

Colorado Open Records Act (CORA)

Buffalo Mountain Metropolitan District Policy

A. PURPOSE AND APPLICATION

This document (the "Policy") sets forth the policies of the Buffalo Mountain Metropolitan District (BMMD) relating to requests for public records made pursuant to the Colorado Open Records Act (CORA). This Policy sets forth procedures to ensure timely access to the public records of BMMD that are subject to disclosure and fees for producing public records in accordance with CORA and Colorado Law construing the provisions of CORA.

This policy applies to all public records requests submitted directly to BMMD. All public records requests by Applicants must be made in accordance with this Policy. Patrick Booth, in its role as Board Secretary of BMMD, acts as the official custodian of BMMD; as such term is used in CORA (the "Official Custodian").

B. PUBLIC RECORDS AND RECORDS NOT SUBJECT TO DISCLOSURE

Records not subject to disclosure

Certain BMMD records may be privileged or otherwise confidential and protected from disclosure under Colorado law and are not public records. Consequently, records that are confidential or privileged will not be disclosed in response to a public records request. Nothing set forth in this Policy shall be construed to abrogate the right of BMMD, the Official Custodian, to withhold records that are confidential or protected by the privileges expressly contemplated by CORA or otherwise established under Colorado Law.

C. SUBMISSION OF REQUESTS

Form of requests

All requests for inspection or copying of public records held by BMMD must be submitted to the Official Custodian using the Request Form attached to this policy. All requests must be sufficiently specific as to enable the location of the information requested with reasonable effort. Applicants may submit Request Forms by mail to the Official Custodian at the following address:

BMMD Custodian
PO Box 2430
Silverthorne, CO 80498

An applicant may also contact the Official Custodian via telephone at (970) 513-1300 or email office@bmmd.org

Public records not in the Official Custodian's custody or control

If the records requested are not in the custody and control of the Official Custodian, then the Official Custodian will notify the Applicant of such fact upon receipt of the request and state, in detail and to the best of the Official Custodian's knowledge and belief, the reason for the absence of the records from the Official Custodian's custody or control, the location of the records, and what other person has custody or control of the requested records.

D. INSPECTION OF RECORDS

Time request is deemed to be made

A public records request shall be considered made, thereby triggering three and seven Business day periods discussed below, when the request is actually received by the Official Custodian. A request is received when it is printed during regular business hours, or if received after hours, at 9:00 am. on the following business day.

Date and hour of inspection generally

Public records will be made available for inspection at the Official Custodian's offices, located at 106 Adams Avenue in Silverthorne. Inspections of public records are by appointment only and must be conducted during the Official Custodian's regular business hours 8:30 am. to 4:30 pm. The Official Custodian's offices are open Monday through Friday, except holidays and days on which offices may otherwise be closed due to inclement

weather or other events outside the control of the Official Custodian. At BMMD's discretion, the inspection of records may be supervised by the Official Custodian or the Official Custodian's designee to protect the integrity of the records.

For public records not immediately available for inspection, once a request is received, the Official Custodian will notify the Applicant of such fact and provide the Applicant with a date and time at which the records will be made available for inspection.

Date and hour of inspection where extenuating circumstances exist

In some cases, extenuating circumstances may prevent the Official Custodian from making the public records available for inspection within three business days of the request. Pursuant to section 24-72-203(3)(b), the Official Custodian has seven business days from the time of the request to make records available for inspection when extenuating circumstances are present. Extenuating circumstances exist in the following situations:

Where a broadly stated request encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the Custodian reasonably to prepare or gather the records within the three business days.

Where a broadly stated request encompasses all or substantially all of a large category of records and the Custodian is unable to prepare or gather the records within the three business day period because the custodian needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to occur more frequently than once a month.

When a request involves such a large volume of records that the Custodian cannot reasonably prepare or gather the records within the three business day periods without substantially interfering with the Custodian's obligation to perform its other public service responsibilities.

If any of these extenuating circumstances are present, the Official Custodian will notify the applicant in writing within three business days of the Official Custodian's receipt of the request. The Official Custodian will also provide the Applicant with a date and time at which the records will be made available for inspection within seven Business days of the Official Custodian's receipt of the request.

E. FEES AND DEPOSITS

Fees for copies

Should the Applicant request copies of any records, BMMD will charge \$0.25 per standard page copied. If the Applicant requests copies of records that cannot be provided to the Applicant on a standard page, BMMD charges fees in the amount of the actual cost of providing a copy, printout, or photograph of the public record.

Fees for research and retrieval

Under Colorado Law, BMMD may also charge a fee for the research and retrieval of requested records. There is no charge where the research and retrieval of records takes the Custodian or the Custodian's designee less than one hour. Where research and retrieval of the records takes longer than one hour, the fee is \$30.00 per hour.

The tasks for which BMMD may charge research and retrieval fee include, but are not limited to, searching electronic and/or paper files for an inspection, reviewing individual records to determine their responsiveness to a request and reviewing records for privileged or otherwise confidential information.

Deposits

BMMD will not make any public records available for inspection or copying unless and until the Applicant provides to BMMD a deposit in the amount of the total estimated fees to BMMD. If the actual costs BMMD incurs in responding to the request are less than the deposit submitted by the Applicant, BMMD will return the excess to the Applicant after the Applicant's request is satisfied. If the actual cost BMMD incurs in responding to the request are greater than the deposit submitted by the Applicant, BMMD will charge the Applicant a corresponding additional amount.