

**COLORADO CITY METROPOLITAN DISTRICT
RESOLUTION NO. 13-2024
A RESOLUTION UPDATING THE DISTRICT'S POLICY FOR RESPONDING TO
CORA REQUESTS AND SETTING NEW CHARGES**

WHEREAS, Colorado City Metropolitan District (“District”) is a political subdivision and municipal corporation 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, the District is subject to the Colorado Open Records Act, §§ 24-72-201 to 24-72-206, C.R.S. (“CORA”), and all public records of the District shall be open for inspection by any person at reasonable times, except as provided for in CORA; and

WHEREAS, Colorado’s Director of Research of the Legislative Council Staff adjusted the CORA maximum hourly fee for the research and retrieval of public documents for inflation on July 1, 2024 pursuant to 24-72-205(6)(b), C.R.S., and effective July 1, 2024, the maximum hourly fee was increased to \$41.37.

WHEREAS, the District is empowered by § 32-1-1001(1)(m), C.R.S., to adopt, amend, and enforce rules and regulations for carrying on the business and affairs of the District; and

WHEREAS, it is in the best interests of the District to periodically review its Policies and Procedures and to update its CORA Request Policy for statutory amendments, changing conditions, efficiencies, and the inflation-adjusted costs of locating and retrieving record; and

WHEREAS, the District Manager has worked with the District’s attorney to draft an updated CORA policy, attached hereto and incorporated herein; and

WHEREAS, it is in the best interests of the District to revise and re-publish its CORA Request Policy to include the applicable fees and policies.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
COLORADO CITY METROPOLITAN DISTRICT:**

1. The Board of Directors of the District hereby approves and adopts the Colorado City Metropolitan District CORA Request Policy, attached hereto, which shall be effective upon adoption of this Resolution.
2. Effective upon adoption of this Resolution, any current CORA policies and/or procedures in place will be superseded by the CORA Request Policy attached to this Resolution. Nothing herein supersedes District policies on records retention or e-mail retention.

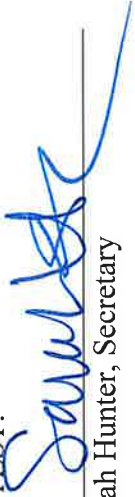
PASSED AND APPROVED this 29 day of October, 2024.

COLORADO CITY METROPOLITAN
DISTRICT



Neil Elliot, President

ATTEST:



Sarah Hunter, Secretary



Colorado City Metropolitan District CORA REQUEST POLICY

Adopted October 29, 2024

I. Purposes

- A. To adopt a public records request policy pursuant to the Colorado Open Records Act, §§ 24-72-201 to 24-72-206, C.R.S. (“CORA”):
 1. For providing access to and the protection of public records in the custody of the Colorado City Metropolitan District (CCMD).
 2. For the prevention of unnecessary interference with the regular discharge of the duties of the Directors and staff of CCMD in compliance with CORA.
- B. To establish reasonable and standardized fees for producing copies of and information from records maintained by CCMD, as authorized by CORA.

II. Public Records Requests

A. Applicability

The public records request policy under this section II applies to requests submitted to Official Custodian of the District for the inspection of public records pursuant to CORA.

B. Definitions

1. “Official Custodian”: Except as otherwise provided in this policy:
 - a. The District Manager, or his/her designee, is the official custodian of public records under the custody and control of Colorado City Metropolitan District (CCMD).
 2. “Public Records”: shall have the meaning a defined in section 24-72-202 (6), C.R.S., as amended from time to time:
 - a. “Public records” means and includes all writings made, maintained, or kept by the District for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.
 - b. “Public records” includes the correspondence of Directors, including e-mail, except to the extent that the correspondence or e-mail is:
 - i. Work product;
 - ii. Without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds;
 - iii. A communication from a constituent to the Director that clearly implies by its nature or content that the constituent expects that it is confidential or that is communicated for the purpose of requesting that the Director render assistance or information relating to a personal and private matter that is not publicly known affecting the constituent or a communication from the Director in response to such a communication from a constituent; or
 - iv. Subject to nondisclosure as required in section 24-72-204 (1).
 - c. “Public records”, does not include items excepted under Sec. 24-72-202(6)(b), C.R.S., including without limitation: work product, as defined in Sec. 24-72-202(6.5), C.R.S.
3. “Work product” means intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such

elected officials in reaching a decision within the scope of their authority, as defined in Sec. 24-72-202(6.5), C.R.S. and does not include those items described in section 24-72-202 (6.5) (c), C.R.S., including, but not limited to, any final version of a document that expresses a final decision by an elected official or any final version of a document prepared or assembled for an elected official that consists solely of factual information compiled from public sources.

4. “Staff”: Refers to employees of the Colorado City Metropolitan District.

5. “Writings”: As defined in section 24-72-202 (7), C.R.S.:

- a. “Writings” means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics.
- b. “Writings” includes digitally stored data including, without limitation, electronic mail messages, but does not include computer software.
- c. “Writings” does not include data that is automatically created, stored, or retained on an individual computer or on network equipment or servers, such as e-mail metadata that is not otherwise imprinted or stored as part of the visible content of an e-mail message, logs, web traffic statistics, browser cookies, browser cache, server logs, browser history, or firewall logs.

C. Submission of Requests

1. Requests for inspection of records must be submitted in writing to the custodian and must be sufficiently specific as to enable the custodian to locate the information requested with reasonable effort. This provision shall not be construed to prohibit the custodian from making public records available pursuant to an oral request for inspection if such records are normally readily available for inspection by the public.
2. Requests made seeking access to records associated with a Director will be responded to as fully as possible, given the fairly limited scope of records that may be in the custody of CCMD (e.g., payroll or other financial records). If an official custodian has custody of correspondence sent by or received by an elected official, the official custodian shall consult with the elected official prior to allowing inspection of the correspondence for the purpose of determining whether the correspondence is a public record, pursuant to Sec. 24-72-203(2)(b), C.R.S.
3. Requests may be submitted by postal mail, electronic mail, or hand-delivery and shall include the applicant’s name, email address, street address, if any, and telephone number.
4. A request shall be considered made when the request is actually received by the custodian to whom the request is made:
 - a. Postal mail or an electronic message is received when it is opened in the usual course of business by the recipient, or a person authorized to open the recipient’s postal or electronic mail, however, if received at any time when CCMD is officially closed, it will be considered received as of the following working day.
 - b. The three working-day response time begins the first working day following receipt of the request.
5. Responses to requests of CCMD will be made by the custodian of the records or his or her designee.
6. An employee or Director who receives a request for records shall immediately refer the request to the custodian.

D. Inspection

1. The custodian shall make the requested public records available for inspection during regular business hours, deemed to be from 8:00 a.m. to 4:00 p.m., Monday through Thursday, and 8:00 A.M. to 1:00 P.M. on Friday, except for times the custodian’s office is closed.
 - a. If the public records requested are not in the custody or control of the custodian, the custodian shall forthwith notify the applicant of this fact, in writing if requested by the applicant. In such notification, the custodian shall state in detail to the best of his or her knowledge and belief the reason for the absence of the records from the custodian’s custody or control, the location of the records, and what person then has custody or control of the records.

- b. If a public record is in active use, in storage or otherwise not immediately or readily available for inspection, the custodian shall make an appointment or other arrangements with the applicant concerning the time at which the requested record will be available. The records shall be made available for inspection within a reasonable time, which is presumed to be three (3) working days or less from the date of receipt of the request. Such three (3) day period may be extended by an additional seven (7) working days if extenuating circumstances, as described in section 24-72-203 (3) (b), C.R.S., exist. Responding to applications for inspection of public records need not take priority over the previously scheduled work activities of the custodian or the other CCMD staff members.
 - c. Upon notice to the applicant that the public records are available for inspection, the records will be available for inspection for thirty (30) calendar days from the date of notice. If the applicant does not inspect the records within that thirty-day period, the applicant's CORA request will be deemed closed and the records produced in response to the request will be retained or disposed of pursuant to the custodian's records retention and management policy.
 - d. When an inspection of records occurs, the records will be retained for thirty (30) calendar days after the date of inspection. After that thirty-day period, the CORA request will be deemed closed and the records will be retained or disposed of pursuant to the custodian's records retention and management policy.
2. No one inspecting a record under this policy shall remove a public record from the custodian's offices without the permission of the custodian. Records may be removed from file folders or places of storage for photocopying by the custodian or the custodian's designee. The custodian may allow a person to use his or her own portable electronic equipment to make copies of public records.
 3. As a general practice, in response to a public records request:
 - a. Public records in hard copy, paper, published, or documentary form shall be made available for inspection;
 - b. A document will not ordinarily be created in order to respond to such a request;
 - c. In the case of e-mail that is a public record, copies of such e-mail that is a public record will be made available by the custodian in response to such a request.
 - d. The person making the request shall not be allowed to access the custodian's computer or any other computer for purposes of inspecting any public records.
 - e. Records stored in a digital format shall be provided consistent with Sec. 24-72-203 (3.5), C.R.S. Specifically, except as otherwise required by subsection 24-72-203 (3.5) (b)-(e):
 - f. If a public record is stored in a digital format that is neither searchable nor sortable, the custodian shall provide a copy of the public record in a digital format.
 - i. If a public record is stored in a digital format that is searchable, the custodian shall provide a digital copy of the public record in a searchable format unless otherwise requested by the requester.
 - ii. If a public record is stored in a digital format that is sortable, the custodian shall provide a copy of the public record in a sortable format.
 - iii. If a public record is available in a digital format, the custodian shall transmit a digital copy of the public record in a digital format by electronic mail or by another mutually agreed upon transmission method if the size of the record prevents transmission by electronic communication.
 - iv. Except as otherwise required by subsection 24-72-203 (3.5)(b), a custodian shall not convert a digital public record into a non-searchable format before transmission.
 4. Upon request by the applicant, the custodian shall transmit a copy of any public records by United States mail, other delivery service, facsimile, or some method of electronic file transfer (e.g., electronic mail, thumb drive, or internet-based storage website accessible to the applicant). If such request is made, the applicant:
 - a. Shall be deemed to have waived his or her right to personally inspect public records in the office of the custodian, and waived any objection to the custodian's

- identification of the document or documents that the custodian determines are responsive to the applicant's request; and,
- b. Shall be required to prepay any applicable fee for preparation of the documents and for any search and retrieval costs incurred pursuant to section II. E. 2. of this policy and, if applicable, any costs associated with the mailing or delivery of the requested public records. Within three business days after receipt of payment, the custodian shall transmit the public records to the applicant.
 5. Any portion of a public record containing non-public information that is not subject to inspection may be redacted by the custodian prior to making the record available for inspection. The custodian is not required to redact information from a writing that is not a public record in order to make the writing available for inspection.
 6. For any record that is available at a location that is open and accessible to the public, including, but not limited to, the District's website, the custodian may direct the applicant to that location for purposes of inspecting the record.
 7. The custodian shall deny the inspection of the records if such inspection would be contrary to federal or state law or regulation or would violate a court order, including without limitation Sec. 24-72-204 (3), C.R.S. In special circumstances, a custodian shall deny inspection of the records if such inspection would cause substantial injury to the public interest. Such a denial shall be made in writing by the custodian to the person making the request and shall set forth with specificity the grounds of the denial. The custodian may deny inspection pursuant to Sec. 24-72-204 (2), C.R.S. The custodian is encouraged to consult with the CCMD's attorney prior to denying inspection of any records.

E. Fees for all Record Requests

1. **Fees for standard reproductions:** The custodian shall charge a fee of twenty-five cents per page for any standard page photocopies of records or printouts. Printouts and other reproductions of records other than standard pages shall be provided at a cost not to exceed the actual cost of the printout or other reproduction. No per-page fees shall be charged for documents provided in an electronic or digital format. Such fees shall be paid by the applicant prior to the receipt of copies of any public records.
2. **Fee for Data Manipulation:** If, in response to a specific request, the District has performed a manipulation of data so as to generate a record in a form not used by the District, a reasonable fee may be charged to the person making the request. Such fee shall not exceed the actual cost of manipulating the said data and generating the said record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee. Nothing herein shall require the District to manipulate data.
3. **Fees for search and retrieval:**
 - a. In the case of any request requiring more than one hour of staff and/or consultant time for research and retrieval or for supervision of inspection or copying, the custodian shall charge a fee of \$41.37 per hour after the first hour of time expended on the request. The research and retrieval fee shall be adjusted on July 1, 2029 and on July 1st of each five year period thereafter to match the maximum hourly fee set by the director of research of the legislative council pursuant to Sec. 24-72-204 (6) (b), C.R.S. The custodian is authorized to revise this policy and any fee schedules to reflect such 5-year updates.
 - b. Prior to performing any services necessary to respond to a request, the custodian may require the applicant to pay a deposit equal to estimated research and retrieval fees that will be charged by the custodian for such staff time and consultant (including legal) time. The time for response to make the documents available for inspection shall commence from the date of the receipt of the deposit. If the actual research and retrieval costs exceed the deposit, the applicant shall be required to pay the additional costs prior to inspection of the records. If the actual research and retrieval costs are less than the deposit, the excess deposit will be returned to the applicant, without interest, within ten business days of completion of the request.

4. **Payment by Credit Card.** If a custodian allows members of the public to pay for any other services or products with a credit card or electronic payment, the custodian must allow the requester of the public record to pay any fee or deposit associated with the request with a credit card or via an electronic payment. The custodian may require a requester to pay any service charge or fee imposed by the processor of a credit card or electronic payment.

F. Conflicts. In the event of any conflict between this policy and CORA, as it may be amended from time to time, CORA shall control.