

POLICIES AND PROCEDURES

POLICY NUMBER: **09-04**
SUBJECT: **PUBLIC DISCLOSURE OF DOCUMENTS POLICY**
EFFECTIVE DATE: April 28, 2009
REVISION DATE:
SUPERSEDES:
APPROVED BY: **CWEA Board of Directors**

POLICY

CWEA's Public Disclosure of Documents Policy is intended to support public access to the Association's governing documents, conflict of interest policy, and audited financial statements and describe how the Association makes those documents available to CWEA members and the public.

PROCEDURES

Members' access. The Association's Executive Director shall ensure that the Association's governing documents (Articles of Incorporation, Constitution, Bylaws, and policies, including the Conflict of Interest policy) (the "Governing Documents") are available to members on the Association's website. The Statement of Financial Position and the Statement of Activities from the audited financial statements shall be published annually in the Association's member publications. The members shall have all of the rights to reports, records, and inspection as provided in California Corporations Code Sections 6310 – 6338. In addition, the Association shall conform to Article 20 (Financial Reports) of the Association's Constitution, excerpted below:

FINANCIAL REPORTS

- 20.1 Financial Report. Within 120 days after the end of the Association's fiscal year, the Board shall cause a written report to be sent to all of the directors and members of the Association containing the following information about the prior fiscal year.
 - 20.1.1 the assets and liabilities, including the trust funds of the Association, as of the end of the fiscal year;
 - 20.1.2 the principal changes in assets and liabilities, including trust funds;
 - 20.1.3 the revenue or receipts of the Association, both unrestricted and restricted for particular purposes, for the fiscal year;
 - 20.1.4 the expenses or disbursements of the Association, for both general and restricted purposes; and
 - 20.1.5 any report thereon of independent accountants or, if there is no such report, the certificate of an authorized officer of the Association that such

statements were prepared prior to an audit from the books and records of the Association, and when such a report will be made available.

20.2 Report of Certain Transactions. The Board shall cause a written report to be sent to all of the members and directors of the Association containing the following:

20.2.1 a description of any transaction during the previous fiscal year involving (cumulatively) \$50,000 or more between the Association and any of its directors or officers, including the names of the interested persons, their relationship to the Association, the nature of their interest in the transaction and, where practicable, the value of such interest; and

20.2.2 the amount and circumstances of any indemnifications or advances aggregating more than \$10,000 that were paid during the fiscal year to any director or officer of the Association, and that were not approved by the members of the Association.

20.2.3 If no transaction required to be reported has occurred during the fiscal year, no report is required for that fiscal year.

Public access. The Association shall make the following documents available to the public ("Publicly Disclosed Documents"):

- The Association's federal tax exemption application and all supporting documents, including its determination letter;
- The Association's three most recent Form 990s (with schedules), including compensation schedules, but excluding information identifying donors;
- The Association's three most recent Form 990-T (if any); and
- The Association's three most recent audited financial statements (if any),

Members of the public may request access to any of the Publicly Disclosed Documents by any of the following methods, to which the Association will respond in the time frame listed:

- In person: The Association shall allow public inspection of its Publicly Disclosed Documents at its principal office during normal business hours. The Association shall make copies of any of its Publicly Disclosed Documents on a same-day basis, if such request is made in person.
- In writing: The Association shall mail out copies within thirty (30) days of receiving a written request for a copy of any of its Publicly Disclosed Documents. The foregoing sentence shall not apply if the Publicly Disclosed Documents are widely available on a website.

The Association may charge any actual postage cost and a reasonable copy fee, not to exceed the IRS's copy fee (currently \$.20 a page) (unless the requesting individual has his or her own copier).