

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
YORK STREET METROPOLITAN DISTRICT**

CONCERNING THE ADOPTION OF A PUBLIC RECORDS POLICY

WHEREAS, the York Street Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing as metropolitan district pursuant to title 32, C.R.S.; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(h), the Board of Directors of the District is responsible for the management, control and supervision of all business and affairs of the District; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(i), the Board of Directors of the District has the authority to appoint, hire and retain agents; and

WHEREAS, the District, as a "political subdivision," is subject to the terms and provisions of the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (as may be amended, "CORA"); 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), as may be amended, 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 in C.R.S. § 24-72-202(6), as may be amended, shall be made available for inspection by the District, except as limited therein; and

WHEREAS, in accordance with C.R.S. § 24-72-205(6)(a), as may be amended, a custodian may impose a fee in response to a request for the research and retrieval of public records only if the

custodian has, prior to the date of receiving the request, either posted on the custodian's website or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of the current fee; and

WHEREAS, further, in accordance with C.R.S. § 24-72-205(6)(a), as may be amended, the custodian shall not impose a charge for the first hour of time expended in connection with the research and retrieval of public records and, after the first hour of time has been expended, the custodian may charge an fee for the research and retrieval of public records up to thirty dollars (\$30.00) per hour; and

WHEREAS, further, in accordance with C.R.S. § 24-72-205(6)(b), as may be amended, the maximum hourly fee that may be charged by the custodian for the research and retrieval of public records may be adjusted by the Director of Research of the Legislative Council on July 1, 2019, and every five years thereafter, in accordance with the percentage of change over the period in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley, all items, all urban consumers, or its successor index (as may be adjusted, a "Research and Retrieval Fee Adjustment"); 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.

WHEREAS, this resolution shall constitute the Public Records Policy of the District and of the District's Custodian.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF YORK STREET METROPOLITAN DISTRICT THAT:

Section 1. Miller & Associates Law Office, LLC is hereby designated as the "custodian" of the District's "public records," as those terms are defined in C.R.S. §§ 24-72-202(1.1) and 24-72-202(6), respectively, as each may be amended, and shall be responsible for the maintenance, care, and protection of all public records of the District (as may be designated

or subsequently replaced, the "Custodian"). Such designation may be changed at any time by the Board of Directors of the District upon lawfully adopted resolution. Subject to annual appropriation and budget by the District, as well as the terms and conditions of CORA, the Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts necessary to the maintenance, care, and protection of the District's public records; this may include, and shall not be limited to, the temporary off-site storage or electronic cataloging of such public records.

Section 2. Public records of the District shall be available for public inspection in accordance with CORA. 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 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 3. The District and the Custodian shall adhere to all applicable requirements of CORA in the maintenance, care, protection, retention, research, retrieval, inspection, copying and dissemination of the District's "public records," as defined in C.R.S. § 24-72-202(6), as may be amended. In accordance with C.R.S. § 24-72-205(6), as may be amended, the Custodian shall be authorized to charge an hourly fee for the research and retrieval of the District's public records up to an amount equal to the lesser of: a) the actual cost to the District; or b) thirty dollars (\$30.00) (as may be amended, the "Research and Retrieval Fee"). The Research and Retrieval Fee shall not be imposed for the first hour of research and retrieval time that the Custodian expends in a research and/or retrieval request of public records. The Research and Retrieval Fee 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 if, in the Custodian's sole reasonable discretion, the processing of such a public record inspection request shall require more than five hundred dollars (\$500) worth of time and expense, as calculated by the Research and Retrieval Fee; 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 or person and the requesting entity or person shall immediately render additional funds to the District. The amount of the allowable Research and Retrieval Fee shall be automatically increased or decreased, as may be applicable, in the event of a Research and Retrieval Fee Adjustment pursuant to C.R.S. § 24-72-205(6)(b), as may be amended.

Section 4. In all cases in which a person has the right to inspect a public record, the person may request a copy, printout, or photograph of the record in accordance with C.R.S § 24-72-205, as may be amended. Pursuant to C.R.S. § 24-72-205(5)(a) , as may be amended, the Custodian shall furnish a copy for twenty-five cents (\$0.25) per standard 8 ½ x 11 inch page or a fee not to exceed the actual cost of providing such copy, printout or photograph if in a format other than a standard 8 ½ x 11 inch page. The costs of copying and reproduction shall not be waived by the Custodian for any reason whatsoever. Under no circumstances shall the Custodian allow documents of the District to be removed from the Custodian's custody for copying or reproduction purposes.

Section 5. In accordance with C.R.S. § 24-72-205(1)(b), as may be amended, the Custodian shall notify the public record requester once a copy of the public record(s) is/are available, but such public record(s) will only be sent to the requester once the Custodian either: 1) receives payment for all costs associated with the public records transmission and for all other fees lawfully allowed; or 2) makes arrangements for receiving payment for all costs associated with public records transmission and for all other fees lawfully allowed. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Custodian shall send the public record(s) to the requester as soon as practicable, but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.


Section 6. If, in response to a specific request and pursuant to C.R.S. § 24-72-205(3), as may be amended, the Custodian must perform a manipulation of data so as to generate a record in a form not used by the District, including, but not limited to, the production of a privilege log, the Research and Retrieval Fee shall be charged to the person or entity making such a request. In conformance with C.R.S. § 24-72-205(3), as may be amended, persons or entities making subsequent requests for the same or similar records may be charged a Resource and Retrieval Fee not in excess of the original Resource and Retrieval Fee.

Section 7. The provisions of this Public Records Policy are in addition to and not in lieu of the provisions of CORA. Nothing contained herein shall be construed as limiting or waiving any rights or privileges that the District may have pursuant to CORA or any other applicable law, rule or regulation, 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. In the event of any discrepancy between this Public Records Policy and the statutory provisions of CORA, the compulsory statutory provisions of CORA shall prevail.

Section 8. In accordance with C.R.S. § 24-72-205(6)(a), as may be amended, this Public Records Policy shall be either posted on the Custodian's website or otherwise published as required by CORA or any other Colorado statute applicable to special districts.

ADOPTED AND APPROVED this 17th day of February, 2016.

YORK STREET METROPOLITAN DISTRICT



Blake Carlson, President

ATTEST:



Brian P. Jumps, Secretary/Treasurer