

**RESOLUTION
BOARD OF DIRECTORS OF THE
EASTERN RIO BLANCO METROPOLITAN RECREATION AND PARK DISTRICT**

**A RESOLUTION ESTABLISHING A POLICY FOR REQUESTS FOR PUBLIC RECORDS
AND ASSESSING CHARGES FOR THE PRODUCTION OF PUBLIC RECORDS**

WHEREAS, the Eastern Rio Blanco Metropolitan Recreation and Park District ("*District*") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("*Special District Act*"), to provide park and recreation services to residents within, and to individuals passing through, its jurisdiction;

WHEREAS, pursuant to the Special District Act, C.R.S. § 32-1-1001(1)(h) and (m), the District's Board of Directors ("*Board*") is vested with the management, control, and supervision of all the business and affairs of the District, and is authorized to adopt, amend, and enforce rules and regulations for carrying out the District's business and affairs;

WHEREAS, the Board is authorized by statute to charge a reasonable fee for copies, printouts, and photographs made at the request of an individual or entity pursuant to the Colorado Public (Open) Records Act, C.R.S. § 24-72-205 ("*Open Records Act*");

WHEREAS, the District's current policy for responding to requests for public records and assessing charges for the production of public records is set forth in Board Resolution 2018-03. The Board desires to amend its policy as described in this Resolution; and

WHEREAS, the Board determines that the fees it establishes by this Resolution are reasonable, cost-based fees, and are in compliance with the requirements and restrictions of the Open Records Act.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
EASTERN RIO BLANCO METROPOLITAN RECREATION AND PARK DISTRICT THAT:**

1. The term "public records" shall have the same meaning as set forth in the Open Records Act.
2. All requests for public records shall be made in writing on the District's Public Records Request Form, and shall comply with the requirements of the Open Records Act and any other applicable federal or state laws. The District's Public Records Request Form shall be the form attached hereto as Attachment 1.
3. The District will comply with the requirements of the Open Records Act and any other applicable federal or state laws with respect to whether it must, may, or cannot produce public records, or other documents or information requested, and the fees it charges for producing such public records, or other documents or information.
4. Where the fee for a certified copy or other copy, printout, or photograph of a public record is specifically prescribed by law, the specific fee shall be charged. If a fee is not specifically

prescribed by law, the District will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The District shall charge a fee not to exceed the actual cost of providing a copy, photograph, or printout in a form other than a standard page. The District shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

5. If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a record in a form not used by the District (including a privilege log), an administrative fee of \$30.00 per hour shall be charged the person or entity making the request. An individual or entity making a subsequent request for the same or similar records shall be charged the same fee.

6. If the amount of time required by the District to research and retrieve the documents necessary to fulfill a specific request exceeds one hour, including the time required to identify and segregate records that must or may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$30.00 per hour. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

7. In the event the District receives a request for a copy of the materials packet distributed to the Board members in advance of a Board meeting (commonly known as a "Board packet"), the District's Executive Director, or his/her designee, will evaluate such materials and remove any records that are subject to the attorney-client privilege or are anticipated for review and/or discussion by the Board in a properly called and convened executive session. If the amount of time required by the District to complete such evaluation exceeds one hour, the person or entity making the request shall be charged the research and retrieval fee identified in paragraph 6 above.

8. If the Board has elected, in its sole discretion, to electronically record the public portions of its Board meetings in order to assist the Recording Secretary in preparing proposed minutes of such meetings for Board consideration, then such recording shall be made available for inspection pursuant to a public records request until such time as the recording is destroyed pursuant to District policy (generally, upon the Board's approval of the official meeting minutes). Any such inspection may occur by appointment only at the District's administrative offices located at 101 Ute Road, Meeker, CO, as the District does not have the technical capability to download or transmit electronic files of such recordings.

9. Upon request for transmission of the public record, the District will transmit the public record by United States mail, other delivery service, facsimile, or electronic mail, except for electronic recordings of Board meetings as provided in paragraph 8 above. If transmitting the public record pursuant to this paragraph, the District may notify the record requester that a copy of the public record is available, but will be sent only when the District receives payment or makes satisfactory arrangements for payment of all costs associated with transmitting the public record and for all other fees lawfully allowed; provided, however, that no transmission fees will be charged for transmitting the public record via electronic mail.

10. This Resolution shall supersede and replace all prior Resolutions or motions previously adopted by the Board with respect to responding to requests for public records and assessing charges for the production of public records, which prior Resolutions or motions are hereby rescinded and null and void for all purposes.

ADOPTED this 21st day of August, 2018.

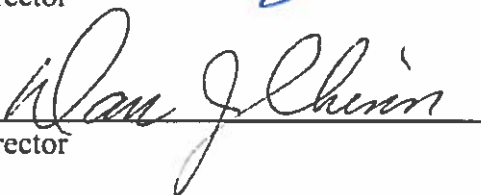
BOARD OF DIRECTORS OF THE
EASTERN RIO BLANCO METROPOLITAN RECREATION & PARK DISTRICT

By: 
Director

By: 
Director

By: 
Director

By: 
Director

By: 
Director

Attachment A

**Public Records Request Form
ERBM Recreation and Park District**

Please complete the following information to obtain copies of the requested records. ERBM will respond to your request within three working days, except in the event of extenuating circumstances, in which case ERBM will respond to your request within seven working days.

ERBM complies with the requirements of the Colorado Open Records Act and any other applicable federal or state laws with respect to whether it must, may, or cannot produce public records, or other documents or information requested, and the fees it charges for producing such public records or other documents or information. A complete copy of ERBM's policy for requests for public records and assessing charges for the production of public records is available at <https://www.erbmrec.com/from-the-board>.

Requester Name:	
Requester Address:	
Requester Telephone:	
Detailed Description of Requested Documents:	
Requested Method of Delivery:	<input type="checkbox"/> Inspection at the District's offices (must be selected for any request to inspect the recording of any District Board meeting)
	<input type="checkbox"/> United States mail to the following address:
	<input type="checkbox"/> Other delivery service (FedEx, UPS, etc.) to the following address:
	<input type="checkbox"/> Facsimile to the following number:
	<input type="checkbox"/> Email to the following email address:

I understand that fees may be assessed for the production of the records I am requesting, and/or for delivering the records to me. If requested by ERBM, I agree to pay all fees assessed for my request prior to ERBM sending the records to me.

Requester Signature

Date

**Please return to: ERBM Recreation and Park District
Attn: CORA Requests
101 Ute Road
Meeker, CO 81641**