

Huerfano County Water Conservancy District
Colorado Open Records Act
Request Policy

The official custodian of records for the Huerfano County Water Conservancy District is the District Administrator who is also the Board Secretary, and because there is no physical location for a District office, the records are kept at the home office of the Administrator.

The Colorado Open Records Act ("CORA"), as codified in Colorado statute at C.R.S. §24-72-201 *et seq.*, provides authority for the official custodian of public records to make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office.

Pursuant to the authority granted by CORA to the Administrator as the official custodian of records for the District, the following policy is adopted as to the processing and handling of any and all open record requests made upon the District pursuant to CORA:

- All requests for review of documents or records of the District shall be specific enough to allow the Administrator to determine with reasonable accuracy the approximate number of records subject to the request, the anticipated time which will be required for the Administrator to research and assemble the records subject to the request, and the costs associated therewith, as discussed herein. At a minimum, each open records request pursuant to CORA shall include the following:
 - Specific beginning and ending dates for the documents requested;
 - Specific subject matter for the documents requested sufficient for the Administrator to reasonably identify specifically those documents relevant to the request.
- The first hour expended in the research and compilation of documents relevant to any open records request shall be at no charge. The District shall charge a reasonable fee of \$30.00 per hour for additional time required. Such costs shall be paid in advance on the basis of the Administrator's reasonable estimate of time required, with excess amounts to be refunded upon completion of the compilation of the open records request, and additional amounts payable prior to the review by the requesting party of any relevant documents compiled. Such fee may be adjusted from time to time in the reasonable discretion of the Administrator.
- The District shall charge a reasonable fee of \$0.25 per standard page for a copy of a public record or an amount not exceeding the actual cost of providing a

copy, printout, or photograph of a public record in a format other than a standard page. The District shall also charge a reasonable fee, not exceeding the actual cost, if data has to be manipulated by the District in order to generate a record in a form not used by the District. The charge for mailing will be \$0.65 per five pages of documents. Such costs and fees shall be paid in advance of any review by the requesting party of any relevant documents compiled and copied pursuant to an open records request. Such fees may be adjusted from time to time in the reasonable discretion of the Administrator.

- Because the position of Administrator is part-time, in the event that the Administrator estimates that the time required to research and compile documents relevant to an open records request exceeds five (5) hours, it is recognized that the scope of such request makes it physically impossible for the District to comply with the maximum seven (7) working days provided by statute for compliance with an open records request. In such instances, the District will advise the requesting party, in writing, of the physical impossibility of compliance with such open records request and asking that the requesting party either:
 - Revise their open records request to be more specific and thereby allowing the District to comply with the statutory requirements; or,
 - Consent to an extended research and compilation period beyond the statutory requirements, and expressly waiving any and all statutory and common law remedies against the District for such noncompliance as concerns the specific open records request as may otherwise be available.
- To the extent a requesting party is not willing to accommodate the District's requests as discussed in Paragraph 4, above, as concerns research and compilation requirements exceeding statutory provisions, the District may seek a declaratory judgment from the District Court for Huerfano County, Colorado that the open records request is "impossibly overbroad" and that it would be "physically impossible" to comply with the statutory provisions of CORA requiring review of requested documents within a reasonable time, being a maximum of seven (7) days, and requesting that the Court provide a judgment that the District shall not be held liable for compliance with such requirements on such basis.

Enacted this 30th day of June, 2014.

Carol S. Dunn, Administrator
Huerfano County Water Conservancy District