

BIG CANOE PROCEDURE

Procedure 156.2 POA Member Access to Records

I. PROCEDURE

- (1) The POA will keep those records required by the Official Code of Georgia Annotated (O.C.G.A.) Section 14-3-1601 such as minutes of all Board meetings, accounting records and a record of its members.
- (2) A POA member is entitled to inspect and copy, at a reasonable time and location specified by the POA, any of the records of the POA specified in O.C.G.A. Section 14-3-1602 (a) if the POA member gives the POA written notice at least five business days before the date on which the member wishes to inspect and copy.
- (3) Excerpts from minutes of any meeting of the POA Board of Directors, accounting records and the membership list as delineated and qualified by O.C.G.A. Sections 14-3-1602 and 14-3-1605 may be inspected and copied by a POA member at a reasonable time and location specified by the POA provided the members gives the corporation written notice or a written demand at least five business days before the date on which member wishes to inspect and copy, but only if (a) the member's demand is made in good faith and for a proper purpose that is reasonably relevant to the member's legitimate interest as a member and (b) the member describes with reasonable particularity the purpose for which the records the member desires to inspect and (c) the records are directly connected with such purpose and (d) the records are used only for the stated purpose.
- (4) As further delineated by O.C.G.A. Section 14-3-1603, a member's agent or attorney has the same inspection and copying rights as the member consistent with the scope of the agent's or attorney's representation of such member.
- (5) The POA will impose a reasonable charge for the actual cost, or estimated cost if actual cost is not readily available, of production or reproduction of copies of documents to include the cost of labor and material unless the requested record is not maintained in a written form. In that instance there is no charge.
- (6) Court ordered inspections are provided by O.C.G.A. Section 14-3-1604(a) and (b). Under the terms of Section 14-3-1604(c) the court will not order the inspection or production when the POA proves that it refused the inspection in good faith because it had a reasonable basis for doubt about the right of the member to inspect the records demanded. Accordingly, such will be the usual approach and process used by the POA in denying demands or requests for inspection and production.
- (7) Without the consent of the POA Board a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. Without limiting the generality of the foregoing, without the consent of the POA Board, a membership list or any part thereof may not be used to:
 - (a) Solicit money or property unless such money or property will be used to solicit the votes of the members in a POA election; or
 - (b) Used for any commercial purpose; or

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- (c) Sold to or purchased by any person.

Except in unusual circumstances as determined by the Board in its sole discretion, the POA Board will not allow access to its list of its members for the uses and purposes listed under 7 (a), (b) and (c) as above set forth.

- (8) Property owners have no privacy expectations in POA membership lists compiled from public records of Big Canoe property ownership. Conversely, the POA will strictly adhere to applicable Georgia law regarding inspection, copying or production of membership lists since the information can be obtained from the public property records of Pickens and Dawson County, Georgia.
- (9) The General Manager is the designated representative of the Board for receiving and processing requests for inspection, copying and production of the involved POA records. In circumstances other than those requiring Board approval as set forth in Paragraph (7) above, the General Manager may refer to the Board for its decision any request for inspection, copying or production covered by the Resolution.

II. RESPONSIBILITIES

General Manager

III. SCOPE

IV. DEFINITIONS

V. RELATED POLICIES OR DOCUMENTS

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Revised:

Pages: 2