

**ELDORADO COMMUNITY IMPROVEMENT ASSOCIATION, INC.**

**POLICY TITLE: DOCUMENT RETENTION POLICY**

**BOARD POLICY NUMBER: \_\_\_\_\_**

**DATE OF POLICY: \_\_\_\_\_**

**Eldorado Community Improvement Association (“Association”) is a nonprofit corporation and a planned community formed under the laws of New Mexico. In an effort to meet the responsibilities imposed under New Mexico law, the Association and its Board of Directors (the “Board”) hereby adopts the following Document Retention Policy (the “Policy”) for Board Members and members of Association committees, including the Architectural Committee:**

**1. Records of the Association. The Records of the Association consist of all records that involve Association business, whether directly or indirectly, regardless of whether the Record was generated by the Association’s general manager, if any, a Board member, a member of an Association committee, a member, or some other third party. The term “Records” includes both paper documents and electronic documents such as emails, .pst files, PDF files, TIFF files, word processing files, JPEG files, multimedia or image files (graphics, audio and video), text files, or any other file, document or medium that contains information related to the business of the Association.**

**2. Retaining Records of the Association. All Association Records, referenced below in this Paragraph 2, whether in hard copy or electronic form, that are received, sent or maintained by a Board or committee member or the Association’s community manager must be stored and maintained pursuant to Paragraphs 3 and 4 of this Policy for the time period required by law based upon the content contained within the Record as follows:**

**To be Kept Indefinitely:**

- Declaration or Covenants, Conditions & Restrictions (CC&Rs)**
- Articles of Incorporation**
- Bylaws**
- Association Rules and Regulations**

- **Architectural Guidelines**
- **All amendments to the aforementioned**
- **Board Resolutions**
- **Minutes of all meetings of the Members and the Board of Directors**
- **Written documentation of all actions taken without a meeting by the Members or the Board of Directors**
- **Minutes of committee meetings**
- **Written documentation of actions taken by committees on behalf of Association**
- **Architectural approvals/denials in Lot files**

**To be Kept for 7 Years:**

- **All financial Records of the Association, including bank account statements, transaction registers, and association-provided service or utility records.**
  - **Financials for past 3 years should be kept at the Association’s place of business or readily available if in electronic format. Financial Records 4 years or older may be stored off-site or archived if in electronic format.**

**To be Kept for 3 Years:**

- **All written communication to the Members (e.g., notices, e-mails, letters, blank ballots, Web-pages, newsletters, etc.)**

**Documents Regarding Board Elections:**

- **Keep all Records relating to a Board election until those elected have resigned or completed their terms. Such Records include, but are not limited to, ballots, calculation/counting notes, names and contact information about who performed count and who witnessed count, etc.**

### **Documents Regarding Association Contracts**

- **Keep all Association contracts and related documentation (such as requests for proposals, bids, correspondence, emails, phone notes, etc.) for 6 years after the end of the term of the contract.**

### **CC&R Complaints**

- **Keep all complaints from members (whether written, electronic or phone notes) in the Lot file (whether electronic or paper) about which the complaint is made until the owner of that Lot no longer resides in the home or the violation is resolved, whichever is later.**

### **Communications with Owner**

- **Keep all Records relating to communication with the Owner (including but not limited to violations about their Lot, photos about violations, unpaid assessments, or any other dispute) in the Lot file (whether electronic or paper) about which the complaint is made until the owner of that Lot no longer resides in the home or the violation is resolved, whichever is later.**
- **However, keep all architectural plans, approvals, disapprovals, conditional approvals, etc. in each Lot file (whether electronic or paper) indefinitely.**

### **Records Related to Any Dispute or Potential Dispute**

- **Keep all Records of any kind relating to any dispute or potential dispute for purposes of a litigation hold.**

**3. Separate E-mail Accounts. Each member of the Board and each Association committee shall establish a separate e-mail account to be used**

**exclusively for Association business. All communications with other Board or committee members, the general manager, or any other person regarding Association business should be conducted using only this separate e-mail account. The personal e-mail accounts of Board and committee members shall not be used to send or receive messages related to Association business. If an e-mail message regarding Association business is sent or received from a Board or committee member's personal e-mail account, then the message should be preserved in a separate folder within the personal e-mail account designated with the name of the Association. Furthermore, a copy of the message should be sent to the Board or committee member's separate e-mail account used exclusively for Association business. At such time that the Board or committee member no longer holds their position, the log-in and password information for the separate e-mail account they used exclusively for Association business shall be turned over to the Association's general manager or a member of the Board designated to receive the information. The general manager or designated Board member shall then change the log-in and password on the e-mail account so that it can no longer be accessed by the former Board or committee chair. Then, any e-mails stored in the member's personal e-mail shall be permanently deleted by the member.**

**4. Electronic Records. E-mails, pst files, PDF files, TIFF files, word processing files, JPEG files, multimedia or image files (graphics, audio and video), text files, or any other electronic files received by a Board or committee member may be accessed using appropriate software or printed by the member for reference and then maintained pursuant to the requirements related to paper documents. However, Board or committee members shall not save copies of any electronic Record of the Association on their personal computer, hard drive, thumb drive or any other storage medium that is the personal property of that member. If an electronic Record of the Association does become saved on the personal property of a Board or committee member, then the electronic Record should be preserved in a separate folder within the personal computer, hard drive, thumb drive or other storage medium designated with the name of the Association. At such time that the Board or committee member no longer holds their position or at the end of their current term, whichever occurs first, a copy of all electronic Records**

**maintained in the separate folder designated with the Association's name, as well as any other Association Records that are located on the member's personal property, shall be turned over to the Association's general manager or a member of the Board designated to receive the Records. Then, the copy of the electronic Records stored on the member's personal property shall be permanently deleted by the member.**

**5. Association Documents. Any Association Records in the form of paper documents received or printed by a member of the Board or committee shall be maintained by that member in a file designated with the name of the Association and the matter to which it relates. All such files shall be stored and maintained in a central location in the Board or committee member's home. At such time that the member no longer holds their position or at the end of their current term, whichever occurs first, all files of Association Records that are in the possession of the Board or committee member shall be turned over to the Association's general manager or a member of the Board designated to receive the files.**

**6. Association Records to be Maintained at Principal Office. The Board or the Association's general manager shall be responsible for maintaining the following Association Records at the Association's known place of business (e.g., Association on-site office, if any, or home of a designated Board member) or at the office of its statutory agent using paper files and/or electronic storage accessible on-site:**

- Its current Declaration or CC&Rs and all amendments to them currently in effect.**
- Its current Articles of Incorporation and all amendments to them currently in effect.**
- Its current Bylaws and all amendments to them currently in effect.**
- The minutes of all members' meetings and board meetings (other than executive sessions) and records of all actions taken by members and the Board without a meeting for the past five years.**

- **Records of all actions taken by a committee in place of the board or on behalf of the Association for the previous five years.**
- **Operating budget for the current fiscal year.**
- **Financial statements and accounts, including bank account statements, transaction registers, and association-provided service or utility records kept per this record retention policy.**
- **The most recent financial audit or review, if any.**
- **All current contracts entered into by the Association or the board on behalf of the Association.**
- **Current insurance policies.**
- **A list of the names and addresses of all association members.**

**7. Use of Storage and Electronic Archives. The Board may coordinate the use of storage facilities, whether on-site or off-site, and/or electronic archiving of all Association Records that must be maintained for a period in excess of five (5) years.**

**8. Destruction of Association Records. Association Records that no longer need to be maintained pursuant to the requirements of Paragraph 2 shall be destroyed by the Association's general manager or one or more Board members designated to undertake the destruction. In the case of paper documents, the Records shall be shredded prior to disposal. Electronic Records shall be permanently deleted using appropriate software chosen by the Association. The party(ies) responsible for the destruction of Association Records shall undertake an audit of existing Records on at least a quarterly basis to determine which Records are suitable for destruction.**

**9. Litigation Hold. In the event that the Association receives a threat of legal action, believes legal action is a possibility, or becomes involved in a legal action of any kind, all destruction of Association Records pursuant to Paragraph 8 shall be immediately suspended. The Association shall notify all persons who may have Records relevant to the legal action to perform an audit of their e-mail accounts, files, and personal property to determine what Association Records are in their possession. The Association's legal counsel**

**will then coordinate the collection of such Records and their use in the legal action.**

**This policy was adopted by the Board on \_\_\_\_\_ and shall become effective on the date indicated below.**

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SECRETARY**

\_\_\_\_\_  
**DATE**