

## WOODMEN HILLS METROPOLITAN DISTRICT

### OPEN RECORDS POLICY

**Approved: Resolution 10-11, September 16, 2010**

**Amended: October 27, 2011, January 23, 2014 and June 25, 2014**

1. Official Custodians. The legal firm of Collins Cockrel & Cole, P.C. is the designated Official Custodian responsible for evaluating and responding to any requests for inspection of public records. The Enterprise Director for Administration is the designated assistant records custodian in charge of the maintenance, care and keeping of all records of the District.

2. Agents of the Official Custodian. The Official Custodian has the authority to designate such agents as he or she determines appropriate for performing any and all acts necessary to enforce and execute the provisions of this Policy.

3. 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.

4. 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 accepted. If a requested 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 requestor 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 specific records shall include any records or documents posted on the District's website.

5. 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.

6. 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. Requests for copies of records or documents that reside on the District's website will not be accepted.

7. Costs, Fees and Retrieval. The Official Custodian is 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, communication with the assistant custodian for retrieval of requested records and the cost of hiring outside help to assist with the research and retrieval.

8. Administrative Fee. The District may charge an administrative fee of up to \$30.00 per hour if management level personnel, or up to \$15.00 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. The custodian shall not charge for the first hour of combined time expended by the custodian, or any assistants or agents, in connection with the research and retrieval of public records.

9. Integrity and Security of Public Records. No person shall be entitled to remove public records of the District from the District'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 District's or Official Custodian's office for inspection, copying or any other purpose or reason.

10. 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.

11. Research, Retrieval and Copies of Records Requested. At the time that any requestor seeks to pick up copies or to review documents retrieved and produced by the District pursuant to that person's request, all of the District's reimbursable costs for such request must be paid. In addition, any unpaid reimbursable District costs for prior requests by the same requesting party must also be paid at the time of pick up or review. Copies made by the District per a request, but not picked up within a reasonable time after notice of availability has been provided to the requesting party, may be destroyed. In the event a person renews a request after failing to pick up copies, and such copies have been destroyed, the requestor will be charged for the reimbursable District costs associated with the initial and subsequent records requests.

12. 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 one hour, 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.