

ARTICLE XII
OPEN RECORDS

Section 12.1 Policy

- A. The purpose for this policy is to set forth a general procedure to provide prompt and equitable service to those requesting access to public records and to establish reasonable and consistent fees for providing documents and so that the District can recover a portion of the cost of staff time for responding to open records requests.
- B. In accordance with the Colorado Open Records Act, §24-72-201, et seq., C.R.S. (CORA) the District shall make all public records as defined under CORA available for public inspection at reasonable times.
- C. Subject to the limitations imposed by the CORA and as more fully identified in Section 12.4 below, public records are all documents that exist on a piece of paper; this also includes recorded media and electronic mail communications (emails).
- D. Recording of executive sessions shall be retained as required by law. The custodian shall have those recordings destroyed after the prescribed retention period has expired.

Section 12.2 Procedures

- A. The General Manager is the official custodian of all records that are maintained by the Districts.
- B. Citizens may make informal requests to the District employees for copies of specific identifiable public records as defined by CORA that are readily available in the custody and control of various employees. Generally, the employee will make reasonable efforts to fill requests for those records as soon as reasonably practical.
- C. Any request that cannot be filled immediately or for which there is disagreement as to whether the document is a public record shall be made in writing to the General Manager who will, in consultation with the District's attorney, review the records request to determine the status of the documents prior to their release.
- D. If the written request cannot be filled immediately or the records are otherwise not readily available at the time the request is made, the General Manager will set a date and time for records inspection that is within three working days of the date on which the request was made. Such period may be extended if extenuating circumstances exist (per §24-72-203(3)(b), C.R.S.), but the total time including the extension period will not exceed seven working days from the date on which the request is made.
- E. The Districts may respond to written requests for access to public records stored electronically and in computer databases by providing a paper copy, disk, printout or by allowing access to a computer. Before releasing any electronic data, the General Manager will determine that the electronic data are not subject to the deliberative process privilege or work product privilege.

- F. Requests by the media shall be made directly to the Community Relations Manager. The Community Relations Manager will make every reasonable effort to comply with the media request. If the Community Relations Manager is unable to fill the request, the Community Relations Manager will direct the media to submit a written request to the General Manager. Thereafter, the request will be governed by the provisions of this policy and CORA.

Section 12.3 Charges

- A. There shall be a charge for any copies, printouts, or photographs requested. The cost for a standard size photocopy will be \$0.25 per copy.
- B. There is no charge for the first hour of staff time used for a) the organization of data, b) research to locate and gather requested documents, and/or c) to otherwise manipulate the documents to make them appropriate for release, for instance, to redact documents to excise privileged material. For subsequent time required the standard charge for a District employee to perform this research shall be the maximum allowed by state law (\$30.00 per hour as of the adoption of this policy). A time-log will be kept for any time in excess of one hour. Prior to beginning the project, the General Manager shall inform the person requesting the records of the hourly fee for the second and subsequent hours to perform the work and an estimate of the number of hours which will be required. Upon payment of the amount estimated, the District shall begin processing the request. Persons making a subsequent request for the same record shall be charged the same fee.
- C. The fee charged for access to public records in electronic form will be based on recovery of the actual incremental costs associated with building and maintaining the database, as determined by the Information Technology division.
- D. Unless it requires extensive staff time, the District does not charge for requests from:
1. other Colorado governmental entities;
 2. professional organizations to which the District as a whole pays membership dues, such as the Special District Association;
 3. students for specific educational projects;
 4. the local print, radio and television media;
 5. other media outlets may request a waiver of fees for up to the first three hours of research or retrieval
 6. the General Manager will have the authority to determine whether or not there is extensive staff time required and the appropriate level of waivers under those circumstance for entities described in 1-5 above.

E. The District will charge for the following documents as follows:

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| 1. | District CAFR | \$20.00 |
| 2. | District Budget | \$20.00 |

The District will however make these documents available on their web site.

Section 12.4 Access Denied

A. Access to certain records may be denied in accordance with the provisions of the CORA. Inspection of the following public records may not be permitted if, upon consultation with the Districts' Legal Counsel it is determined that the document is privileged or prohibited from disclosure:

1. If release is prohibited under any state statute, federal statute, or regulation issued there under or is prohibited by rules promulgated by the order of any court;
2. Personnel files, including social security numbers, home addresses and telephone numbers, and medical, psychological, and sociological data;
3. Scholastic achievement data;
4. Test questions and scoring keys;
5. Sexual harassment investigations;
6. Work product and drafts;
7. Letters of reference;
8. Identities of applicants, except finalists, for the position of General Manager;
9. Investigatory files compiled for any law enforcement purpose;
10. Addresses, telephone numbers, or financial data of past or present users of public utilities, public facilities or recreational or cultural services;
11. Real estate appraisals until the time that title passes to the District;
12. Documents pertaining to Homeland Security Act; and
13. Attorney/client privileged material.