

**A RESOLUTION TO ADOPT COLORADO OPEN RECORDS ACT (CORA) POLICY
ON RESPONDING TO OPEN RECORDS REQUESTS**

Resolution # 0/14-1

WHEREAS, the Will-O-Wisp Metro District ("District") is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the Board of Directors of the District fully supports, and complies with, all Federal and State laws relating to the retention, protection, and disclosure of the District's records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Par 2, C.R.S. ("CORA"), House Bill 14-1193, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPPA; and

WHEREAS, it is the policy of the District that all public records, as defined by CORA, shall be open for inspection by any person at reasonable times, except as provided by law.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Will-O-Wisp Metro District, as follows:

Section 1. The District's general policies concerning the release of public records, as defined by CORA, are stated in the District's RESPONSE TO OPEN RECORDS REQUESTS POLICY, which is attached hereto and which may be amended from time to time..

Section 2. Recitals Incorporated. The recitals to this Resolution are incorporated herein and into the attached policy as if set out fully herein and therein.

Section 3. Effective Date. This Resolution shall take effect as of July 1, 2014, and said policy shall be enforced immediately thereafter and shall supersede any previous policy or resolution related to Open Records Act. This Resolution shall be implemented and administered by the District to conform generally with the requirements of the Open Records Act (CORA), as modified from time to time.

The foregoing Resolution was approved and adopted this 14 day of Aug., 2014.

John L. Howell
President (acting)

ATTEST:

[Signature]
Secretary

COLORADO OPEN RECORDS ACT (CORA)
POLICY ON RESPONDING TO OPEN RECORDS REQUESTS FOR THE
Will O-Wisp District **DISTRICT**

It is the policy of the Will O-Wisp Metro District ("District"), that all public records shall be open for inspection by any person at reasonable times, except as provided by law.

Public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions. Public records expressly include e-mail communications. The District maintains an archive of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record.

By action of the Board of Directors of the District, Administrator is hereby designated as the official Custodian of Records responsible for the maintenance, care and keeping of all records of the District. The official Custodian of Records shall have authority to designate such agents as he/she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this policy.

District's general policies concerning the release of records:

Section 1. Requests by any person, entity, Federal or State agency, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "Records Request") shall be considered received by the Custodian of Records when submitted in approved format and is accompanied by a deposit in an amount to be determined by the Custodian of Records.

Section 2. If any question arises as to the propriety of fully complying with a Records Request, the Custodian of Records shall immediately forward it to the District's legal counsel. The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to comply with the Records Request in whole or in part, the District's legal counsel will so notify the District's Custodian of Records, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law(s).

Section 3. If the District's legal counsel determines the District is not permitted by Federal or State law(s) to comply with the Records Request in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

Section 4. The Custodian of Records may set the time during normal office hours and the place for records to be inspected and require that the Custodian of Records or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days from the date of receipt, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the extension within the statutory period.

Section 5. A person or other approved entity granted the right to inspect District records will also be furnished copies requested at a cost not to exceed \$.25 per page in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires one or more hours of staff time, the District may charge a research and retrieval fee not to exceed \$30 per hour, and no charge shall be made for the first hour of time expended in connection with the research and retrieval of public records. Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

Section 6. Upon request for records transmission by a person seeking a copy of any public record, the custodian will transmit a copy of the record by U.S. Mail, other delivery service, facsimile, or electronic mail. No transmission fees will be charged to the records requester for transmitting public records via electronic mail. Within three days of receiving the request, the custodian will notify the record requestor that a copy of the record is available but will only be sent to the requestor once the custodian has received full 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 is fully covered by the deposit amount that accompanied the form request.

Section 7. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Custodian of Records may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the cost of providing requested records will be paid by the person making the request.

Section 8. This policy shall supersede any previous policy related to records requests.

ADOPTED this 14 day of ^{Aug}~~July~~, 2014.

John L. Howell
President (acting)

ATTEST:

[Signature]
Secretary

**COLORADO OPEN RECORDS ACT (CORA)
REQUEST FOR OPEN RECORDS OF THE
WILL-O-WISP METROPOLITAN DISTRICT**

Person Requesting Records:

Name: _____

Address: _____

Phone: _____ Email: _____

Itemize each document or piece of information being requested. Be specific as to Document Title, Dates and District personnel and/or other persons involved in the requested documents and communications.

- 1.
- 2.
- 3.
- 4.
- 5.

Fees Charged for Documents Request:

For the research, location, and retrieval of documents, there will be a \$30.00 per hour charge, with the first hour at no charge.

Copies in standard size and format will be charged at the rate of \$.25 per page. Copies for a format other than a standard page (such as photographs, large maps, printouts) will be charged at the actual cost of production.

A DEPOSIT IN THE AMOUNT OF \$ _____ FOR THE ABOVE CHARGES SHALL ACCOMPANY THIS FORM. YOUR REQUEST SHALL NOT BE CONSIDERED RECEIVED UNTIL BOTH FORM AND DEPOSIT HAVE BEEN SUBMITTED.

Please indicate how you would like transmission of the requested records:

___ inspect only. The Custodian of Records will contact you to set a time and place during normal office hours and the place for the requested records to be inspected

___ Transmitted via: ___ U.S. Priority Mail ___ email

For Custodian use only:

Request (completed form and deposit) received: _____

Requestor notified: documents ready for inspection/transmission: _____

Requester notified on _____ that deadline for inspection/transmission is extended to: _____