

WESTLAKE LAKE MANAGEMENT ASSOCIATION

Surveillance Camera Footage Policy

Effective February 2024

I. PURPOSE AND EFFECT OF PROPOSED POLICY

Westlake Lake Management Association (“Association”) requires a clear and consistent policy regarding access to surveillance video footage. The following policy is intended to provide clear guidelines and procedures for storing footage and responding to requests to view footage.

These guidelines have been adopted by the Board of Representatives (the “Board”) in the exercise of its duty to maintain and enhance the value of Westlake Lake (“Lake”), as well as the property and financial interests of all Association Members, by expressing a consistent policy for the Board to address Association Members’ requests to review surveillance video footage consistent with the requirements of the law.

II. GOVERNING LEGAL AUTHORITY

The Tenth Certificate of Amendment of the Westlake Lake Recreational Area Restrictions (the “CC&Rs”) provides that the Board, acting on behalf of the Association, has the “power to do any and all lawful things which may be authorized, required or permitted to be done under the Articles and CC&Rs, and to do and perform any and all acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the Association or for the peace, health, comfort, safety and general welfare of the Members and the community of Westlake regarding the environment of the Lake.” (Art. 5, § 5.3)

Pursuant to the CC&Rs, the Board is authorized to enforce the governing documents, and may, in its discretion, adopt rules and regulations relating to the use of the Lake. (Art. 5, § 5.5)

III. MEMBER ACCESS TO RECORDINGS

Access to live video surveillance and/or any recorded video shall be limited to the Board, the Association’s manager (and its employees as authorized by the Board), or other Association agent. Association Members are not entitled to review or obtain copies of video recordings, if any, unless the Association is otherwise instructed by law enforcement, subpoena or court order. In the event the Association is required by law, subpoena or court order to release the video recordings, the requesting Association Member shall reimburse the Association for any and all actual costs incurred in the

production and/or copying of same and the Association may recover the amount of its actual costs by levying the costs to the requesting Member via a Special Assessment.

IV. OTHER ACCESS TO RECORDINGS

If access to video surveillance is requested for the purpose of law enforcement investigation due to criminal activity or potential criminal activity, pertinent footage related to the investigation will be provided to the law enforcement officials.

V. CUSTODY AND RETENTION OF VIDEO/AUDIO RECORDINGS

Unless otherwise instructed by a court order, subpoena or law, the Association is under no obligation to keep, maintain or store video recordings. Video surveillance footage may automatically be erased or overwritten by the recording device when capacity of the device has been exhausted or upon expiration of the retention period, which shall generally be for thirty (30) days. Specific video recordings relating to evidence or investigations required to be retained by subpoena, court order or by law, or as directed by the Association's legal counsel, may be copied onto portable media and stored by the Association's legal counsel.