

RESOLUTION 2020-04

COLORADO OPEN RECORDS ACT (CORA) POLICY DEVELOPMENT AND ADOPTION

SUBJ: COA POLICY DEVELOPMENT AND ADOPTION

RE: C.R.S. 24-72-201, 24-72-202 (6), 24-72-203(1)(a), 24-72-204(1),
24-72-203(3.5), 24-72-204(4),
24-72-203(3)(b), 24-72-204(5),
24-72-203(3)(b)(1), 24-72-204(6)(a),
24-72-205(1)(b)
24-72-205(4),
24-72-205(5)(a),
24-72-205(6)(a)

A RESOLUTION DEVELOPING AND ADOPTING A CORA POLICY FOR FOREST LAKES METROPOLITAN DISTRICT.

WHEREAS, The Forest Lakes Metropolitan District Board of Directors has the authority to adopt resolutions necessary for the governing and management of the District, for the execution of the powers vested in the District and for carrying into effect the provisions of Article I of Title 32, CRS, as amended to promote the health, safety, prosperity, security and general welfare of the inhabitants of the Forest Lakes Metropolitan District and of the people of the State of Colorado, and

WHEREAS, Forest Lakes Metropolitan District is committed to making The District open, accountable transparent and accessible to the public, which in turn helps build trust with the residents of Forest Lakes Subdivision, and

WHEREAS, The Open Records Act, 24-72-201 applies to Forest Lakes Metropolitan District and requires public records to be available to the public, although it takes into account the burdens that may be placed on entities to respond to requests for public records and incorporates a reasonableness standard for the time and cost of producing the materials, and

WHEREAS, Public records is broadly defined to include most documentation maintained by Forest Lakes Metropolitan District, whether maintained in hard copy or electronically digital media, and

WHEREAS, The "official custodian" of these records is the Forest Lakes Metropolitan District and may establish rules regarding the inspection procedures for such records. Such rules are advisable to maintain a manageable order regarding records and inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FOREST LAKES METROPOLITAN DISTRICT, COLORADO, THAT THE FOLLOWING POLICY IS ADOPTED:

- (1) A copying fee not to exceed \$.25 per standard page may be assessed, unless actual costs exceed that amount.
- (2) If the copying or printout is generated from a computer output other than word processing, the cost of building and maintaining that information system may be offset by charging a reasonable allocation to the person requesting the record.
- (3) A reasonable research and retrieval fee may be charged. Effective Friday, July 26, 2019, the State Legislative Council increased the CORA research, retrieval and review fee to \$33.58 per hour, after the first hour. FLMD's records request form has been updated and posted on the website, and the fee increase notification will also be posted on the website.
- (4) CORA permits the State Legislative Council to review and increase the CORA hourly fee every 5 years.
- (5) The official custodian may provide the requester with a time and cost estimate, which may require a pre-payment before processing the payment. If the requestor pays for more time than is spent processing the request, the requestor will receive a refund.


- (6) Within three working days of receiving the request, the official custodian will notify the record requestor that a copy of the record is available but will only be sent once the custodian either receives payment or makes arrangements for receiving payment for all costs and fees associated with the request for and transmissions of the public record, unless the custodian has waived all or some of the fees. If the three working days cannot be met, the official custodian will provide the requester with written notice that extenuating circumstances exist and that the records request will be delayed. Extenuating circumstances impacting the Response Time are as defined in accordance with C.R.S. 24-72-203(3)(b).
- (7) Upon request, the custodian will transmit a copy of the requested public record by U.S. mail, other delivery service, facsimile or e-mail. FLMD cannot charge a transmission fee for transmitting public records vis e-mail.
- (8) The Open Records Act permits (and in some cases requires) the official custodian to deny public access and disallow inspection of specific documents and under specific conditions in accordance with C.R.S. 24-72-204(1) as is shown below:
- a) If inspection would be contrary to any state statute;
 - b) If inspection would be contrary to any federal statute or regulation;
 - c) If inspection is prohibited by rules promulgated by the Supreme Court or by the Order of any Court;
 - d) Examinations for employment (except as made available for inspection by the party in interest);
 - e) Records submitted for applicants or candidates for employment, other than those submitted by applicants or candidates who are finalists for chief executive officer positions (if there are three or fewer applicants or candidates for a chief executive officer position who possess the minimum qualifications, they are all finalists and access to their submitted records may not be denied);
 - f) Real estate appraisals, until the subject property has been transferred;
 - g) Email addresses provided by a person to the District;
 - h) Specialized details of security arrangements or investigations and records of expenditures on security arrangements or the physical and cyber assets of critical infrastructure;
 - i) Medical, mental health, sociological, and scholastic achievement data (except as made available for inspection by the party in interest);
 - j) Personnel files (except as made available for inspection by the party in interest and the District official or employee who has direct supervisory capacity);
 - k) Trade secrets, privileged information, and confidential information or data;
 - l) Library records disclosing the identity of a user;
 - m) Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services;
 - n) Election records of any person; or
 - o) Where disclosure or public access would do substantial injury to public interest.
- (9) FLMD developed and implemented an electronic and Internet Policy on February 3, 2020, given that under C.R.S. 24-72-204.5 states that employee e-mails may be a public record and may be subject to public inspection.
- (10) Documents may be available in their native format if they do not need to be redacted or if they can be readily accessed. Documents such as databases or spreadsheets that can be sorted or searched will be available in a similar format. FLMD will not provide documents in a format that requires providing software or that would violate the terms of any agreement or rights held by a third party, such as licensing agreements or copyrights.

INTRODUCED AND ADOPTED THIS 11TH DAY OF FEBRUARY 2020

(SEAL)
ATTEST:



Jamie Echeverri, Secretary to the Board



Tony Schrier, President
FLMD Board of Directors