

RESOLUTION NO. 05-16

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ESTES PARK LOCAL MARKETING DISTRICT ADOPTING AN OPEN RECORDS POLICY**

WHEREAS, the Estes Park Local Marketing District (the “District”) is a special district and political subdivision of the State of Colorado, organized and existing pursuant to Title 32 of the Colorado Revised Statutes; and

WHEREAS, the Colorado Open Records Act, codified at Sec. 24-72-200.1, C.R.S., *et seq.* (“CORA”), requires that the District maintain certain “public records,” as that term is defined in CORA, and make the same available for public inspection, subject to the limitations provided by CORA; and

WHEREAS, pursuant to § 24-72-203, C.R.S., the Board has determined that it is in the best interests of the District and necessary for the protection and inspection of its public records that that it adopt an open records policy in compliance with CORA; and

WHEREAS, pursuant to § 32-1-1001(h)-(i), C.R.S. the Board of Directors (the “Board”) has the statutory powers to manage, control and supervise all the business and affairs of the District and to appoint, hire, and retain agents, including a district manager that may serve as the District’s records custodian.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
ESTES PARK LOCAL MARKETING DISTRICT THAT:**

1. COLORADO OPEN RECORDS ACT.

- a. Open Records Policy. The Board hereby adopts the CORA policy attached hereto as Exhibit A, as it may be amended by the Board from time to time (the “CORA Policy”).
- b. Custodian of Records. The Board hereby appoints the District Manager/CEO as the records custodian for purposes of managing and storing the District’s public records, as needed, and for purposes of receiving and responding to public records requests, in accordance with the CORA Policy and the legal requirements of CORA.
- c. Non-Waiver. Nothing contained in this Resolution of the CORA Policy shall be construed as limiting or waiving any rights or privileges that District may receive pursuant to CORA.

2. **Required Action**. The District’s administrative staff, including its District Manager, is hereby directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution.

3. **Effective Date**. This Resolution shall become effective immediately upon passage.

4. **Severability**. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**EXHIBIT A
(CORA Policy)**

**Estes Park Local Marketing District
Open Records Request Policy**

Policy Statement

The Estes Park Local Marketing District (the "District") has developed the following Open Records Request Policy in order to create a systematic method of managing open records requests. Pursuant to the Colorado Open Records Act ("CORA"), § 24-72-200.1, C.R.S., *et seq.*, public records are to be open for inspection by individuals at reasonable times, upon request, unless such disclosure would be contrary to the public interest as provided under CORA. As a public entity, the District recognizes the importance of this state policy and the importance of creating an environment of openness with respect to its internal operations. This policy is intended to balance the public's right to inspect the records of the District with the District's need to protect its records and prevent unnecessary interference with its regular duties in responding to such requests.

Procedures

- The designated Custodian of Records (CR), as defined in § 24-72-202(1.1), C.R.S., will accept written CORA requests.
- Written requests for District records shall be addressed to:

Estes Park Local Marketing District
Custodian of Records
PO Box 4426; 1200 Graves Avenue
Estes Park, CO 80517

- The CR will immediately forward requests to the District's legal counsel for review and assistance with developing an appropriate response.
- All requests must be made in writing. Faxed or e-mailed requests will not be accepted. The first full business day following the date the request is received by the CR will constitute the first business day for calculating the three-day or seven-day response period, in accordance with § 24-72-203(3)(b), C.R.S., as provided below.
- All requests must be specific as to the records sought and the relevant dates of those records.
- Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated the CR may require the requestor to provide a more specific request.
- Requests for records will not take priority over previously scheduled work activities or duties of the District; provided, however, that the request shall be met within the statutory three (3) business day time period unless extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. In which case, the District may receive a time extension which will not exceed seven (7) business days. A finding of extenuating

circumstances must be communicated in writing to the requesting party within three (3) business days of receiving the request.

- The CR reserves the right to levy a reasonable fee of \$30.00 per hour for research and retrieval services of requested documents. However, the first hour of research and retrieval services shall be provided at no charge.
- The CR is not required by the Open Records Act to construct a document that does not exist.
- Requestor must complete the Visit Estes Park Open Records Form specifically detailing the request. Visit Estes Park will review the completed form and respond to Requestor with the cost to perform the service. Requestor must provide payment in advance before records will be released.

Responding to Requests for Open Records

- The District's legal counsel will assist the CR to determine if the information requested is subject to inspection under CORA. If it is determined that the records requested are not subject to inspection under CORA, the CR will inform the requestor, in writing, that the request is being denied and provide the specific statutory citation supporting the denial.
- If the request is for records the District does not possess, the requestor will be informed, in writing, that the District does not possess the requested records and will be informed who does possess the records and where they can be found, if that information is known to the CR.
- If the requested records contain information that is partially open to inspection and partially exempt from inspection, the District may withhold the record altogether or redact the exempted information and provide the record(s) for inspection.
- Some records are available online. If so, the CR will inform the requestor of its online availability. If the requestor still wants to personally inspect and to obtain copies of the records pursuant to this policy, the District will reasonably accommodate this request.
- Once the records have been located and reviewed, the District will notify the requestor, in writing, that the records are available for inspection.
- A transmittal fee may not be charged for emailing electronic records to the requestor.

Inspection of Records

- Once the requestor is notified that the records are available for inspection, the requestor must contact the District within five (5) business days to arrange a date, time and place to inspect the records. If, within five (5) business days, the requestor fails to schedule a time for inspecting the records, the request will be considered abandoned.
- Records will be available for inspection during the District's normal business hours.
- The requestor may obtain copies of the requested records at a cost of \$0.25 per page, or for documents in non-standard formats, the actual duplication costs.
- Full payment for copying costs as well as research and retrieval costs must be

received by the District in advance of releasing requested copies or allowing the requestor to inspect the same.

- The records will be maintained by the District for two (2) business days after the scheduled inspection time, at which point the records will be returned to their point of origination.
- Once a request is considered abandoned, the requestor must submit a new request to inspect any records.