LAKE OF THE WOODS ASSOCIATION, INC

Resolution 2019-21

An Administrative Resolution

(Record Retention)

WHEREAS, Article V, Section A.8 of the Association’s Bylaws provides that the Board of Directors shall have all of the powers granted to it by the Code of Virginia, the Articles of Incorporation, and the Restrictive Covenants, and such powers as may be necessary to fulfill its responsibilities thereunder; and,

WHEREAS, Section 55-513(A) of the Virginia Property Owners’ Association Act provides that a Board of Directors shall have the power to establish, adopt, and enforce rules and regulations with respect to such areas of responsibility assigned to an association by its declaration, except where expressly reserved by the declaration to members; and

WHEREAS, the Board of Directors believes it necessary to establish procedures for the retention and destruction of the Association’s books and records in accordance with the requirements of the Governing Documents and Virginia law.

NOW THEREFORE, BE IT RESOLVED that effective October 5, 2019, the Board duly adopts the following:

General Policy

The Board Secretary, with the assistance of the General Manager, shall maintain a filing system appropriate for the daily use and long-term retention of the Association’s documents and records, including approved minutes of all meetings of the Association and the Board of Directors. The documents and records maintained in this filing system and only such documents and records shall constitute the books and records of the Association. With the exception of documents and records protected by Section 55-510 of the Code of Virginia, as amended, the Association books and records shall be available for inspection in accordance with the provisions of the Virginia Property Owners’ Association Act.

Books and Records of the Association

Except as hereafter expressly determined by the Board of Directors, the books and records of the Association shall consist exclusively of the documents enumerated below.

Record Retention Policy

A. The following list shall serve as a guideline for the retention and destruction of books and records of the Association.

1. The Board must permanently retain the following records:
   a. The Lake of the Woods Articles of Incorporation and all amendments to it.
b. The Lake of the Woods Declaration of Restrictions and all amendments to it.

c. The Lake of the Woods Bylaws and all amendments thereto in effect.

d. The Lake of the Woods Regulations and all amendments thereto in effect.

e. The Lake of the Woods Policy and Administrative Resolutions and all amendments thereto in effect.

f. Deeds and other property records relating to property of the Association.

g. Federal and State income tax returns.

h. Real Estate and Personal Property tax records.

i. Audit reports.

j. Minutes of all membership meetings.

k. Minutes of all meetings of the Board of Directors.

l. Records of all actions by the membership in lieu of meetings.

m. Records of all actions by the Board of Directors in lieu of meetings.

n. Annual Reports filed with the Commonwealth of Virginia.

o. Record of all actions taken by a committee of the Board in place of the Board, on behalf of the Association, including the Environmental Control Committee.

p. A list of the names and addresses of current members of the Association as of April 30 each year.

q. A list of the names and addresses of current members of the Board of Directors as of September 30 each year.

r. The resale disclosure statement currently in effect at April 30 each year.

s. Copies of unsatisfied judgments in favor of or against the Association.

t. Association Attorney file, including correspondence, opinions and memoranda from legal counsel.

u. Official correspondence of Officers and the General Manager on behalf of the Association.

v. *Lake Currents* newsletter and similar Association publications.

w. Documents deemed by the Association to have historical value.
x. Property, Plant and Equipment Project Files including vendor invoices for the life of the asset.

y. Employee 401(k) Profit Sharing Plan documents.

2. The Board shall retain the following records for at least seven (7) years:
   a. Bank statements and bank reconciliations
   b. Canceled checks
   c. General ledgers
   d. Monthly financial statements
   e. Payroll records including any required State and Federal Employment Tax Filings
   f. General Manager Reports to the Board
   g. Individual lot files, including copies of recorded liens and releases of the same.
   h. Other forms regularly filed with the State or Federal Government.
   i. State and Federal unemployment taxes. (Seven years from date of filing.)
   j. Workers Compensation records (Seven years after the incident.)

3. The Board shall retain the following records for at least five (5) years:
   a. Contracts that are no longer active
   b. Insurance policies that are no longer active
   c. 
   d. Records of any determinations by the Virginia Common Interest Community Board relating to the Association.
   e. Deposit tickets and credit card receipts (Five years after filing of a tax returns.) Cash Receipts and Disbursement Journals (Five years after filing of a tax returns.)
   f. Adopted Budgets

4. The Board shall retain following records for at least three (3) years:
   a. All written communications to and from members, other than electronic communications which shall not be made part of the books and records of the Association.
   b. Correspondence or records involving personal injury (retain records from date of alleged injury)
c. Employee files (Three years after termination date.)

d. Vendor invoices (Three years after services are completed.)

e. Proposal of winning contractors. (Three years after termination of service.)

f. Summonses to the Legal and Compliance Committee and related files except for
   summonses involving compliance issues/matters of an on-going nature.

5. The Board shall retain the following records for at least one (1) year

   a. Correspondence between the Association and the general public

B. Except for documents deemed by the Association to have historical value, retention of
   records in electronic form instead of paper form is permitted.

C. The General Manager shall be responsible for maintaining a procedure outlining the process
   for the periodic destruction of records that are no longer required to be retained by this
   policy.

LAKE OF THE WOODS ASSOCIATION, INC.

By: Clifton D. Wilks, President

ATTEST:

I, as Secretary for Lake of the Woods Association, Inc., hereby attest that the foregoing
Administrative Resolution No. 2019-21 was adopted by the Board of Directors at a duly-held and
noticed Board of Directors meeting held on the 5th day of October, 2019.

By: Phillip Davis Brown, Secretary