

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

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Questions? Contact: Doug Greenstein @ 623-742-4556 Finance Department

## 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 "www.OnlineAtAnthem.com" where a majority of the records, documents, financial statements and other information currently is available. While the Anthem Community Council, Inc. is not a Planned Community as defined by our governing documents or by Arizona statutes A.R.S. § 11-11601, A.R.S. § 33-1805, or A.R.S. § 33-1258, the ACC supports the spirit and intent of these laws relative to providing access to documents and records.

## 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 Douglas Greenstein - Request for Records  
3701 W. Anthem Way, Suite 102 Anthem, AZ 85086

**Records are available ONLY to bona-fide Anthem owners (or their approved representatives) within Anthem Community Council.** Owners of property located within Parkside, Country Club, Paseo, Villages, 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: [DGGreenstein@AnthemCouncil.com](mailto:DGGreenstein@AnthemCouncil.com). Please utilize the Form included on page 4 of this Policy document.

## 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 01 - *Please read this Policy thoroughly*, so that you understand your rights and limitations

Step 02 - *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.

Step 03 - *Please complete the one page form at the conclusion of this Policy.* Please sign the form in 2 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 & dating the Form.

Step 04 - *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, Mon-Fri.

Step 05 - *If you intend to request printed copies* of selected 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 06 - *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 07 - *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.

## Section 4 - Statutory Requirements Concerning Planned Community Record Keeping

While the ACC is NOT a Planned Community and is not subject to the Arizona laws which govern those types of organizations, the ACC extends to Anthem owners the majority of the rights afforded by that legislation, which includes the Arizona Planned Communities Act (A.R.S. § 33-1805) and the Arizona Condominium Act (A.R.S. § 33-1258). Under these statutes, *"All financial and other records of the Association shall be made reasonably available for examination by any member or any person designated by a member in writing as the member's representative."* As owners within Anthem, not as "members", the ACC extends many rights consistent with the spirit and intent of the Statutes referenced herein.

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 is 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 online at [www.OnlineAtAnthem.com](http://www.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
- Anthem Community Council, Inc. WILL NOT PROVIDE, under these Statutes, the following types of Records, including, but not limited to:
  - Documents Which Address Pending or In-Process Litigation
  - Documents Which 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, Villages or Non-Residential; 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:

- Following the guidelines established under the Arizona Planned Communities Act (A.R.S. § 33-1805) and Condominium Act (A.R.S. § 33-1258), these Statutes provide ten (10) business days to fulfill a written request for records from the time it is received by the Anthem Community Council. We will attempt to meet that timeline. 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 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
    - Be used to intimidate or harass any Owner, Resident, Vendor, Employee, or Volunteer
- Most records will be made 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 at "[www.OnlineAtAnthem.com](http://www.OnlineAtAnthem.com)" and do not require a Records Access Request Form. All other documents, including those in hardcopy, will be made available by the Council Staff for viewing at the offices of the Council, being 3701 W. Anthem Way, Suite 102, during normal business hours, M-F. If the requested records exist in electronic format, the Council Staff will make them available for viewing on a Council-owned computer at this same address. No original hardcopy 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), 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 facility. Electronic versions of documents will not be provided. However, certain records exist within the website of the Council, [www.OnlineAtAnthem.com](http://www.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 5 business days until that Party can return to pick them up. The Council Staff will not mail the records.
- The Council Staff cannot 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 which is a compilation or interpretation of original records.



## 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 / ST / 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 <input type="checkbox"/>	No <input type="checkbox"/>
<i>Any purpose unrelated to the Requestor's interest as an owner of property</i>	Agree <input type="checkbox"/>	No <input type="checkbox"/>
<i>Intimidation, Harassment or Nuisance of any Owner, Resident, Vendor, Business Partner, Employee, or Volunteer</i>	Agree <input type="checkbox"/>	No <input type="checkbox"/>
<b><i>SIGN HERE, SIGNIFYING AGREEMENT WITH THE ABOVE &gt;&gt;&gt;&gt;</i></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 Signature <input type="checkbox"/> Refused Limits <input type="checkbox"/>	No Date <input type="checkbox"/> Request Not Specific <input type="checkbox"/>	Other <input type="checkbox"/>

**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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