

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COTTONWOOD WATER AND SANITATION DISTRICT REGARDING AMENDMENT TO RULES GOVERNING ACCESS TO PUBLIC RECORDS

WHEREAS, Cottonwood Water and Sanitation District (“District”) is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, § 32-1-1001(1)(m), C.R.S., states that, among other powers of a water and sanitation district, the Board of Directors has the power “[t]o adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district”; and

WHEREAS, the Board of Directors of the District has previously adopted Rules Governing Access to Public Records on; and

WHEREAS, the General Assembly of the State of Colorado adopted HB14-1193, which revises the fees that local governments can charge for compliance with requests made under the Colorado Open Records Act; and

WHEREAS, the Board desires to amend its Rules Governing Access to Public Records to comply with HB14-1193; and

WHEREAS, the Board finds that it is in the best interests of the public and the District to amend the Rules Governing Access to Public Records as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF COTTONWOOD WATER AND SANITATION DISTRICT AS FOLLOWS:

1. The Rules Governing Access to Public Records are amended as set forth in attached **Exhibit A**.
2. The Amended Rules shall be posted on the District’s website.

Whereupon, a motion was made and seconded, and, upon a majority vote, this Resolution was approved by the Board.

ADOPTED AND APPROVED this 17 day of July, 2014.

COTTONWOOD WATER AND SANITATION
DISTRICT

Alyssa Kasaris
President

ATTEST:

Susan Parker
Secretary

COTTONWOOD WATER AND SANITATION DISTRICT
RULES GOVERNING ACCESS TO PUBLIC RECORDS

A. Policy

It is the policy of the Cottonwood Water and Sanitation District (“District”) to allow access to all public records maintained by the District that do not contain protected or privileged information, and that disclosure of which would not do substantial harm to the public interest. These rules and procedures are intended to implement this policy in a manner that ensures that all requests for public records are responded to without unreasonable delay, while also in a manner that does not unreasonably interfere with the District's performance of its public service responsibilities and obligations and in a manner that allows the District to maintain the integrity of District records. These rules also establish a fee schedule that will be assessed, as applicable, on all requests for public records.

B. Authority

These rules are promulgated by the District's Board of Directors pursuant to the authority granted it under the Colorado Open Records Act, C.R.S. §§ 24-72-101, *et seq.* The District's Board of Directors finds that these rules are reasonably necessary for the protection of its records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian and the custodian's office.

C. Procedures Governing Applications for Public Records

The following rules govern the manner in which all applications to the District for access to, or copies of, public records must be submitted:

- (1) Requests for public records must be in writing and must be specific as to the information requested.
- (2) Requests for public records must be addressed to Manager, Cottonwood Water and Sanitation District.
- (3) Requests for public records must specify whether the applicant is asking to inspect documents, or whether the applicant is requesting copies of documents.
- (4) Requests to inspect public records must be made at least three days in advance of the time desired for inspection; however, the time scheduled for the inspection may not be within three working days of the request, depending on the District's current work schedule and the nature of the request.
- (5) As used in these Rules, “application” means a request for public records that complies with the requirements above, and “applicant” means the individual or entity submitting a completed application to the District.

D. Procedures Governing Responses to Applications for Public Records

The following rules govern the manner in which the District will respond to applications for public records:

- (1) Any work necessary to respond to a request for public records shall not take priority over any previously scheduled work activities or public service obligations of the District. The District will, however, attempt to respond to all applications as soon as possible, and will inform the applicant within three working days of receiving an application the date and time in which it estimates a complete and final response will be available. Depending on the nature of the application and the currently scheduled obligations of the District, a complete and final response may take longer to prepare than ten working days.
- (2) The District may refuse to disclose any information that is protected or privileged under law, or which disclosure would do substantial harm to the public interest. If the District so withholds information, the applicant may request, and the District shall provide, a written statement of the grounds for denial. Any such request for a statement of the grounds for denial shall be made at the time the application for public records is denied.
- (3) If an applicant requests to inspect public records, the District will schedule a time to allow such inspection at the earliest time available given its previously scheduled obligations. Such inspection shall be at the District Manager's office, and shall be during normal business hours. Any such inspection of public records shall be under the supervision of the District Manager's Administrative Assistant or his/her appointee. All District records shall be retrieved, refiled and copied by the District Manager's Administrative Assistant or his/her appointee only. Use by the applicant of any image scanning equipment, cameras, copiers or any other means of electronically or photographically copying or reproducing any public records during the inspection of District records is prohibited. Any fees and charges included as a result of research and retrieval of records prior to inspection must be paid to the District before inspection of the public records will be allowed. Any further fees and charges associated with the application must be paid to the District at the close of the inspection session.
- (4) An applicant may request copies of any public records that are open to inspection. Such copies shall be furnished to the applicant as soon as the District is able to compile and copy the records, subject to the District's previously scheduled obligations. Any fees and charges associated with the request must be paid to the District before the copies will be provided to the applicant.

E. Fees and Charges

The following fees and charges will be assessed, as applicable, on all applications for public records.

- (1) As used in these Rules, the term “request time” means the time the District spends in researching and retrieving documents responsive to applications for public records, making any requested copies and supervising any inspection of documents.
- (2) The District does not assess a fee for the first hour of request time. However, where an applicant has submitted multiple applications for public records within a 30-day period, the applicant shall only be entitled to one hour of request time within that 30 days. Applicants will be informed if the District believes that responding to the application will require more than one hour of request time, and at what rate the applicant will be charged for the request time.
- (3) The District will assess a research and retrieval fee of \$30 per hour, or the statutory maximum, whichever is greater, for all request time beyond the allowance specified in paragraph (2) above for all applications that can be responded to by the District within a reasonable time of receiving the application, in the discretion of the District, without substantially interfering with the District's public service responsibilities and obligations. If, in the District's discretion, the District cannot respond to the application for public records within a reasonable time without substantially interfering with the District's public service responsibilities and obligations, the District reserves the right to contract with a temporary service provider to meet the demands of the application. If the District so contracts a temporary service provider, the applicant will be assessed all actual costs charged by the temporary service provider, in addition to \$30.00 per hour, or the statutory maximum, whichever is greater, for all request time incurred by the District in responding to the application.
- (4) The District will charge \$0.25 per page in standard size and format for all paper copies requested. All such copies will be in black and white print and on paper not to exceed 11x17. Any requests for copies in color print or on larger paper will be made at the discretion of the District, and will be assessed actual costs associated with the copies.
- (5) Additional fees and charges will be assessed in the amount of actual costs to the District of any postage, facsimiles or similar costs incurred in responding to the application.
- (6) The District may, in its discretion, estimate the full amount of fees and charges that will be assessed on an application, and require a deposit of that amount prior to responding to the application. Any amount so deposited that exceeds the actual amount due will be refunded to the applicant, and any deficiency in the actual amount due will be assessed to the applicant.