

MOUNTAIN VIEW FIRE PROTECTION DISTRICT

RESOLUTION NUMBER 2022 - 2

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE MOUNTAIN VIEW FIRE PROTECTION DISTRICT DESIGNATING A CUSTODIAN OF RECORDS AND ADOPTING AN OPEN RECORDS POLICY FOR THE DISTRICT

WHEREAS, pursuant to Section 32-1-1001(1)(h), C.R.S., the Board of Directors ("Board") of the Mountain View Fire Protection District ("District") is responsible for the management, control and supervision of all business and affairs of the District; and

WHEREAS, the Board has determined that it is appropriate to designate a custodian of the District's public records, in accordance with C.R.S. § 24-72-202(1.1), for the purpose of storing, maintaining, and protecting such public records in accordance with applicable Colorado statute and to permit their inspection in an orderly and timely fashion (the "Custodian"); and

WHEREAS, pursuant to C.R.S. §§ 24-72-200.1, *et seq.*, as may be amended ("CORA"), "public records" of the District, as that term is defined in CORA, shall be made available for inspection by the District, except as limited therein; and

WHEREAS, pursuant to C.R.S. § 24-72-203, as it is reasonably necessary for the protection of its public records and to prevent the unnecessary interference with the regular discharge of the duties of Custodian of the District's public records, the Board of Directors of the District has determined that it is appropriate to adopt an open records policy in conformance with CORA.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MOUNTAIN VIEW FIRE PROTECTION DISTRICT THAT:

SECTION 1. The Director of Administration for the District, currently Pam Owens, is hereby designated as the Custodian of Records for the District, responsible for the maintenance, care, and keeping of all public records of the District.

SECTION 2. The Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts deemed necessary to maintain, care for, and keep the District's records, subject to annual appropriation and budget and pursuant to the provisions of CORA. This may include, and shall not be limited to, the temporary, off-site storage of such public records.

SECTION 3. The District hereby adopts the CORA Policy, attached to this Resolution as *Exhibit A*, as the policy of the District related to the processing of and response to open records requests.

SECTION 4. Nothing contained herein shall be construed as limiting or waiving any rights or privileges that the District may have pursuant to CORA that are not otherwise explicitly stated herein. The District hereby retains any further or additional rights and privileges provided to it pursuant to CORA regarding the generation, retention, destruction, inspection or copying of any records of the District, whether or not such records are deemed to be "public records" pursuant to CORA.

[Signature page follows]

The foregoing Resolution was approved and adopted this 22nd day of February, 2022.

MOUNTAIN VIEW FIRE PROTECTION DISTRICT

By: 

President, Chad Christian

ATTEST:

By: *Colleen G. Whitlow*

Secretary, Colleen Whitlow

Exhibit A
(CORA Policy)



OPERATING GUIDELINE Open Records Requests

Number: AD-102
Date: February 22, 2022

Prepared By: Pamela Owens, Director of Administration
Approved By: David B. Beebe, Fire Chief

1. INTENDED OUTCOME

1.1. The Mountain View Fire Protection District (the "District") has developed the following Open Records Request Policy to create a systematic method of managing open records requests. Pursuant to the Colorado Open Records Act ("CORA"), Sec. 24-72-200.1, CRS *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 or otherwise precluded 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.

2. PROCEDURE

2.1. The District's Director of Administration is designated as the Custodian of Records (CR), as defined in Sec. 24-72-202(1.1), C.R.S., and will accept written CORA requests.

Written requests for District records shall be addressed to:

Mountain View Fire Protection District
Attn: Custodian of Records
3561 N. Stagecoach Rd.
Longmont, CO 80504

- 2.2. The CR will immediately forward requests to the District's legal counsel for review and assistance with developing an appropriate response.
- 2.3. All requests must be made in writing to the CR. E-mailed requests will be accepted if sent to the CR's email address: info@mvfpd.org; and must include CORA Request in the email subject line. E-mail requests not sent to the CR's email address will not be answered. 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 Sec. 24-72-203(3)(b), CRS, as provided below.
- 2.4. All requests must be specific as to the records sought and the relevant dates of those records.
- 2.5. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated that does not allow for reasonable identification of the records sought, the CR may require the requestor to provide a more specific request.
- 2.6. Requests for records will not take priority over previously scheduled work activities or duties of the District; provided, however, that the District shall respond to the request within the statutory three (3) business day time period unless extenuating circumstances exist, as described in Sec. 24-72-203(3)(b), CRS. In any such case, the District may receive a time extension that will not exceed an additional 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.
- 2.7. The CR reserves the right to levy a reasonable fee of \$33.58 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 District may require a deposit of estimated fees prior to beginning research and retrieval of records to ensure the requestor wants to proceed with the request based on the estimate of fees.
- 2.8. The CR is not required by the Open Records Act to construct or create a document that does not exist or organize information in a particular way in response to a request.

3. RESPONDING TO REQUESTS FOR OPEN RECORDS

- 3.1. 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.
- 3.2. 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.
- 3.3. 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.

- 3.4. 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, subject to any required fees.
- 3.5. Once the records have been located and reviewed, the District will notify the requestor, in writing, that the records are available for inspection.
- 3.6. A transmittal fee may not be charged for emailing electronic records to the requestor.

4. INSPECTION OF RECORDS

- 4.1. Once the requestor is notified that the records are available for inspection, the requestor must contact the District within three (3) business days to arrange a date, time, and place to inspect the records. If within three (3) business days, the requestor fails to schedule a time for inspecting the records, the request will be considered abandoned.
- 4.2. Records will be available for inspection during the District's normal business hours.
- 4.3. 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.
- 4.4. Full payment of any incurred fees and costs, as permitted by CORA, must be received by the District in advance of releasing requested copies or allowing the requestor to inspect the same.
- 4.5. 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 and the request will be considered abandoned.
- 4.6. Once a request is considered abandoned, the requestor must submit a new request to inspect any records and pay any associated fees and costs.


Dave Beebe, Fire Chief

3/2/2022
Date

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



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