2024 Kansas Statutes

58-4616. Record keeping requirements; records open to unit owners; copy fees. (a) The association, or its agents, must retain the following for five years unless otherwise provided:
(1) Detailed records of receipts and expenditures affecting the operation and administration of the association and other appropriate accounting records;
(2) minutes of all meetings of its unit owners and board of directors other than executive sessions, a record of all actions taken by the unit owners or board of directors without a meeting, and a record of all actions taken by a committee in place of the board of directors on behalf of the association;
(3) the names of unit owners in a form that permits preparation of a list of the names of all unit owners and the addresses at which the association communicates with them, in alphabetical order showing the number of votes each owner is entitled to cast;
(4) its original or restated organizational documents, if required by law other than this act, bylaws and all amendments to them, and all rules currently in effect;
(5) all financial statements and tax returns of the association for the past three years;
(6) a list of the names and addresses of its current board of directors' members and officers;
(7) its most recent annual report, if any, delivered to the secretary of state;
(8) financial and other records sufficiently detailed to enable the association to comply with other requirements of law;
(9) copies of current contracts to which it is a party;
(10) records of board of directors or committee actions to approve or deny any requests for design or architectural approval from unit owners; and
(11) ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.
(b) Subject to subsections (c) through (g), all records retained by an association must be available for examination and copying by a unit owner or the owner's authorized agent:
(1) During reasonable business hours or at a mutually convenient time and location; and
(2) upon 10 days' written notice reasonably identifying the specific records of the association requested.
(c) Records retained by an association may be withheld from inspection and copying to the extent that they concern:
(1) Personnel, salary, and medical records relating to specific individuals;
(2) contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;
(3) existing or potential litigation or mediation, arbitration, or administrative proceedings;
(4) existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the declaration, bylaws, or rules;
(5) communications with the association's attorney which are otherwise protected by the attorney-client privilege or the attorney work-product doctrine;
(6) information the disclosure of which would violate law other than this act;
(7) records of an executive session of the board of directors; or
(8) individual unit files other than those of the requesting owner.
(d) An association may charge a reasonable fee for providing copies of any records under this section and for supervising the unit owner's inspection.
(e) A right to copy records under this section includes the right to receive copies by photocopying or other means, including copies through an electronic transmission if available upon request by the unit owner. Copied records may be used for any reasonable purposes other than for commercial purposes.
(f) An association is not obligated to compile or synthesize information.
(g) This section shall take effect on and after January 1, 2011.

History: L. 2010, ch. 116, § 15; July 1.