

Resolution No. 2024-02

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
SOLDIER CANYON WATER TREATMENT
AUTHORITY**

**A RESOLUTION ESTABLISHING A POLICY FOR REQUESTS FOR PUBLIC
RECORDS AND ASSESSING CHARGES FOR THE PRODUCTION OF PUBLIC
RECORDS**

WHEREAS, the Soldier Canyon Water Treatment Authority ("**Authority**") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 29-1-203, *et seq.* to provide water treatment services:

WHEREAS, pursuant to the agreements creating the Authority and the Special Districts Act, C.R.S. § 32-1-100(l)(h) and (m), the Authority's Board of Directors ("**Board**") is vested with the management, control, and supervision of all the business and affairs of the Authority, and is authorized to adopt, amend, and enforce rules and regulations for carrying out the Authority's business and affairs:

WHEREAS, the Board is authorized by statute to charge a reasonable fee for copies, printouts, and photographs made at the request of an individual or entity pursuant to the Colorado Public (Open) Records Act, C.R.S. § 24-72-205 ("**Open Records Act**");

WHEREAS, the Board intends for this Resolution to supersede and replace all prior Board Resolutions, motions, or Board or Authority rules or regulations (collectively, "**Prior Rules**") with respect to responding to requests for public records and assessing charges to produce public records, and for such Prior Rules to be rescinded for all purposes; and

WHEREAS, the Board has determined that the fees it establishes by this Resolution are reasonable, cost-based fees, in compliance with the requirements and restrictions of the Open Records Act.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SOLDIER CANYON WATER TREATMENT AUTHORITY THAT:**

1. The term "**public records**" shall have the same meaning as set forth in the Open Records Act.
2. All requests for public records shall be in writing and shall comply with the requirements of the Open Records Act, and any other applicable federal or state laws, rules, or regulations (collectively, "**Applicable Law**"). Anyone making a verbal request will be asked to submit the request in writing on a Public Records Request Form in substantially the form attached hereto as Attachment A, as may be amended by the Board or Executive

Staff from time to time in accordance with Applicable Law or to enhance administrative efficiency. No action related to the request will be taken until a Public Records Request Form has been submitted.


3. The Authority will comply with the requirements of Applicable Law with respect to whether it must, may, or cannot produce public records, or other documents or information requested, and the fees it charges for producing such public records, or other documents or information.
4. Where the fee for a certified copy or other copy, printout, or photograph of a public record is specifically prescribed by Applicable Law, the specific fee shall be charged. If a fee is not specifically prescribed by Applicable Law, the Authority will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The Authority shall charge a fee not to exceed the actual cost of providing a copy, photograph, or printout in a form other than a standard page. The Authority shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.
5. If the amount of time required by the Authority to research and retrieve the documents necessary to fulfill a specific request exceeds 1 hour, including the time required to identify and segregate records that must or may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$33.58 per hour, or such maximum hourly research and retrieval fee as may be established by the Colorado Law or regulation from time to time. Such fee will include discussing strategy for collecting documents (including time to agree on search terms and searchable time frame for email searches), redactions, and attorney time to review documents. The Authority will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.
6. Upon request for transmission of the public record, the Authority will transmit the public record by United States mail, other delivery service, facsimile, or electronic mail. If transmitting the public record pursuant to this paragraph, the Authority may notify the record requester that a copy of the public record is available but will be sent only when the Authority receives payment or makes satisfactory arrangements for payment of all costs associated with transmitting the public record and for all other fees lawfully allowed; provided, however, that no transmission fees will be charged for transmitting the public record via electronic mail. The Authority will transmit the public records within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.
7. If an individual or entity requests that public records be provided by fax or email, and not by U.S. mail or delivery service, the individual shall be required to provide a written statement that the individual or entity understands the public records will be sent through unencrypted email that is not secure and there is a risk that the records could be seen by a third party during electronic transmission, while in electronic storage, and/or upon completed delivery. The Authority is not responsible for unauthorized access of the information resulting from the emailed transmission, or for safeguarding the information

upon delivery.

8. This Resolution shall supersede and replace all Prior Rules with respect to responding to requests for public records and assessing charges to produce public records, and such Prior Rules are hereby rescinded for all purposes and are null and void.

ADOPTED this 11th day of January 2024 by the Board of Directors of the Soldier Canyon Water Treatment Authority.

SOLDIER CANYON WATER TREATMENT
AUTHORITY



Authority Chairman

Attest:



Secretary