

**FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS**

**ADMINISTRATIVE RESOLUTION NO. 18-1**

**REQUESTS FOR EXAMINATION AND COPYING OF THE COUNCIL'S RECORDS**

**WHEREAS** Section 55-79.74:1 of the Virginia Code provides unit owners (co-owners) who are in good standing the opportunity to examine and copy certain records of the Council of Co-Owners (Council), subject to procedures approved by the Board of Directors (Board) under its power to enact and amend rules and regulations; and

**WHEREAS** Section 55-79.74:1 of the Virginia Code provides that the Council may recover the costs of materials and labor for copies of requested books and records, provided that the Board has adopted a cost schedule that (i) specifies the charges for materials and labor; (ii) applies equally to all unit owners in good standing; and (iii) is provided to any unit owner at the time the request is made; and

**WHEREAS** the Fairlington Glen Board is responsible for fostering an open and participative community in which owners and residents can have their voices heard, and providing information to further such participation (FAIRLINGTON GLEN HANDBOOK 2015, p. 15).

**NOW, THEREFORE, BE IT RESOLVED:**

A. Record Keeping and Access to Records

1. The Board shall establish a records retention policy to be followed by the Council, working with the management agent.
2. Informal Access. The Board shall designate information to be maintained as electronic records, updated at appropriate intervals, and available on request by co-owners. Electronic copies of such records, as well as those held by individual Board or Committee/Coordinator members involved in the performance of their responsibilities or authorities, may be made available at no cost when sent via email to the requestor or when available on the Council's website or via other electronic means. Neither the record request form (Exhibit A) nor the charges (Exhibit B) outlined below shall normally apply to such informal sharing of information among co-owners, whether digitized or on paper. An exception is when an entire disk is provided, in which case costs will be decided on a case by case basis. Requests of minimal time and cost to the management agent may also be waived by the Board or its delegate and assumed by the Council.
3. Formal Access. (a) Subject to certain exceptions set forth in Section 55-79.74:1 of the Virginia Code and also below, and provided that the request to examine books and records relates to the business of the Council and not for pecuniary or commercial reasons, co-owners in good standing shall have the right to examine and copy condominium records. Good

Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligations to the Council and compliant with all other responsibilities of membership.

(b) Co-owners wishing to examine and to copy records must complete fully the attached form (Exhibit A) and file it with the Council's managing agent or other duly appointed representative, who will provide within a reasonable time an estimated cost based on the cost schedule attached hereto as Exhibit B or any updates later put into effect. After receipt of payment, the Council shall set-up an inspection meeting or provide the co-owner with copies as provided under Section 55-79.74:1 of the Virginia Code. Adjustments based on actual time and copying costs will be made.

(c) Whenever a co-owner makes a written request to examine original records under "(b)," above, the Council shall have a member of its managing agent's company meet with the co-owner and serve as a custodian of the records for the protection of the documents. The Council will include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.

(d) After a co-owner has requested formal access under "(b)," above, the co-owner and the Council may agree on a procedure for providing the requested records without formal office visitation and at reduced cost, via the means and sources stated in the informal access provision of "2," above.

#### B. Exempt Records

The following records are exempt from the co-owner's right to examine and copy:

1. Personnel matters related to a specific, identified employee and person's medical records;
2. Any documentation which relates to a (i) contract, lease or other commercial transaction 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 Council documents or rules and regulations;
3. Communications with legal counsel which are protected by the attorney-client privilege;
4. Any records that any law prohibits the Council from providing to a 3<sup>rd</sup> party;
5. Minutes and other records reviewed in an executive session of the Board or 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 Council's books and records.

C. Miscellaneous

1. The Council shall not have any obligation to create documents in response to a co-owner's request for records.
2. Co-owners may make a written appeal to the full Board of any decision made under this policy, provided that an appeal is made within 30 days of the date of the decision. The Board will hear and resolve the appeal.
3. The Board shall have the right to amend the cost schedule attached hereto without having to amend the entire resolution.

Effective Date of Resolution

This resolution takes effect upon adoption by the Board of Directors and replaces Administrative Resolution No. 12-1, which is hereby revoked.

Duly adopted at a meeting of the Board of Directors held on February 13, 2018.

**Exhibit A**  
**FAIRLINGTON GLEN CONDOMINIUM COUNCIL OF CO-OWNERS**  
**RECORD REQUEST FORM**

You may use this form to request copies of or inspect the official records of the Fairlington Glen Condominium Council of Co-Owners ("Council"). In order to submit a proper request, please complete, sign and date this form and mail, e-mail, or fax it to the Council's common interest community manager at the address below:

Fairlington Glen Management Staff  
c/o Cardinal Management Group, Inc.  
4330 Prince William Parkway, Suite 201  
Woodbridge, Virginia 22192  
Facsimile: (703) 866-3156 E-mail: [c.lewis@cardinalmanagementgroup.com](mailto:c.lewis@cardinalmanagementgroup.com)

Name of Requesting Party: \_\_\_\_\_

Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

Address of Property located within the Council if different than mailing:

\_\_\_\_\_

\_\_\_\_\_

Phone (Home): \_\_\_\_\_

Phone (Work): \_\_\_\_\_

Phone (Mobile): \_\_\_\_\_

Email:

Please describe the records you wish to copy and/or inspect, including all relevant dates, names or other identifying information (attach separate schedule if needed):

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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 Council will provide you confirmation of the appropriate time, date and location for the Inspection.)

Please be advised: Not all Council records are available for review and inspection, per Section 55-79.74:1 of 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 Council fulfilling your request.

Please also be advised: The Council is obligated to respond only to record requests from members of the Council who are in Good Standing. Good Standing shall be defined to mean that a member who is current in the payment of assessments and any other financial obligation to the Council and compliant with all other responsibilities of membership.

You must date and sign this form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**  
**COST SCHEDULE**

Hourly rate for compilation and copying of materials:

By management agent Administrative Staff - \$75.00/hour

By management agent Accounting Staff - \$75.00/hour

By Community Manager - \$120.00/hour

By management agent Vice President - \$170.00/hour

By management agent Chief Financial Officer - \$175.00/hour

By management agent Principals - \$300.00/hour

These hourly charges shall be billed in fifteen (15) minute increments.

Copies shall be billed at a rate of \$0.12 per page.

These prices were in effect as of January 1, 2018 and are subject to change.