

# Records Access Policy

## Examination, Inspection and Copying of Anthem Community Council, Inc. Records and Documents

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Questions? Contact CFO Paul Conley, 623-742-6050

### Introduction

The Anthem Community Council, Inc. (ACC) is committed to operating in an open and transparent manner, and providing owners with a wide range of information about our community. We encourage you to first visit our website, *OnlineAtAnthem.com*, where a majority of the records, documents, financial statements and other information currently is available.

### Section 1 - Official address of Anthem Community Council for records requests

The official mailing address of the Anthem Community Council, Inc. for Records Requests, is:

Anthem Community Council, Inc.  
c/o Paul Conley - Request for Records  
3701 W. Anthem Way, Suite 201 |Anthem, AZ 85086

**Records are available ONLY to bona-fide Anthem owners in good standing (or their approved representatives) within Anthem Community Council.** Owners of property located within Parkside, Country Club, Paseo, Village, The Landings, or commercial areas may either: mail or hand deliver the Records Access Request Form to the above address or submit via email (which should include a PDF signed form) to: [pconley@anthemcouncil.com](mailto:pconley@anthemcouncil.com). Please utilize the form included on page 4 of this policy.

### Section 2 - Records retention/time periods

Appropriate records subject to review are required to be retained for a minimum of three (3) years.

### Section 3 - Summary of records access procedures

Step 1 - **Please read this policy thoroughly**, so that you understand your rights and limitations.

Step 2 - **Identify the specific documents or records you wish to view.** It is important that you are very clear when you make your requests, so that the Council staff can identify and gather the specific documents and records you would like to view. Also, since many ACC documents are published on the ACC website, you may wish to visit *OnlineAtAnthem.com* first to see if the documents you desire are already available.

Step 3 - **Please complete the one page form at the conclusion of this policy.** Please sign the form in two places in order for ACC staff to fulfill your request. Please use the attached form - do NOT create your own version. You will be asked to sign a third time once you have completed your review. Incomplete forms will be returned unapproved. Help us to help you by completing, signing and dating the form.

Step 4 – If the originals of the requested documents are “hard copy” documents, then **Council staff will contact you** either by email or telephone to setup an appointment for you to view the documents and records during normal ACC business hours. If the originals of the requested documents are electronic files, Council staff may be able to email to you the original electronic files or if too large, place the file(s) on a USB drive and provide to you.

Step 5 - **If you intend to request printed copies** of selected original hard copy records, copies are calculated at \$0.15 per each side of each page you wish to copy. Copies are payable by check only to "Anthem Community Council, Inc". Please note that records available on the website or electronically viewed at ACC offices are free.

Step 6 - **Council Staff will treat your request respectfully and professionally.** Please extend the same courtesy, respect and professionalism to the Staff. Please note that your request is itself a public record.

Step 7 – **Your access to records.** Depending on the type and nature of the requested records, some types of records may be available at the Council offices for review, while other records may be able to be electronically copied and emailed to you for your convenience. Hard copy records will be exclusively available to view in the Council offices unless you elect to purchase copies of such documents. Electronic files that are in PDF, DOC, XLS or other commonly available formats may be eligible to be emailed to you and you would be responsible for acquiring the appropriate software products which will allow those electronic files to be viewed. If you elect to view those files at the ACC offices, presuming that the ACC has an available software program to read those files, once you have completed your viewing of the records, please advise the Staff you are finished, so that you can sign off on your Records Request Form acknowledging you have completed your review of the records, and the Staff can then re-file the records you've asked to view.

Step 8 – **Locating the Requested Records.** The Council's current understanding of Arizona laws respective of Open Records Access is that the Council has ten (10) business days to respond to a Records Request. For most document requests, the Council will attempt to respond as quickly as possible. For some requests, such as records in archival storage, or off-site storage, if we are not able to provide the requested documents within the ten (10) business day window, Council Staff will advise the Requestor of the circumstances, and will continue to make its best reasonable efforts to obtain the requested documents as reasonably quickly as possible. In the event the Council Staff cannot locate a requested document, after making its best reasonable efforts, Council Staff will notify the Requestor of its inability to locate the requested documents.

Step 9 – **Interaction Between the Requestor and the Anthem Council.** The Council's current understanding of Arizona laws respective of Open Records Access is that certain types of documents are exempt from being available or provided to Requestors. These include, but are not limited to: payroll records; personnel records; employee benefits records, health records or disciplinary records; records with personally Identifiable Information (unless redacted); selected internally prepared worksheets or documents that are interpretations of original documents; legal guidance documents; legal documents covered under attorney-client privilege; and others, as may be covered under Arizona law. Additionally, while Council Staff will make its best efforts to supply the requested documents, it will not discuss such documents or provide guidance on such documents to a requestor.

Step 10 – **Understanding of the Law.** Arizona laws respective of Open Records Access could change over time. The ACC will continue to monitor such laws and update our forms and instructions in keeping with current law. If you note a discrepancy between current law and these forms and instructions, please advise us at your earliest convenience so that we may modify our documents to be in full compliance with current laws.

## **Section 4 - Record keeping**

While the ACC is not an HOA or COA, and is not legally bound to the Arizona governing statutes, the ACC operates in the spirit of such statutes and transparently, and is pleased to provide access to governing documents. The ACC follows the principle of *"All financial and other original records of the Council shall be made reasonably available for examination by any member or any person designated by a member in writing as the member's representative."*

The ACC also extends to Anthem owners the rights provided under The Arizona Non-Profit Corporations Act. Additionally, the Governing Documents of the Anthem Community Council, Inc. provide guidance on the records that should be retained.

A.R.S § 10-11601, a provision within the Arizona Non-Profit Corporations Act, indicates that retained records should include, but are not limited to:

- Records that involve corporate governance, including such records as:
  - Meeting minutes of the Board
  - Meeting minutes of committees
  - Resolutions adopted by the Board of Directors
  - Any agreement appropriate under A.R.S. § 10-3732
  - List of names and business addresses of all Board of Directors and officers
- Records that address the financial history of the Planned Community (A.R.S. § 10-11601)

- Financial statements, bank statements, disbursement registers or audited financial statements
- Contracts with business partners, vendors and service providers
- Records that indicate legal participation (A.R.S. § 10-11601) through a list of names and addresses and number of votes each legally entitled participant are entitled to cast.
  - Name and mailing address of the person(s). No email addresses or phone numbers provided.
- Governing Documents of the Planned Community, Homeowners' Association and/or Non-Profit Corporation (A.R.S. § 10-11601). These are available at *OnlineAtAnthem.com*.
  - Articles of Incorporation and any/all amendments
  - Bylaws and any/all amendments
  - CC&Rs and any/all amendments (Declaration of Covenants, Conditions and Restrictions)
  - Rules, regulations, policies and procedures pertaining to enforcement, assessment collection and architectural control.
- As noted earlier, Anthem Community Council, Inc. WILL NOT PROVIDE the following types of records, including, but not limited to:
  - Documents that address pending or in-process litigation;
  - Documents that address pending or in-process negotiations with a third party;
  - Meeting minutes or other associated or relevant records of sessions of the Board of Directors that are not required to be open to legally entitled participants;
  - Privileged communications between the ACC and its attorney(s);
  - Financial records of any current or previous owner within any of the Planned Communities (such as accounts receivable documents, delinquency lists, collections matters) of Parkside, Country Club, Village or non-residential properties; personal, medical, healthcare or other such protected records of any member or past member of any of the Planned Communities within Anthem, or such records protected under the laws of the State or Arizona or the United States.
  - Financial, compensation, medical, health, employment, employment performance or other such protected records of a current or past employee of the ACC or any of the Planned Communities within Anthem and/or of any current or past employee of any contractor, vendor, business partner or service provider of or for the ACC, or any of the Planned Communities within Anthem.
  - Any non-original source document, including creation or analysis or commentary on any original document.

## **Section 5 - Council's requirements in responding to a request for records**

The Anthem Community Council, Inc. will respond to requests for records as follows:

- The ACC will make its best efforts to respond to an Open Records Request within ten (10) business days to fulfill a written request for records from the time it is received by the ACC. However, in the event you request records which are retained in off-site storage, we ask for your agreement to allow for reasonable additional time to locate and retrieve those records.
- An Owner who is in good standing or their bona-fide representative shall complete a written Records Access Request Form (see page 4 of this policy), legibly printed or typed (not cursive writing), signed and dated, and submit it in person, by US Mail or by email to the Council address shown on page 1 of this policy. Incomplete, unsigned or undated Records Access Request forms will not be honored.
  - The request form MUST be specific to the records wanted, the reason the records are requested and the specific period of time those records cover. This will assist in properly responding to the request.
  - The requested records must NOT:
    - Be used for any purpose unrelated to the requestor's interest as an owner of property;
    - Be used for the purpose of soliciting money or donations, regardless of the nature of the solicitation;
    - Be used for the purpose of selling or distributing the Records to any person(s) or entity(ies);
    - Be used for any commercial purpose; or
    - Be used to intimidate, threaten or harass any Owner, resident, vendor, employee or volunteer.
- Many records will be available in PDF format for you to view at the ACC offices. Governing documents, meeting minutes, financial reports and other documents are currently available online and are available at your convenience *OnlineAtAnthem.com* and do not require a Records Access Request form. Council Staff will

make all other available documents, including those in hard copy, available for viewing at the offices of the Council, 3701 W. Anthem Way, Suite 201, during normal weekday business hours. If the requested records exist in electronic format only, the Council Staff will try to make them available for viewing on a Council-owned computer at this same address, presuming there is a legally available software license on the machine used for viewing. No original hard copy records can be removed from the Council offices. Requestors must agree that they will not mark, alter or damage any original documents provided them for viewing. There will be no charge for viewing these records.

- If an Owner or Owner's representative desires to have a copy of any requested record(s), in its original format (i.e. hard copy or electronic file) that party may make such hard copies of the requested records for a charge of fifteen cents (\$0.15) per copied side of each page, payable by check to the Anthem Community Council, Inc. at the time the desired records are copied, and prior to the removal of such copies from the ACC. However, certain records exist within the website of the Council, *OnlineAtAnthem.com*, and those are freely available to any Owner.
- If the Owner or representative cannot take the copies of the requested records with them at the time that copies are made, the Council Staff will hold those copies for five (5) business days until that party can return to pick them up. The Council Staff will not mail the records.
- The Council Staff cannot and will not provide any analysis, legal opinion, interpretation, explanation, comparisons, historical background or opinions on the records being requested or of information contained within such records. Staff cannot "create" any type of analysis of original records for a requestor, nor can they create any "new" record that is a compilation or interpretation of original records.
- Please note that the ACC does not have access to, and cannot provide, the records that are specific to the Country Club HOA, the Parkside HOA or the Village at Anthem COA. If you desire access to the specific records of these legal entities, please make your requests directly to their representatives.



## RECORDS ACCESS REQUEST FORM

Owner Name and Address		Owner Contact Information	
<i>Your name</i>		<i>Your email</i>	
<i>Address</i>		<i>Phone 1</i>	
<i>City/State/Zip</i>	Anthem, AZ 85086	<i>Phone 2</i>	

**I agree that the records being requested will NOT be used for:**

<i>Any commercial purpose or soliciting money or donations of any type or cause</i>	Agree	Disagree
<i>Any purpose unrelated to the requestor's interest as an owner of property</i>	Agree	Disagree
<i>Intimidation, harassment or nuisance of any Owner, resident, vendor, business partner, employee or volunteer</i>	Agree	Disagree
<b>SIGN HERE, SIGNIFYING AGREEMENT WITH THE ABOVE &gt; &gt; &gt;</b>		

Approvals & Dates		Staff Assignments & Dates		
<i>Review Request</i>		<i>Get Records</i>		
<i>Approve Request</i>		<i>Meet Owner</i>		
<i>Deny Request</i>		<i>Sign Out</i>		
<i>Denial Reason</i>		No Date	Request Not Specific	Other

### **CERTIFICATION AND ACKNOWLEDGEMENT OF RECORDS POLICY**

I certify that my request to review selected documents, books or records of Anthem Community Council, Inc. is for a proper purpose related to my ownership of property in one of the Planned Communities within Anthem, AZ as specified in this policy document. I accept and acknowledge the Anthem Community Council, Inc.'s Records Access and Inspection procedures and policy, which I have been given and precede this form. I acknowledge and agree that should I desire to obtain hard copies of any requested documents or records that I will pay, by check, for such copies at the rate of \$0.15 for each side of each page I wish to copy.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **ACKNOWLEDGEMENT OF ACCESS TO RECORDS (sign at completion of review)**

My signature below acknowledges that I have been given access to view and/or copy the records I have requested and that my request has been satisfactorily met. Please sign below once you have completed your records review.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DOCUMENTS OR RECORDS REQUESTED. INCLUDE SPECIFIC IDENTIFICATION OF DOCUMENT/RECORDS; RANGE OF DATES DESIRED; AND AS MUCH SPECIFIC INFORMATION AS POSSIBLE TO ALLOW FOR THE PROPER RECORDS TO BE LOCATED.**

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