

**WOODMEN HILLS METROPOLITAN DISTRICT**

**RESOLUTION NO. 10-11**

**RESOLUTION REPEALING AND RE-ADOPTING AN OPEN RECORDS  
POLICY AND RE-DESIGNATING THE CUSTODIAN OF RECORDS**

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

WHEREAS, the District maintains certain records that are available for inspection by the public under and in accordance with the laws of the State of Colorado; and

WHEREAS, records of the District that are available for inspection by the public are defined as “public records” under applicable Colorado law; and

WHEREAS, the District anticipates that from time to time members of the public may request the right to inspect and/or copy public records of the District; and

WHEREAS, pursuant to §32-1-1001(1)(i), C.R.S., the Board of Directors of the District (“Board”) has the authority to appoint an agent; and

WHEREAS, the Board has determined that it is appropriate to designate an Official Custodian of the District’s records as defined in §24-72-202(2), C.R.S., for the protection of such records and in order to permit their inspection by persons entitled to examine and copy such records in an orderly and secure fashion; and

WHEREAS, pursuant to §24-72-203(1)(a), C.R.S., the Board is authorized to adopt certain rules with respect to the inspection of District records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Official Custodian or the Official Custodian's office.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Woodmen Hills Metropolitan District that:

1. Definitions. The definitions found in §24-72-202, C.R.S., as amended from time to time, shall apply to the following rules and procedures unless the context clearly requires a different meaning in accordance with customary usage.
2. Official Custodians. The District Manager of the Woodmen Hills Metropolitan District, is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records of the District, except as provided herein.

3. Agents of the Official Custodian. The Official Custodian shall have the authority to designate such agents as he or she determines appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.

4. Inspection of Public Records. All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of Part 2 of Title 24, Article 72 ("Open Records Act") or policies adopted by the Board in conformance with the Open Records Act.

5. Request for Inspection. All requests for copies or inspection of public records of the District shall be submitted to the Official Custodian in writing on a Public Records Request Form, a copy of which is attached as Exhibit A, specifically detailing the exact public records being sought. The Public Records Request Form must be completed and submitted by email or hard copy with the name, address and telephone number of the individual submitting the request. Telephone requests or electronic requests through means other than email (e.g. text messages) will not be honored. If such document or record is available for inspection and copying, the Official Custodian will notify the applicant of the date, time and location where the material can be inspected or copied. If such public record is not available due to applicable common law privilege or federal or state law, or is not available from such Official Custodian's office, the applicant shall be notified. The District may, from time to time, designate specific records for which written requests are not required and with respect to which review by legal counsel is not required, i.e., service plan, rules and regulations, minutes, etc. Such designations shall be made by the Board and documented in the minutes of meetings of the Board.

6. Times for Inspection. Inspection of the District's public records shall be made, where permitted by law, during normal business hours, Monday through Friday, except on holidays, at an hour specifically set by the Official Custodian for each particular request for inspection.

7. Copies, Print-Outs or Photographs of Public Records. In a case where a person has a right to inspect a public record under the control of the Official Custodian and submits a sufficiently detailed Public Records Request Form seeking copies, print-outs or photographs thereof, the Official Custodian shall notify the applicant if such record is available for copying, and may furnish such copies, print-outs or photographs for a fee to be set by the Official Custodian.

8. Costs, Fees and Retrieval. The Official Custodian is hereby authorized to charge the maximum amount permitted by statute per page for copies of the District's public records or the actual costs of reproducing and copying the District's public records, whichever is greater. The Official Custodian is authorized to charge a reasonable fee for the cost of research and retrieval services associated with any public

records request, including, at the discretion of the Official Custodian, the cost of hiring outside help to assist with the research and retrieval.

9. Administrative Fee. The District may charge an administrative fee of \$30.00 per hour if management level personnel, or \$10.00 per hour if other staff, are assigned by the Official Custodian to research and retrieve requested public records, or to oversee the review and reproduction of records done by a person using his/her own recording device as allowed by Paragraph 10 below.

10. Integrity and Security of Public Records. No person shall be entitled to remove public records of the District from the Official Custodian's office for inspection, copying or for any other purpose or reason. A person may arrange with the Official Custodian for the use of such person's own recording device (i.e., a scanner or camera) to copy a public record open for inspection at the District offices. In order to protect and maintain the integrity and security of the District's public records, review and/or copying of such records at the District offices shall occur only in the presence and under the supervision of the Official Custodian or his/her agent. No person shall be entitled to remove public records of the District from the Official Custodian's Office for inspection, copying or any other purpose or reason.

11. Confidential, Privileged and Exempted Records. Any records request may be referred to the District's legal counsel for review and legal advice regarding the lawful availability of the records requested and other matters. The District shall have the authority to delay a response to, or deny, any request until such time as the District's legal counsel has reviewed and advised on the request. No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District's general counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in the Open Records Act.

12. Production of Copies of Records. Copies of public records made by the District per a request but not picked up within a reasonable time after notice of availability has been made may be destroyed. In the event a person renews a request for the same public records of the District after failing to pick up previously requested and provided copies, the requestor will be charged for the cost of both records requests.

13. Fee Deposit. If the records request involves voluminous records or records dating over a substantial period of time for which the anticipated time to research and locate such records is more than two hours, the Official Custodian may require a deposit, equal to the estimated labor and copying costs required to comply with the records request, before the District will begin compiling requested records. Any portion of the deposit that is not reasonably used in the public records request response process will be returned to the person requesting such public records.

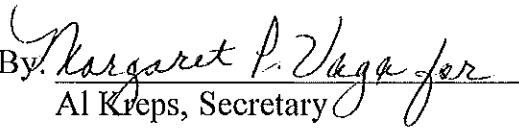
14. Effective Immediately. This open records policy shall become effectively immediately. This Resolution shall repeal and replace any prior resolution of the Board concerning open records policies.

The foregoing Resolution was approved and adopted this 16th day of September, 2010.

WOODMEN HILLS METROPOLITAN  
DISTRICT

By:   
Jan Pizzi, Chairman

ATTEST:

By:   
Al Kreps, Secretary