

Subject: INFORMATION DISCLOSURE		Policy No: 51
Original issue: 08/21/1992	Last Revised:10/13/2023	Last Reviewed: 10/13/2023

I. OBJECTIVES

- A. To provide guidance regarding the disclosure of information of Empire Electric Association, Inc. (EEA) in response to requests by members, the general public, and news media.
- B. To establish the procedure for requesting disclosure of information of EEA.
- C. To ensure that EEA complies with the minimum statutory requirements for the disclosure of information without compromising the best business interests of EEA.

II. POLICY**A. INFORMATION AVAILABLE ON EEA'S WEBSITE**

- 1. The following information shall be available on EEA's website:
 - a. Minutes of all meetings of the Board of Directors (Board) after they have been approved and for at least six months after the date of the meeting.
 - b. Policy governing the election of members of the Board including all information as required by law.
 - c. Information on membership meetings and board elections, including how to become a candidate for the Board, the schedule for the elections, and ballot mailing deadlines, as required by law.
 - d. The date, time, location and agenda of every meeting of the Board no less than 10 days before the meeting in the case of regular meetings and as soon as the meeting is scheduled for special meetings. If a meeting is postponed or canceled, notice of the postponement or cancellation shall immediately be posted.
 - e. All current rates/tariffs.
 - f. EEA's net metering requirements.

B. INFORMATION AVAILABLE TO MEMBERS WITHOUT A STATEMENT OF PURPOSE

- 1. The following information shall be subject to disclosure to members of EEA without a statement of purpose for its use:
 - a. Annual audited financial reports of EEA on file for at least the last three fiscal years.
 - b. Board policies.
 - c. Monthly published financial reports on file.
 - d. Written communications issued to the members as a group or to any class of members as a group on file.
 - e. Corporate reports delivered to the Secretary of State of Colorado or Utah, on file.
 - f. General information about capital credits.
 - g. General information about hiring practices and employee compensation ranges.
 - h. Information provided to EEA as a shareholder or member of an affiliated organization, provided that such information has not been designated as confidential or privileged by that affiliated organization.
 - i. Notices, agendas, and complete approved minutes of all meetings of the Board held after adoption of this policy and within the three years immediately preceding the request. Lengthy attachments may be incorporated by reference only and shall be

provided upon specific request in accordance with the other provisions of this policy

- j. Any of the information provided to the general public under section II.A and section II.D.
 - k. Additional information or types of information that may be designated from time to time by the Board for disclosure to EEA members without a statement of purpose for use of the information.
2. Any person requesting EEA to copy and deliver the information described in the preceding section may do so in accordance with the following:
 - a. The person shall complete a written request on a form similar to the one attached hereto which may be modified from time to time by the Board. As soon as practicable thereafter, but in no event later than ten (10) business days following the date of request, such information shall be either presented to the requesting person or forwarded to the address listed on the form. EEA reserves the right to assess charges for such information as reimbursement for copying expense and postage, if any, unless otherwise required by law.

C. INFORMATION AVAILABLE TO MEMBERS UPON SUBMISSION OF GOOD FAITH STATEMENT OF PURPOSE

1. The following information shall be subject to disclosure to members of EEA, only upon a requesting member providing a good faith statement of a proper purpose for its use:
 - a. Budgets and forecasts approved by the Board.
 - b. A list of members of EEA and their addresses, including the names of all joint members, to a member who is a bona fide candidate for director at the next annual meeting. Said list shall be provided in an electronic format.
 - c. Additional information or types of information that may be designated from time to time by the Board for disclosure to EEA members only upon a requesting member providing a good faith statement of a proper purpose for use of the information.
2. Any member desiring information described in the preceding section shall be provided the right to inspect such information, and have the same copied by EEA and made available to the requesting member in accordance with the following procedure:
 - a. The requesting member or its agent shall complete a written request on a form similar to the one attached hereto which may be modified from time to time by the Board. Additionally, the requesting member shall provide a good-faith, written statement describing the purpose for requesting the information and the intended use of such information. For purposes of this section a “proper purpose” means a purpose reasonably related to the member’s interest as a member in EEA. A proper purpose shall include the distribution of candidate or position statements to other members in anticipation of an annual or scheduled special meeting. A proper purpose shall not include use or distribution of membership names for purposes of advertising, marketing or political campaigns. EEA may require that such requesting member covenant in writing to use such information only for the proper purpose specified on the form. In regard to Section II.C.1.b. above, the candidate for director shall agree to return to EEA the membership list promptly after the election.
 - b. Requests submitted under the preceding section, shall be reviewed by the general manager (Manager), who may decline to grant the request if he/she doubts whether the stated purpose is a proper purpose, one given in good faith, or that the requested

information reasonably relates to the stated purpose. Any party denied access to information by the Manager, shall be permitted to renew the request before the Board at the regular meeting of the Board following denial by the Manager.

- c. As soon as practicable following the submission of a request for information under this section, but in no event later than ten (10) business days following the date of request, such information shall be made available to the requesting person or the requesting member shall be notified by the Manager, or his/her authorized delegate, that the request has been denied. EEA reserves the right to assess charges for such information as reimbursement for copying expense and postage, if any, unless otherwise required by law.

D. INFORMATION AVAILABLE TO THE GENERAL PUBLIC AND NEWS MEDIA

1. Subject to compliance with the request procedures set forth below, the following information shall be subject to disclosure to the general public and news media upon request:
 - a. The articles of incorporation and the bylaws of EEA.
 - b. The notices, agendas and approved minutes of all annual and special meetings of the members held within the three years immediately preceding the request.
 - c. A list of names and addresses of current directors, their districts, and officers of the Board.
 - d. A list of committees of the Board and the names of directors serving on such committees.
 - e. Published tariffs, rules and regulations of EEA.
 - f. Mission statements and written statements of cooperative principles approved by the Board.
 - g. Educational and safety information.
 - h. Information about products or services generally available to consumers or potential consumers of EEA.
 - i. Additional information or types of information that may be designated from time to time by the Board for general distribution to the public.
2. Any person desiring information described in the preceding section shall be provided the right to inspect such information, and have the same copied by EEA and delivered to the requesting person in accordance with the following procedure:
 - a. Information maintained by EEA in a published format for public distribution, including but not limited to brochures or handbooks, and such information so designated above shall be maintained at or near an EEA reception area and shall be supplied upon verbal request and no copying charges shall be assessed for such information.
 - b. If such information is not maintained by EEA in a published format, the requesting person shall prepare a written request on a form similar to the one attached hereto which may be modified from time to time by the Board. As soon as practicable thereafter, but in no event later than ten (10) business days following the date of the request, such information shall be either presented to the requesting person or forwarded to the address listed on the form. EEA reserves the right to assess charges for such information such as reimbursement for copying expense and postage, if any, unless otherwise required by law.

E. CONFIDENTIAL INFORMATION NOT AVAILABLE FOR DISTRIBUTION.

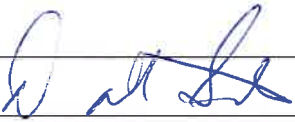
1. All EEA data and information not otherwise described in the preceding sections shall be considered confidential and not generally available for distribution without the

consent of the Board. Specific information designated as confidential by the Board includes, but is not limited to, the following:

- a. Personnel files, specific information regarding any employee's compensation, benefits or work performance, trade secrets, processes, programs, trademarks, information revealed in executive sessions, privileged information or other information protected from disclosure by law, contract or by the Board. Unless information provided to EEA as a shareholder or member in affiliated organizations is designated by such affiliates as confidential or privileged, such information shall be subject to disclosure to members of EEA.
- b. Information pertaining to members, including names, addresses, and account information, unless the information may be disclosed under provisions in this policy or by law.
- c. Nothing herein contained is intended to supersede the disclosure of information required by law or compelled by court order.
- d. Notwithstanding anything herein contained to the contrary, any member shall be provided specific account and business information related to his account and shall be free to discuss with appropriate members of EEA staff any questions or concerns about the member's account or the services provided to such member by EEA.
- e. Should a written request for information include disclosure of material not enumerated above, such request shall be directed to the Board at the regular meeting of the board held following the submission of the request. At such time, the Board shall determine if such information is deemed confidential or protected from disclosure.
- f. EEA reserves the right, if in its sole determination such is appropriate; to have its attorney or one or more of its personnel present during all times that a member is reviewing requested information or data.

III. RESPONSIBILITIES

- A. The Manager will be responsible for the administration of this policy and shall seek the advice and counsel of the Board and/or attorney as necessary.
- B. The Board shall be responsible for any change or revision of this policy.

	President's Signature	Date: 10/13/2023
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EMPIRE ELECTRIC ASSOCIATION, INC.

801 North Broadway
Cortez, Colorado 81321

REQUEST TO INSPECT OR COPY CORPORATE RECORDS

Inspection and copying of corporate records of Empire Electric Association, Inc. is governed by Empire Board Policy 51. Policy 51 categorizes information by type. For any information not maintained in a format designed for public distribution, such as brochures or handbooks, the requesting party must complete this form. Empire reserves the right to require payment of reasonable copying charges before copies are released to the requesting party. **As soon as practicable but in no event later than ten (10) business days following the date of the request, such information shall be either presented to the requesting person or forwarded to the address listed on this form.**

I. General Information about Requesting Party.

Name: _____

Address: _____

____ Member ____ Nonmember

Date of Request: _____

____ Inspection Only ____ Inspection and Copying

(signature)

(date)

II. Information Available to General Public (Policy 51, II.D): (Please check type of information requested)

____ Articles of Incorporation ____ Bylaws ____ Annual or Special Membership Meeting Information:
Date of Meeting: _____
____ Notice of Meeting, ____ Agenda, ____ Minutes

____ Roster of Board of Directors

____ Published tariffs ____ Rules and Regulations

____ Mission Statements ____ Safety Information ____ Product or Service Information

Additional Description, if not listed above to be considered by the Board of Directors for disclosure: _____

III. Information to Members upon Request (Policy 51, II.B): (Please check type of information requested)

____ Annual Audited Financial Reports: ____ Board Policies:
____ Most recent Subject Area: _____
____ Prior years: _____

____ Monthly Financial Reports:
____ Most Recent
____ Prior Months: _____

____ Communications from Empire to members as a group or classes of members as a group:

(subject area)

___ Board of Directors Meeting Information:

Date of Meeting: _____

___ Notice of Meeting, ___ Agenda, ___ Minutes

___ Waivers of Notice of Board Meetings, if any

___ Most recent corporate report to Secretary of State

___ General Information about capital credits

___ General Information about hiring practices and employee compensation ranges

___ Information regarding affiliated organizations (unless designated as confidential by affiliate):

Name of affiliate: _____

Description of information: _____

IV. Information Available to Members Only Upon Submission of Good faith Statement of Purpose (Policy 51, II.C)

___ Approved Budgets: _____
(Specify type)

___ List of Members and Addresses

___ Additional Information as designated by the Board of Directors. _____

Information in this category IV will be provided only upon statement of Proper Purpose of member. Please state purpose for requested information. As partial consideration for access to this information, the member agrees to use the information only for the proper purpose stated.

Purpose: _____

V. To Be Completed by Empire:

___ Membership Confirmed

Disposition of Request: ___ Information Provided: date provided: _____

Number of Copies ___ Copy charges: _____ Postage, if any ___ Total Charge: _____

If category IV, approved by General Manager : _____ (date)

Denied by General Manager: _____ (date)

If denied, reason for denial:

Information not identified for disclosure in Board Policy 51 _____