

**BIG SKY OWNERS ASSOCIATION, INC.  
BOARD OF DIRECTORS RESOLUTION**

**RESOLUTION: ACCESS TO BIG SKY ARCHITECTURAL COMMITTEE RECORDS AND ARCHITECTURAL FILES**

Date of Board Adoption: May 22, 2009 Resolution No.: 2009-01

Effective Date: May 22, 2009 Dates Revised: \_\_\_\_\_

**RESOLUTION**

**WHEREAS**, the Big Sky Owners Association, Inc. ("BSOA") maintains records of Big Sky Architectural Committee ("BSAC") agendas, meeting minutes, reading files, architectural files (inclusive of plans submitted for aesthetic review by the BSAC) and other miscellaneous files (collectively referred to as "BSAC Files") at its registered office or off-site storage and has done so since its inception in 1972; and

**WHEREAS**, the BSOA through its staff has maintained the BSAC Files for the benefit of the BSAC and the BSOA Members, and such maintenance includes keeping files of Member's submittals of plans for architectural review by the BSAC (Member's architectural files and plans); and

**WHEREAS**, the BSOA receives requests to review said BSAC Files from Members, Member's agents (i.e., realtors, architects, builders, landscapers, contractors, etc.), condominium and homeowners associations within the BSOA's jurisdiction, County, State and Federal Officials, and members of the general public; and

**WHEREAS**, the BSOA Board, BSAC and its staff have historically maintained a consistent internal policy for access, review and copying of said BSAC Files and both the BSOA Board and the BSAC recognize the need to formalize said policy as a written resolution.

**NOW THEREFORE, be it resolved that:**

- 1. Access to BSAC agendas and meeting minutes-** the BSOA shall make available, during normal business hours, for inspection all BSAC agendas and meeting minutes to any Member in Good Standing, or his or her agent or attorney, for any proper purpose. The general public (i.e., not Members) are not permitted access to the BSAC agendas and meeting minutes records.
- 2. Access to Member's architectural files and plans-**
  - a. Member's architectural files and plans are maintained for the benefit of the Member who is the current Owner of the real property that the file and plans are associated with. Such file may be accessed by the Member and any documents and plans contained within the file may be copied by the Member. In the event a Member desires to "check out" their architectural plans for off-site review and

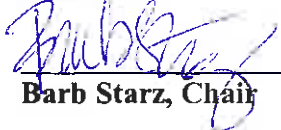
copying; the Member must provide the completed Exhibit A and assumes all responsibility if the plans are damaged, not returned to BSOA or lost while in their possession. A Member may grant written permission for their agent to review their file or “check out” Member’s architectural plans. Said agent (i.e., realtors, architects, builders, landscapers, contractors, etc.) must provide the information on Exhibit A (regardless of whether they are just reviewing the file or “checking out” plans) and assumes all responsibility if the plans are damaged, not returned to BSOA or lost while in their possession.

- b. Condominium (commercial and residential) project files and architectural plans are also maintained at the BSOA and may be accessed by Members who own within that particular condominium association. However, architectural plans for that condominium project may only be “checked out” for copying by a Member in that particular condominium association, or an agent of the Member, or an agent of the condominium board of directors only with the prior written permission of the condominium board of directors or their designated representative (i.e., property manager) for that particular condominium association.
  - c. The general public is not permitted access to Member’s architectural files, or condominium project files without the written permission of the Member or the condominium association board of directors for the particular project. The general public can include architects, planners, landscapers, contractors who may have submitted plans or documents relative to the Member’s project to the BSAC.
  - d. Written permission as used in this paragraph 2 can be in the form of a written letter, e-mail (from the Member or the condominium association sent to a designated staff member of the BSOA) or fax sent to the BSOA office.
3. **Discretion-** The BSOA, BSAC and its staff reserve the right to disclose information from a Member’s architectural file and plans under the following circumstances:
- a. At the request of a County, State, or Federal official (i.e., the planning department, water & sewer district, fire department, Montana Building Codes Bureau, U.S. Army Corps of Engineers, etc.);
  - b. At the request of the Board of either a condominium association or home owners association that is a sub-association within the Association’s Jurisdiction of which that Member’s real property is a part of;
  - c. Disclose to a Member, plans for a proposed home or project that is currently going through or just gone through architectural review, where that Member was unable to attend a BSAC meeting where that home or project was reviewed. This does not include allowing that Member to make copies of the architectural file or plans.
  - d. Disclose information to another Member if the requested information in the BSOA, BSAC or staff’s discretion is not private (i.e., banking information/records, personal identification information, contact information, relative to security systems and internal layout of property), or is deemed innocuous (i.e., a Member likes the paint color and wants to know the name of it);

- e. For disclosures under this Section 3, Members will be mailed a notice that includes the following: the date their file was accessed or reviewed; who accessed their file, and for what purpose.
4. **Notice-** because some BSAC Files are maintained in off-site storage, Members are advised to contact the BSOA office at least 24 business hours in advance regarding access to their records to permit time to retrieve requested files from archives (if applicable).
5. **Archive-** All files maintained by the BSOA are subject to its policies/resolutions for document retention (i.e., archiving and destruction).
6. **The Board interprets this resolution, and its decision is final;**
7. **This Resolution supersedes all other Policies/Resolutions with regard to access to BSAC Files.**

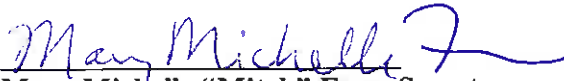
DATED this 22 day of May, 2009

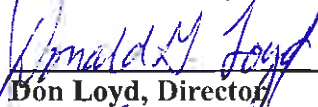
**BOARD OF DIRECTORS  
BIG SKY OWNERS ASSOCIATION, INC.**

  
Barb Starz, Chair

\_\_\_\_\_  
Steve Barrett, Vice Chair

\_\_\_\_\_  
Kevin Frederick, Treasurer

  
Mary Michelle "Mitch" Furr, Secretary

  
Don Loyd, Director

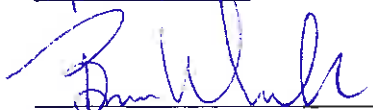
  
Rumsey Young, Director

  
Will Brunner, Director

\_\_\_\_\_  
Greg Ruff, Director

**BIG SKY ARCHITECTURAL COMMITTEE**

This resolution was reviewed and approved by the Big Sky Architectural Committee at its meeting on April 16, 2009.

  
Brian Wheeler, Chair

**\*Use of capitalized terms in this resolution, otherwise not defined herein, refer to defined terms in the Amended and Restated Bylaws for the Big Sky Owners Association, Inc. dated January 18, 2008 and recorded in the offices of the Clerk and Recorder for Gallatin (Document #2290050, January 25, 2008) and Madison Counties (Document #124479, February 11, 2008).**

**Exhibit A**

**BSOA Account #** \_\_\_\_\_

**Name of Condo Project (if applicable):** \_\_\_\_\_

**\* When denoting an Owner or Owner's Agent please circle the appropriate designation:**

**Owner's or Owner's Agent's Name:** \_\_\_\_\_

**Agent's relationship to Owner (i.e., realtor, architect, builder, landscaper, contractor, other):**  
\_\_\_\_\_

**Owner's or Owner's Agent's Address:** \_\_\_\_\_

**Owner's or Owner's Agent's telephone # (cell #, local or permanent):** \_\_\_\_\_

**Owner's or Condominium Board of Director's Written Permission (if applicable attach a copy hereto):** \_\_\_\_\_

**Date File Reviewed:** \_\_\_\_\_

**Date Architectural Plans "Checked Out":** \_\_\_\_\_

**Details (i.e., what part of the plan was checked out):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Anticipated Date Architectural Plans To Be Returned:** \_\_\_\_\_

I assume all responsibility for the architectural plans that I have "checked out" if they are damaged, not returned to BSOA or lost while in my possession.

\_\_\_\_\_  
Owner or Owner's Agent

\_\_\_\_\_  
Date

**Date Returned:** \_\_\_\_\_

**Documents Returned and Condition:** \_\_\_\_\_

**Checked in by:** \_\_\_\_\_

**BSOA Staff Signature**

**Date**