



## **RANCHO SANTA FE ASSOCIATION POLICY AND PROCEDURE REGARDING ACCESS TO RECORDS AND DOCUMENTS**

### **I. Purpose and Intent**

A Member's right to Rancho Santa Fe Association ("Association") records and documents is governed by the Davis-Stirling Common Interest Development Act (the "Davis-Stirling Act") and the CA Corporations Code. The purpose of this Policy and Procedure is to briefly describe access rights to records and documents as provided for in the Davis-Stirling Act, and to delegate to the staff of the Rancho Santa Fe Association the authority to comply with the requests by Members or their authorized representative. Since this Policy and Procedure is a summary, a Member should refer to the Davis-Stirling Act and the CA Corporations Code for specific provisions, and the Davis-Stirling Act and the CA Corporations Code shall prevail if there is a conflict between this Policy and Procedure and the Davis-Stirling Act or CA Corporations Code. The intent of this Policy and Procedure is to provide reasonable access to Association records and documents, as required by law, while protecting the Members' and Association employees' right to privacy as required by law.

### **II. A Summary of Access to Records and Documents**

- A. As specified in Section 5200 of the Davis-Stirling Act, Members are entitled to inspect and copy the following records and documents, upon written request submitted by US Mail or e-mail (if the Member has so requested) to the Manager of the Association, and the same are required to be provided by the Association within the time periods specified in Section 5210 of the Davis-Stirling Act:

The governing documents of the Association include the Protective Covenant, Articles of Incorporation, Bylaws, and Regulatory Code. These and other certain financial and disclosure documents are already provided on the website of the Association, RSFAssociation.org. Upon request, Members may obtain paper copies of these documents as well.

Financial records and documents required to be provided to a Member under the Davis-Stirling Act:

Interim and audited financial statements and records containing any of the following:

- (1) Balance sheet
- (2) Income and expense statement
- (3) Budget reports or comparisons
- (4) General ledger (for specified accounts)
- (5) Reserves

Executed contracts, not otherwise protected under law

State and Federal Income Tax Returns

Agendas and minutes (including minutes proposed for adoption that are marked to indicate draft status) of meetings of the Members, the Board of Directors, excluding any minutes or other information from executive sessions of the Board

Membership lists, including name, property address and mailing address of each Member, but excluding e-mail or telephone number and except for Members who have "opted out" of the sharing of such information

Check registers

Specific Invoices, receipts, cancelled checks for payments (if available), purchase orders approved by the Association, statements for services rendered, and reimbursement requests submitted to the Association.

A written request by US Mail or email (if the Member has so requested) is required to make the records or documents available using the form entitled RECORDS AND DOCUMENTS PRODUCTION REQUEST FORM.

Please note that the Association is not required to compile records and documents responsive to a general request, nor to create reports or studies at the direction of a Member. Thus, the request for records and documents should be specific and comply with the categories required to be produced pursuant to the Davis-Stirling Act.

Association records and documents, except for minutes of the Members and Board of Directors, are only required to be produced for the current and two previous fiscal years. Such requests, if properly made, will be filled in ten (10) business days for the current fiscal year and thirty (30) calendar days for the previous two fiscal years (Section 5210(a) and (b) of the Davis-Stirling Act).

Member and Board of Director meeting minutes (including minutes proposed for adoption that are marked to indicate draft status) will be available to Members within thirty (30) calendar days of the meeting and distributed upon request (Section 4950 of the Davis-Stirling Act).

The current list of Members, including the name, property address and mailing address of each Member, but excluding e-mail or telephone number and except for Members who have "opted out" of the sharing of such information, may be inspected or copied at reasonable times, upon five (5) business days prior written request, or the Member can upon written request and tendering the required fee to the Manager obtain a current list of Members which shall be provided within ten(10) business days of the request (Section 8330(a) of the CA Corporations Code). Access to the list will only be provided to a Member of the Association and requires a statement of purpose by the Member that relates to membership in the Association.



**RANCHO SANTA FE ASSOCIATION  
RECORD AND DOCUMENT PRODUCTION FORM**

I, \_\_\_\_\_, declare:

1. I am an owner of a building site located within the Rancho Santa Fe Covenant, located at \_\_\_\_\_, Rancho Santa Fe, California. My Member # is \_\_\_\_\_ and my mailing address is \_\_\_\_\_.

2. I am requesting the following access to the records and documents of the Association, subject to the provisions of Sections 5200 et seq. and 4950 of the Davis-Stirling Act and Section 8330 of the CA Corporations Code. I acknowledge that the Association will incur certain costs in connection with responding to this request which are set forth in paragraph 3 below. **I agree to pay those costs. I acknowledge that the Association's obligation to produce the requested records and documents is limited to the records and documents specified in the Davis-Stirling Act and CA Corporations Code.**

Association records and documents, except for minutes of the Meetings of the Members and Board of Directors, are only required to be produced for the current fiscal year and two previous fiscal years (Section 5210(a) of the Davis-Stirling Act). Records and documents required to be available under the law (other than minutes and membership lists) for the current fiscal year shall be provided within ten (10) business days following the Association's receipt of the request and for the previous two (2) fiscal years provided within thirty (30) calendar days following the Association's receipt of the request (Section 5210(b) of the Davis Stirling Act).

All Member and Board Meeting minutes (including minutes proposed for adoption that are marked draft status of the Board) are available to Members within thirty (30) calendar days of the meeting and distributed upon request (Section 4950 of the Davis-Stirling Act). The Association is not required to produce minutes of any executive session and is not required to produce confidential information contained in other records or documents, nor supporting documents pertaining to the minutes unless specifically referenced in the minutes as an appendix or addendum.

The current list of Members including the name, property address and mailing address of each Member, but excluding e-mail or telephone number and except for Members who have "opted out" of the sharing of such information, may be inspected or copied at reasonable times, upon five (5) business days prior written request, or the Member can upon written request and tendering a fee of \$100.00 to the Manager obtain a current list of Members which shall be provided within ten(10) business days of the request (Section 8330(a) of the CA Corporations Code). Access to the list will only be provided to a Member of the Association and requires a statement of purpose by the Member that relates to membership in the Association.

3. As of the date of this request, the costs for record and document production are: (a) for collecting, reviewing for confidential information, redacting the confidential information, and copying, a total of \$.25/page, (b) for mailing, the actual costs; and (c) if the requested documents include an "enhanced Association record" (Section 5205(b) of the Davis-Stirling Act), \$10.00 per hour, not to exceed \$200 for each written request, for any time actually involved in the redacting of same.

4. I agree I will not use the records or documents obtained from the Association for any unlawful purpose, any commercial purpose, or for any other purpose not reasonably related to my interest as an owner of a building site as set forth in paragraph 1 above. I understand that if I do misuse the records or documents, both the Association and any Member whose privacy is compromised or who otherwise incurs damage as a result of misuse of the information is entitled to take legal action against me.

Records and Document(s) Requested (Request is limited to records and documents required to be provided under law. Certain requests may require a statement of purpose.):

---

---

---

---

---

---

---

I hereby designate \_\_\_\_\_ as my authorized representative to receive the above referenced records and documents on my behalf. This designation is only valid for the current record and document request.

If any of the records or documents identified above are currently maintained by the Association in an electronic format which cannot be altered by recipient, you have the option of receiving those documents by e-mail as an alternative to US Mail. If you wish to receive such records and documents by e-mail, please indicate by providing the e-mail address to which you wish them sent, and initialing, below:

Email address: \_\_\_\_\_ (Initials) \_\_\_\_\_

I request that my request be sent by U.S. Mail to Name: \_\_\_\_\_

Address \_\_\_\_\_, City \_\_\_\_\_, State \_\_\_\_\_ ZIP \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing representations are true and correct.

Executed this \_\_\_\_ day of the month of \_\_\_\_\_, year 20\_\_\_\_, at \_\_\_\_\_, California.  
*(This must be filled out in order to complete your application).*

Member Name: \_\_\_\_\_ Member #: \_\_\_\_\_

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

*OFFICE USE ONLY below this line*

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Request Processed By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Provided to Member or Designee: \_\_\_\_\_ Form # \_\_\_\_\_