

## DEER CREEK WATER DISTRICT

### RESOLUTION DESIGNATING THE DOCUMENT RETENTION AND OPEN RECORDS REQUESTS POLICY

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

WHEREAS, the Board of Directors of the District has determined that it is appropriate to adopt a policy on Record Retention; and

WHEREAS, the Board of Directors fully supports, and complies with, all Federal and State laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (“CORA”), the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA; and

WHEREAS, it is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law; and

WHEREAS, public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions and public records expressly include e-mail communications.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Deer Creek Water District that:

1. Record Retention.

All records, existing and future, will be stored onsite inperpetuity, in boxes labeled by year.

2. Policy on Responding to Open Records Request. The following are general policies concerning the release of records:

- (a) All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of CORA or policies adopted by the Board of Directors in conformance with CORA.
- (b) Every request to inspect and/or copy any District record (a “Records Request”) shall be submitted to the District’s Official Secretary in

writing and be specific as to the information desired. If not submitted to the Secretary, any District employee or Board Member that receives the Records Request shall immediately send the Records Request to the Secretary.

- (c) The Secretary may charge the following fees (collectively, the “Fees”) for responding to a Records Request:
- (i) Printouts, photographs, and copies, when requested, will be provided at a cost of twenty-five cents (\$0.25) per standard page, and at the actual costs of production for any non-standard page (the “Copying Fee”). A standard page shall mean an 8.5-inch by 11-inch black and white copy.
  - (ii) When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Secretary may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the “Outside Copying Fee”).
  - (iii) If a copy, printout or photograph of a public record is necessary or requested to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the “Production Fee”).
  - (iv) If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the “Manipulation Fee”); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.
  - (v) The cost for transmitting the requested records will be charged at the actual cost of such delivery (the “Transmission Fee”). Transmission Fees will not be charged for transmitting any record via electronic mail, when requested.
  - (vi) When the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than one (1) hour of staff time, the Secretary

may charge a research and retrieval fee not to exceed thirty dollars (\$30.00) per hour (the "Research and Retrieval Fee").

(vii) If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges) the District may charge the actual costs of creating a privilege log identifying the privileged records (the "Privilege Fee"). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

(d) If the estimated Fees to produce the records will exceed \$ 120, the District may require a 50 percent (50%) deposit of the estimated Fees prior to commencing work to produce the records. Payment of the remainder of the Fees, including all actual costs exceeding the estimated amount, must be made prior to the time of inspection or release of the final work product or copies.

(e) No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Secretary after consultation with the District's legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board of Directors of the District.

The foregoing Resolution was approved and adopted this 12<sup>th</sup> day of July, 2018.

DEER CREEK WATER DISTRICT

By: 

Gary McIntyre, Chairman

Attest:

  
Tom Cornelius, Secretary