

RESOLUTION NUMBER 2014-02

**DANCING WILLOWS METROPOLITAN DISTRICT
BORAD OF DIRECTORS
DESIGNATING COMMUNITY RESOURCE SERVICES (CRS) AS THE CUSTODIAN OF
RECORDS OF THE DANCING WILLOWS METROPOLITAN DISTRICT AND
ADOPTING AN OPEN RECORDS POLICY**

WHEREAS, pursuant to Sections 32-1-1001(1)(h-i), C.R.S., the Board of Directors of the Dancing Willows Metropolitan District (“District”) is responsible for the management, control and supervision of all business and affairs of the District and has the authority to appoint, hire, and retain agents; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to designate a custodian of the District’s public records, in accordance with C.R.S. § 24-72-202(1.1), for the purpose of storing, maintaining, and protecting such public records in accordance with applicable Colorado statute and to permit their inspection in an orderly and timely fashion (the “Custodian”); and

WHEREAS, pursuant to C.R.S. §§ 24-72-201, *et seq.*, (as may be amended, “CORA”), “public records” of the District, as that term is defined in CORA, shall be made available for inspection by the District, except as limited therein; and

WHEREAS, pursuant to C.R.S. §§ 24-80-101, *et seq.*, the Colorado State Archives has developed a statewide records retention schedule in cooperation with the Special District Association, the Colorado Attorney General’s Office and the State Auditor’s Office for special districts and other governmental entities to use and follow; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to adopt the model special district retention schedule, unless modified by Section 3 below; and

WHEREAS, pursuant to C.R.S. § 24-72-203, as it is reasonably necessary for the protection of its public records and to prevent the unnecessary interference with the regular discharge of the duties of Custodian of the District’s public records, the Board of Directors of the District has determined that it is appropriate to adopt an open records policy in conformance with CORA.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Chatfield South Water District that:

SECTION 1. Community Resource Services (CRS) is hereby designated as the Custodian of the District’s public records, responsible for the maintenance, care, and keeping of all public records of the District.

SECTION 2. The Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts deemed necessary to maintain, care for, and keep the District’s records, subject to annual appropriation and budget and

pursuant to the provisions of CORA. This may include, and shall not be limited to, the temporary, off-site storage of such public records.

SECTION 3. Unless otherwise prescribed by applicable statutory law, all District public records shall be retained in accordance with the public records retention schedule approved by the State Archivist, as it may be amended from time to time.

SECTION 4. Public records of the District shall be available for public inspection. The District hereby adopts the definitions contained within CORA, including, specifically, what constitutes "public records" of the District. The District shall adhere to the terms and provisions of CORA, and any applicable Colorado legal precedent interpreting such terms and provisions, in processing any requests to inspect the public records of the District. The Custodian shall act at all times in compliance with the terms and provisions of CORA. Inspection shall be permitted during normal business hours, Monday through Friday, except on holidays, at a time reasonably established by the Custodian. Although the District shall endeavor to respond to any inspection request provided pursuant to CORA in as prompt a manner as possible, normal and required operations of the District shall remain prioritized over any CORA inspection request, subject to any requirements imposed upon the District by CORA.

SECTION 5. The District shall charge a fee of sixty dollars per hour (\$60.00/hour) in response to any request to inspect and/or copy public records, which amount is hereby determined to be a reasonable charge for the Custodian's time and expense in responding to any CORA request. Such amount shall be invoiced at the time of delivery of any requested public records or upon the delivery of any correspondence detailing why any public records have not been delivered pursuant to a CORA request in accordance with C.R.S. § 24-72-204, as it may be amended from time to time. Any such invoice shall be due and payable upon delivery and an accounting of the Custodian's time and expense spent in responding to any CORA request shall be provided to the person seeking to inspect such public records upon request. The District may also require a reasonable estimated deposit at the time any public record inspection request is filed with the Custodian pursuant to CORA; any deposit shall be used by the District for costs incurred by the District for processing such CORA request. Any remaining funds from the deposit shall be returned to the requesting entity within thirty (30) days after the CORA request has been fully processed; in the event that the costs incurred by the District exceed the deposit, the District shall immediately advise the requesting entity and the requesting entity shall immediately render the excess to the District. In addition to the foregoing, and in accordance with the terms and provisions of C.R.S. § 24-72-205(3), as it may be amended from time to time, the District shall impose a fee of twenty-five dollars (\$25.00) per hour for the District to perform a manipulation of data in response to a specific request so as to generate a record in a form not otherwise used by the District.

SECTION 6. Nothing contained herein shall be construed as limiting or waiving any rights or privileges that the District may have pursuant to CORA that are not otherwise explicitly stated herein. The District hereby retains any further or additional rights and privileges provided to it pursuant to CORA regarding the generation, retention, destruction, inspection or copying of any records of the District, whether or not such records are deemed to be "public records" pursuant to CORA.

The foregoing Resolution was approved and adopted this 14th day of January 2014.

DANCING WILLOWS METROPOLITAN DISTRICT

By: W.A. Anderson
President

ATTEST:

By: James M. Gray
Secretary