

COLORADO OPEN RECORDS ACT (CORA)
POLICY ON RESPONDING TO OPEN RECORDS REQUESTS FOR THE
Bailey Water Sanitation **DISTRICT**

It is the policy of the Bailey Water Sanitation District ("District") that all public records shall be open for inspection by any person at reasonable times, except as provided by law.

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. Public records expressly include e-mail communications. The District maintains an archive of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record.

By action of the Board of Directors of the District, Bailey Water Sanitation is hereby designated as the official Custodian of Records responsible for the maintenance, care and keeping of all records of the District. The official Custodian of Records shall have authority to designate such agents as he/she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this policy.

District's general policies concerning the release of records:

Section 1. Requests by any person, entity, Federal or State agency, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "Records Request") shall be considered received by the Custodian of Records when submitted in approved format and is accompanied by a deposit in an amount to be determined by the Custodian of Records.

Section 2. If any question arises as to the propriety of fully complying with a Records Request, the Custodian of Records shall immediately forward it to the District's legal counsel. The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to comply with the Records Request in whole or in part, the District's legal counsel will so notify the District's Custodian of Records, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law(s).

Section 3. If the District's legal counsel determines the District is not permitted by Federal or State law(s) to comply with the Records Request in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

Section 4. The Custodian of Records may set the time during normal office hours and the place for records to be inspected and require that the Custodian of Records or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days from the date of receipt, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the extension within the statutory period.

Section 5. A person or other approved entity granted the right to inspect District records will also be furnished copies requested at a cost not to exceed \$.25 per page in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where 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 one or more hours of staff time, the District may charge a research and retrieval fee not to exceed \$30 per hour, and no charge shall be made for the first hour of time expended in connection with the research and retrieval of public records. Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

Section 6. Upon request for records transmission by a person seeking a copy of any public record, the custodian will transmit a copy of the record by U.S. Mail, other delivery service, facsimile, or electronic mail. No transmission fees will be charged to the records requester for transmitting public records via electronic mail. Within three days of receiving the request, the custodian will notify the record requestor that a copy of the record is available but will only be sent to the requestor once the custodian has received full payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees is fully covered by the deposit amount that accompanied the form request.

Section 7. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Custodian of Records may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the cost of providing requested records will be paid by the person making the request.

Section 8. This policy shall supersede any previous policy related to records requests.

ADOPTED this 30th day of ~~July~~^{Sept}, 2014.



President

ATTEST:



Secretary