

RIO GRANDE WATER CONSERVATION DISTRICT

POLICY FOR ACCESS TO PUBLIC RECORDS

This policy is adopted to protect Rio Grande Water Conservation District (the "District") records and prevent unnecessary interference with the regular discharge of the District's duties, as allowed by the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, and to define the method by which the legal obligation of the District to provide public access to its records and requests for information will be handled. The following guidelines will dictate the answering of public information requests:

- 1) Official Custodian. The Official Custodian under the Open Records Act is designated by the District's Board of Directors. The District Manager is currently the Official Custodian.
- 2) Inspection of Public Records. All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of Part 2 of Title 24, Article 72 (the "Open Records Act") or policies adopted by the Board of Directors in conformance with the Open Records Act.
- 3) Records Not Subject to Disclosure. Certain District records may be privileged or otherwise confidential and protected from disclosure under Colorado law and are not public records. Consequently, records that, in the opinion of the Official Custodian after consultation with the District's general counsel and the District Board, are confidential, privileged, or subject to one or more exemptions set forth in the Open Record Act, 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 the District to withhold records that are confidential or protected by the privileges expressly contemplated by the Open Records Act or otherwise established under Colorado law.

- 4) Request for Inspection. Request for inspection and copying of any public records of the District shall be made to the Official Custodian in writing and shall set forth the particular documents or record desired to be inspected or copied. If such document or record is available for inspection and copying, the Official Custodian will notify the applicant of the date, time, and location where the material can be inspected and copied. The records will be made available for inspection and copying within three working days of the request, unless the Official Custodian determines in writing within three working days that extenuating circumstances exist, in which case the records will be available for inspection within seven working days of the request.

If the requested public record is not available in the District's office, the applicant will be promptly notified of this fact. In such notification, the Official Custodian shall state to the best of his or her knowledge and belief the reason for the absence of the records from his or her custody or control, the location of the records, and what person then has custody or control of the records

- 5) Times for Inspection. Inspection of the District's public records shall be made, where permitted by law, at the District's office during the hours from 9:00 a.m. to 4:00 p.m.,

Monday through Friday, except on holidays, at an hour specifically set by the Official Custodian for each particular request for inspection.

- 6) Copies, Print-Outs, or Photographs of Public Records. In a case where a person has a right to inspect a public record of the District under the control of the Official Custodian and requests in writing that the District furnish copies, print-outs or photographs thereof, the Official Custodian will notify the applicant if such record is available for copying, and may furnish such copies, print-outs or photographs for a fee which shall not exceed twenty-five cents (\$0.25) per standard page or the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page, unless a higher fee is permitted by the Open Records Act.
- 7) Requests Requiring Research or Retrieval. If an applicant requests public records of the District that require research or retrieval, the District may impose a fee of thirty dollars (\$30.00) per hour for time expended conducting research and retrieval or such higher fee permitted by the Open Records Act, which shall include attorney review time. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records. However, where a requesting party has submitted multiple applications for public records within a 30-day period, the requesting party is only entitled to one hour of free request time within those 30 days.
- 8) Additional Fes and Charges. To the extent permitted by the Open Records Act, additional fees and charges will be assessed in the amount of actual costs to the District of any postage, facsimiles, data manipulation, or similar costs incurred by the District in responding to a request to copy or inspect public records.

Policy approved and adopted by the District Board of Directors on April 19, 2016. (See Resolution No.16-001)

RIO GRANDE WATER CONSERVATION DISTRICT

By 
District Manager

