

**RESOLUTION  
BOARD OF DIRECTORS  
SUNSHINE FIRE PROTECTION DISTRICT**

**A RESOLUTION ESTABLISHING A POLICY FOR REQUESTS FOR PUBLIC RECORDS  
AND ASSESSING CHARGES FOR THE PRODUCTION OF PUBLIC RECORDS**

**WHEREAS**, Sunshine Fire Protection District ("***District***") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("***Special Districts Act***"), to provide fire and emergency services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction;

**WHEREAS**, pursuant to the Special Districts Act, C.R.S. § 32-1-1001(1)(h) and (m), the District's Board of Directors ("***Board***") is vested with the management, control, and supervision of all the business and affairs of the District, and is authorized to adopt, amend, and enforce rules and regulations for carrying out the District's business and affairs;

**WHEREAS**, the Board of Directors is authorized to designate an official Custodian of District Records, and has determined that the Custodian of Records shall be the District Secretary;

**WHEREAS**, the Board is authorized by statute to charge a reasonable fee for copies, printouts, and photographs made at the request of an individual or entity pursuant to the Colorado Public (Open) Records Act, C.R.S. § 24-72-205 ("***Open Records Act***");

**WHEREAS**, the Board intends for this Resolution to supersede and replace all prior Board Resolutions, motions, or Board or District rules or regulations (collectively, "***Prior Rules***") with respect to responding to requests for public records and assessing charges for the production of public records, and for such Prior Rules to be rescinded for all purposes; and

**WHEREAS**, the Board determines that the fees it establishes by this Resolution are reasonable, cost-based fees in compliance with the requirements and restrictions of the Open Records Act.

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

1. Official Custodian.
  - (a) The Secretary for the Board of Directors of the District is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records of the District.
  - (b) The Official Custodian shall have the authority to designate such agents as (s)he shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.
2. The term "***public records***" shall have the same meaning as set forth in the Open Records Act.
3. All requests for public records must be in writing and must comply with the requirements of the Open Records Act and any other applicable federal or state laws ("***Applicable Law***"). Anyone

making a verbal request will be asked to submit the request in writing, and no action related to the request will be taken until a written request is received.

4. The District will comply with the requirements of Applicable Law with respect to whether it must, may, or cannot produce public records, or other documents or information requested, and the fees it charges for producing such public records, or other documents or information.

5. Where the fee for a certified copy or other copy, printout, or photograph of a public record is specifically prescribed by Applicable Law, the specific fee shall be charged. If a fee is not specifically prescribed by Applicable Law, the District will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The District shall charge a fee not to exceed the actual cost of providing a copy, photograph, or printout in a form other than a standard page. The District shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

6. If, in response to a specific request, the District's custodian of records performs a manipulation of data so as to generate a record in a form not used by the District (including a privilege log), an hourly administrative fee equal to the hourly research and retrieval fee discussed below in Section 7 shall be charged to the person or entity making the request; provided, however, that the fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. An individual or entity making a subsequent request for the same or similar records shall be charged the same fee.

7. If the amount of time required by the District to research and retrieve the documents necessary to fulfill a specific request exceeds 1 hour, including the time required to identify and segregate records that must or may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$33.58 per hour, or such maximum hourly research and retrieval fee as may be established by the Colorado Legislative Council from time to time. Such fee will include discussing strategy for accomplishing the collection of public records (including time to agree on search terms and searchable time frame for email searches), redactions, and attorney time to review public records. The District will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

8. Upon request for transmission of the public record, the District will transmit the public record by United States mail, other delivery service, facsimile, or electronic mail. If transmitting the public record pursuant to this paragraph, the District may notify the record requester that a copy of the public record is available, but will be sent only when the District receives payment or makes satisfactory arrangements for payment of all costs associated with transmitting the public record and for all other fees lawfully allowed; provided, however, that no transmission fees will be charged for transmitting the public record electronically. The District will transmit the public record within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.

9. This Resolution shall supersede and replace any conflicting portions of all other Resolutions and motions previously adopted by the Board with respect to responding to requests for public records and assessing charges for the production of public records, which Resolutions or motions are hereby rescinded and null and void, in whole or in part, to the extent such Resolutions and motions conflict with this Resolution.

**ADOPTED** this 12<sup>th</sup> day of March, 2024, by the Board of Directors of the Sunshine Fire Protection District.



Jeff Carter

Director

Robert L. Smith

Director

3/12/24

Director

Director

P. Reyes 3-12-24

Director