

**RESOLUTION OF THE BOARD OF DIRECTORS
OF ROXBOROUGH VILLAGE METROPOLITAN DISTRICT
DOUGLAS COUNTY, COLORADO**

**A RESOLUTION AMENDING COLORADO OPEN RECORDS ACT RULES AND
POLICY**

WHEREAS, the Roxborough Village Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado; and

WHEREAS, as a governmental entity, the District is subject to and required to comply with the Colorado Open Records Act, §24-72-200.1 to - 206, C.R.S. (“CORA”); and

WHEREAS, CORA permits the adoption of policies specifying the applicable conditions concerning the research and retrieval of public records, including the imposition of a research and retrieval fee; and

WHEREAS, to provide guidance to persons who submit requests for public records to the District pursuant to CORA, the District desires to adopt an amendment to its policy regarding requests for public records and the research and retrieval fees that apply when responding to CORA requests; and

WHEREAS, C.R.S. §24-72-203(1)(a) to make rules with reference to the inspection of public records as are reasonably

WHEREAS, the District finds it necessary and in the best interests of the District to adopt certain rules with reference to the inspection of its public records maintained by the custodian for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian and the custodian’s office; and

NOW THEREFORE, be it resolved by the Board of Directors of the Roxborough Village Metropolitan District as follows:

1. The Board adopts the “Policy Regarding Requests for Public Records – Research and Retrieval” attached as Exhibit A to this resolution.

APPROVED AND ADOPTED this 15th day of March, 2022, by a vote of 4 for and 0 against.

ROXBOROUGH VILLAGE
METROPOLITAN DISTRICT,
a quasi-municipal corporation and
political subdivision of the State of Colorado

By: 
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Calvin Brown, President

ATTEST:

By: 
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Edward Wagner, Secretary

EXHIBIT A

POLICY REGARDING REQUESTS FOR PUBLIC RECORDS Research and Retrieval

A "public record" includes most writings made, maintained, or kept by the records custodian's office. However, there are some exceptions concerning records made available under CORA. See C.R.S. 24-72-202(6) for statutory definition.

Requesting Public Records

The District, through its custodian, endeavors to make public records available on the District's website. Many records can be obtained from the website and through direction from the custodian as to location on the website, without a formal CORA request. Members of the public should feel free to ask informally for directions to posted documents.

To request public records, contact CliftonLarsonAllen LLP at (303) 779-5710, who will identify the designated custodian for the requested records. As of the date of this policy, such custodian is Anna Jones, but the designated custodian is subject to change. Records requests must be in writing and directed to the designated custodian of records. General emails to the District, or inquiries on the District's website, will not be treated as records requests under the Colorado Open Records Act ("CORA"). Requests must be submitted to and received by the designated records custodian.

All requests must contain the following information:

- The requestor's name, mailing address, telephone number, and email address. The custodian may contact the requestor to clarify or narrow the request.
- Description of the records being requested. Describe the request as specifically as possible. If you are uncertain about which records contain the information you are seeking, provide a description of the type of information you are searching for, including date ranges.
- The records custodian will provide electronic documents to the requestor unless the document can only be conveyed as a hard copy.

Limitations

The District will only produce those documents as permitted by CORA. Documents that are prohibited from disclosure under CORA will not be released.

In order to preserve the District's resources, including staff time and public funds, the custodian will not manipulate data to create a new public record not in existence at the time

of the public records request in response to any request. The custodian will provide public records in accordance with CORA and these rules, in the format in which the District's custodian stores them.

Time for Production

Pursuant to C.R.S. §24-72-203, the custodian will make every effort to respond to the request within three (3) working days, unless the custodian adds a seven (7) working day extension due to extenuating circumstances as provided in C.R.S. § 24-72-203(3)(b). The day the request is received, weekends, legally recognized holidays, and any days the custodian's office is otherwise closed, shall not count as a working day for the purposes of computing the date set for inspection for production of public records.

Furthermore:

- A modification to a request for public records is considered a new request.
- For broad, general requests, the timeframe for completion of a request may be put on hold while the custodian attempts to assist with clarification or narrowing of a request.

The District reserves the right to withhold public records until such time that the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian.

Fees and Costs

Fees for research and retrieval of public records may be imposed at the discretion of the records custodian as follows:

1 st Hour	-	No Charge
Second and Each Subsequent Hour	-	\$33.58/hour

If the District or custodian performs a manipulation of data so as to generate a record in a form not used by the District, while such manipulation is not required but the custodian may elect to do so to either preserve its property from of data or to accommodate the requestor in its discretion, the District may charge a reasonable fee to the person making the request, which shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request.

Other fees may be imposed at the discretion of the records custodian consistent with the provisions of CORA, including a charge, not to exceed \$0.25 per standard page for a copy of a public record or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page.

The custodian will charge the requestor for all copying expenses or staff time in accordance with C.R.S. § 24-72-205(5)(a).

Estimate of Fees

Within the three (3) day initial response period, the custodian will notify the requestor of the estimated cost for production, and such costs will include estimated time for staff to search for, retrieve, redact, assemble, and transmit the records. The requestor must approve the cost estimate before the custodian will begin work on fulfilling the request. The timeframe for completion of the request is put on hold between providing the cost estimate and the requestor approving the cost estimate and submitting any required advanced deposit.

The custodian will require an advanced deposit based upon the estimated cost of fulfilling the request. After the initial deposit is made, if the actual cost associated with the request is greater than the deposit made, the custodian must collect the actual cost in full from the requestor before producing the records. If the actual cost is less than the deposit, the custodian will refund the excess deposit amount.

Multiple requests for records submitted by the same person or entity within a period of five (5) business days will be treated as one request for the purposes of allocating fees and costs and collecting deposit or actual payment. By way of illustration, if the total time for multiple requests exceeds the 1 hour of no cost, the requestor will be charged accordingly.

Other

The custodian may enact any additional procedures or rules for CORA responses as it may deem necessary, pursuant to and subject to the provisions of CORA.