

**RESOLUTION
BOARD OF DIRECTORS
EVANS FIRE PROTECTION DISTRICT**

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

WHEREAS, Evans Fire Protection District ("*District*") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("*Special Districts Act*"), to provide fire and emergency services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction;

WHEREAS, pursuant to the Special Districts Act, C.R.S. § 32-1-1001(1)(h) and (m), the District's Board of Directors ("*Board*") is vested with the management, control, and supervision of all the business and affairs of the District, and is authorized to adopt, amend, and enforce rules and regulations for carrying out the District'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 District's current policy for responding to requests for public records and assessing charges for the production of public records is set forth in Board Resolution 2014-06;

WHEREAS, the Board intends for this Resolution to supersede and replace Resolution 2014-06 with respect to responding to requests for public records and assessing charges for the production of public records, and for Resolution 2014-06 to be rescinded for all purposes; and

WHEREAS, the Board determines 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
EVANS FIRE PROTECTION DISTRICT 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 must be in writing and must comply with the requirements of the Open Records Act and any other applicable federal or state laws ("*Applicable Law*"). Anyone making a verbal request will be asked to submit the request in writing, and no action related to the request will be taken until a written request is received.
3. The District 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 District will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The District 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 District shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

5. If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a record in a form not used by the District (including a privilege log), an hourly administrative fee equal to the hourly research and retrieval fee discussed below in Section 6 shall be charged to the person or entity making the request; provided, however, that the fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. An individual or entity making a subsequent request for the same or similar records shall be charged the same fee.

6. If the amount of time required by the District 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 Legislative Council from time to time. Such fee will include discussing strategy for accomplishing the collection of public records (including time to agree on search terms and searchable time frame for email searches), redactions, and attorney time to review public records. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

7. Upon request for transmission of the public record, the District 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 District may notify the record requester that a copy of the public record is available, but will be sent only when the District 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 electronically. The District will transmit the public record within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.

8. This Resolution shall supersede and replace Resolution 2014-06 and conflicting portions of all other Resolutions and motions previously adopted by the Board with respect to responding to requests for public records and assessing charges for the production of public records, which Resolutions or motions are hereby rescinded and null and void, in whole or in part, to the extent such Resolutions and motions conflict with this Resolution.

ADOPTED this 27th day of April, 2020, by the Board of Directors of the Evans Fire Protection District.



Director



Director