

ARTICLE XII OPEN RECORDS

Section 12.1 Policy

- A. It shall be the policy of the District to make all public records available for public inspection at reasonable times in accordance with the Colorado Open Records Act, §24-72-201, et seq., C.R.S. (CORA).
- B. Subject to the limitations imposed by the Colorado Open Records Act, public records are all documents that exist on a piece of paper; this also includes recorded media and electronic mail communications (E-mails).
- C. The purpose for this policy is to set forth a general procedure for providing consistent, 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.

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 and releasable public records 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 shall be made in writing to the General Manager who will, in consultation with the District's attorney, review the records request for confidentiality issues 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 ten working days from the date on which the request is made.
- E. The Districts may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk or printout, but not by allowing access to a computer terminal or the use of a private terminal connected to the Districts' computer system. Before releasing any electronic data, the General Manager will determine that the electronic data are no longer considered a "work-in-progress" subject to the deliberative process privilege or work product privilege and therefore eligible for release.

- 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 the Act.

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. The charge for copies other than photocopies shall be \$1.25 per copy.
- B. There will also be an hourly fee for a) the manipulation of data; b) research to locate and gather requested documents; c) to otherwise manipulate the documents to make them appropriate for release, for instance, to redact documents to excise privileged material. A time-log will be kept for any time in excess of one hour. The standard charge for a District employee to perform this research shall be \$35.00 per hour. In the event the General Manager determines that a higher salaried employee or contractor is required because special skills are needed or because the District cannot promptly respond to a request and still provide normal and usual services to the public, the fee will be the higher of \$35.00 or the actual cost to the District. Prior to beginning the project, the General Manager shall inform the person requesting the records of the hourly fee for the person selected by the General Manager 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. In addition, there shall be an hourly fee of \$35.00/hour when the public record must be generated by computer output other than word processing.
- 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 Information Technology.
- D. Unless it requires extensive staff time, the District does not charge for requests from:
1. other 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 media. These requests should be referred to the Community Relations Manager.

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 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.