WEST MONTROSE SANITATION DISTRICT
POLICY ON RESPONDING TO OPEN RECORDS REQUESTS

ADOPTED: _September 17, 2014___

It is the policy of the West Montrose Sanitation District (the "District") that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are defined by the Colorado Open Records Act ("CORA") as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions. Public records expressly include e-mail communications. The District maintains an archive of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record. By action of the Board of Directors of the District, the District Manager is hereby designated as the official Custodian of Records and responsible for the maintenance, care and keeping of all records of the District. The official Custodian of Records shall have authority to designate such agents as he/she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this policy. Upon receipt, requests by a citizen, entity, Federal or State agency, District member, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "Records Request") should be immediately sent to the Custodian of Records.

The following are general policies concerning the release of records:

1. All requests for inspection or copying of public records held by the District must be submitted to the District's Custodian of Records using the Request Form attached to this policy. Request forms that are not filled out completely will be denied. Request forms may be submitted by mail, fax, or hand-delivery to the Custodian of Records at:

> West Montrose Sanitation District
> 239 Chipeta Road
> Montrose, CO 81403
>
> PHONE: (970) 249-1686
> FAX: (970) 964-4622

2. If any question arises as to the propriety of fully complying with a Records Request, the Custodian of Records shall immediately forward it to the District's legal counsel.

3. The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to comply with the Records Request in whole or in part, the District's legal counsel will so notify the District's Custodian of Records, who will assemble the disclosable requested documents

for inspection and/or copying in accordance with applicable Federal or State law.

4. If the District's legal counsel determines the District is not permitted by Federal or State law to comply with the Records Request in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

5. The Custodian of Records may set the time during normal office hours and the place for records to be inspected and require that the Custodian of Records or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three (3) working days, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within the statutory period.

6. **FEES:** A person granted the right to inspect District records will also be furnished copies requested at a cost not to exceed **$.25 per page** in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires one or more hours of staff time, the District may charge a research and retrieval fee not to exceed **$30 per hour**, and no charge shall be made for the first hour of time expended in connection with the research and retrieval of public records. Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

7. **DEPOSIT:** The District will not make any public records available for inspection or copying unless and until the requestor provides to the District a deposit in the amount of the total estimated fees to the District. If the actual costs the District incurs in responding to the request are less than the deposit submitted by the requestor, the District will return the excess after the request is satisfied. If the actual costs the District incurs in responding to the request are greater than the deposit submitted by the requestor, the District will charge a corresponding additional amount to the requestor. Upon submittal of the Request Form, the custodian will determine an estimate of the costs and fees that will be charged. No deposited funds will be returned if the record request is cancelled.

8. Upon request for records transmission by a person seeking a copy of any public record, the custodian will transmit a copy of the record by U.S. Mail, other delivery service, facsimile, or electronic mail. No transmission fees will be charged to the records requester for transmitting public records via electronic mail. Within three (3) days of receiving the request, the custodian will notify the record requestor that a copy of

the record is available but will only be sent to the requestor once the custodian either receives full payment or makes arrangements for receiving full payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian.

9. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Custodian of Records may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the cost of providing requested records will be paid by the person making the request.

This policy shall supersede any previous policy related to records requests.

Adopted by the Board of Directors of the West Montrose Sanitation District at their regular meeting on September 17, 2014.

WEST MONTROSE SANITATION DISTRICT

BY _____
   MICHAEL MONELL
ITS: PRESIDENT

ATTESTED:

BY _____
   JULIUS TIMMERMAN
ITS: SECRETARY

WEST MONTROSE
SANITATION DISTRICT
Doing Our Part For Clean Water

Colorado Open Records Act Request Form

Date of Request:			
Name:			
Address:			
City, State Zip:			
Daytime Phone:			

Instructions: This request must comply in all respects with West Montrose Sanitation District's Colorado Open Records Act Policy dated September 17, 2014 (the "Policy"). Please review the Policy carefully prior to submitting your request.

Indicate the information you desire and/or list each public record requested below. Please be as specific as possible. Records that are available and subject to production pursuant to the Policy and CORA will generally be provided within three Business Days of the receipt of this request. In extenuating circumstances, the requested records may not be produced for up to seven Business Days. Attach another sheet if necessary.

Records Requested (Provide a Specific Description):	**Requested Method of Review (State "Review in Person" or "Provide Copies"):**

West Montrose Sanitation District may charge the Applicant for copies, research and retrieval, and other items as set forth in the Policy. West Montrose Sanitation District may require the Applicant to deposit the estimated charges with the Custodian of Records prior to delivering the requested records. For more information, please contact the Custodian of Records at the address or telephone number listed in the Policy.