copy costs shall be paid by personal check at the time of or prior to the copies being delivered.
- f. Copies shall be available within 5 working days from the receipt of the request following a records inspection. If the Member has prepaid and the copies are not available within 5 working days, payment shall be returned and the copies shall be free.
- g. In rare cases, the request for copies may be so voluminous in nature or condition that this 5 working day timeframe may be impractical. In such cases, the Member shall be so informed and the copies made available as soon as practical.
- h. Copies shall be mailed, certified, return receipt requested to the address of record on file with the Association or to the attorney or designated representative's place of business. Certified mail postage and processing costs shall be reimbursed to the Association by the Member.

**7. Manner of Inspection or Copying**

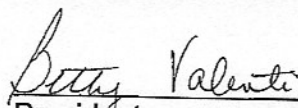
- a. All people inspecting or requesting copies of records shall conduct themselves in a business-like manner and shall not interfere with the operation of the Association office or such other location where the inspection or copying is taking place.

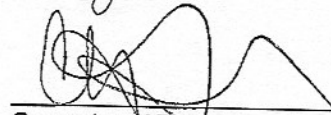
- b. All requests for copies or assistance shall be directed to the person supervising the inspection. This person is not there to decipher the records or answer questions about them.
- c. The Association shall maintain a log detailing:
  - i. The date the written request was received;
  - ii. The name of the requesting party;
  - iii. A list of the requested records;
  - iv. The date the Association notified the Member that the records were available;
  - v. The date the records were made available;
  - vi. The date of actual inspection or copying; and
  - vii. The signature of the Member acknowledging receipt of, or access to, the records. Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

**8. Enforcement of Inspection and Copying Rules**

- a. The Association shall not honor any requests that do not comply with this policy. Within 5 working days of receiving a non-compliant request, the Association shall send a written notice to the person who made the request indicating the nature of non-compliance.
- b. Any Association representative (Board Member or assigned Manager) who receives an oral request for inspection or copying shall refer the person making the request to this policy, and the Association shall have no further obligation to respond until it receives a written request.
- c. The Association's Board may take available legal action to enforce these rules, including the levying of monetary fines. The Association's Board may pursue any Member for damages or injunctive relief or both, including any reasonable attorney fees for abuse of inspection and copying rights.

Adopted this 16th day of December, 2013

  
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President

  
\_\_\_\_\_  
Secretary/ Treasurer