

BACHELOR GULCH METROPOLITAN DISTRICT

RESOLUTION ADOPTING AND APPROVING A FIRST AMENDMENT TO THE RESOLUTION DESIGNATING THE OFFICIAL CUSTODIAN AND CUSTODIAN OF RECORDS AND THE DISTRICT'S POLICY ON RESPONDING TO OPEN RECORDS REQUESTS

WHEREAS, on February 20, 2013, Bachelor Gulch Metropolitan District (the "District") adopted a resolution designating the official custodian of records and adopting a policy on responding to open records requests ("Public Records Policy"); and

WHEREAS, pursuant to Section 24-72-202(2), the "Official Custodian" of the District's public records may be any officer or employee of the District who is responsible for the maintenance, care and keeping of its public records, regardless of whether such records are in his or her actual personal custody and control; and

WHEREAS, pursuant to Section 24-72-202(1.1), the District's "Custodian" of public record may include the official custodian or any authorized person having personal custody and control of the public records in question; and

WHEREAS, the District desires to designate a new Official Custodian and Custodian of its public records; and

WHEREAS, the Colorado Open Records Act, §§ 24-72-2001.1 *et seq.*, C.R.S. was amended, via Colorado House Bill 14-1193, to permit the custodian of public records to impose a fee for the research and retrieval of public records if the custodian has, prior to the date of receiving the request, either posted on the custodian's web site or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of any current fee; provided that no fee shall be charged for the first hour of time expended in connection with the research and retrieval of a public record and, after the first hour has been expended, the fee shall not exceed thirty dollars (\$30.00) per hour, or such other amount as may be adjusted by the State Director of Research of the Legislative Council; and

WHEREAS, the District desires to amend its Public Records Policy to incorporate the new requirements for the District's Official Custodian and Custodian to impose a fee for the research and retrieval of public records requested.

NOW THEREFORE, THE BOARD OF DIRECTORS FOR BACHELOR GULCH METROPOLITAN DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. Paragraph 1 of the District's Public Records Policy is hereby amended and restated in its entirety as follows:

Official Custodian.

(a) The Secretary of the District is hereby designated as the Official Custodian of the District's public records who is responsible for the maintenance, care and keeping of its public records.

(b) The District hereby designates Marchetti & Weaver, LLC as the Custodian of the District's public records. The Custodian shall have personal custody and control of the District's public records and is hereby authorized to perform any and all acts necessary to enforce and execute the provisions of the District's Public Records Policy. Reference to "Official Custodian" in Paragraph 2 of the District's Public Records Policy shall mean and include the Official Custodian or the Custodian.

2. Paragraph 2(h) of the District's Public Records Policy is hereby amended and restated in its entirety as follows:

A person granted the right to inspect District records may be furnished copies requested at a cost of twenty-five cents (\$.25) per standard page. 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 costs of production. If the amount of time required by the Official Custodian or Custodian to research and retrieve public records necessary to fulfill a specific request exceeds one hour, including the time required to identify and to segregate records that may not be produced, the person or entity making the request shall be charged a research and retrieval fee of \$30.00 per hour. Such fee shall be automatically adjusted, without further approval by the District, to such amount established by the State Director of Research of the Legislative Council from time to 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 requested. The imposition of the research and retrieval fee shall be effective upon the publishing of this policy statement in accordance with the Colorado Open Records Act.

3. Except as otherwise set forth herein, all other provisions of the District's Public Records Policy shall remain in full force and effect.

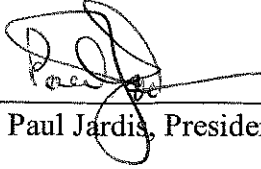
4. The Board may further amend its Public Records Policy from time to time as the Board deems necessary.

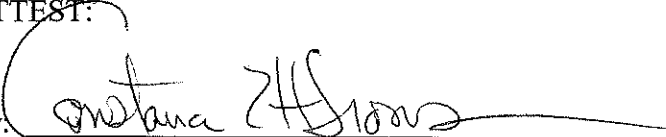
5. The District's written policy on the applicable conditions concerning the research and retrieval of public records by the District's Official Custodian or Custodian shall be published on the District's website in accordance with the requirements set forth in Section 24-72-205(6), C.R.S.

(Signatures Begin on Next Page.)

ADOPTED AND APPROVED THIS 24th DAY OF SEPTEMBER, 2014.

BACHELOR GULCH METROPOLITAN DISTRICT

By: 
Paul Jardis, President

ATTEST:
By: 
Constance EH Irons, VP/ Secretary