

Triview Metropolitan District

Colorado Open Records Act

Request Policy

The following policy is adopted as to the processing and handling of any and all open record requests made upon the Triview Metropolitan District pursuant to the Colorado Open Records Act (CORA):

1. All requests for review of documents or records of the District shall be made with sufficient specificity to allow the District Manager to determine with reasonable accuracy the approximate number of records subject to the request, the anticipated time which will be required for the District Manager and/or District staff to research and assemble the records subject to the request, and the costs associated therewith, as discussed herein. At a minimum, each open records request pursuant to CORA shall include the following:
 - a. Specific beginning and ending dates for the documents requested;
 - b. Specific subject matter for the documents requested sufficient for the District Manager to reasonably identify with specificity those documents relevant to the request;
 - c. To the extent feasible or applicable, each open records request shall include specifically identified property descriptions for which the requested records are relevant;
2. The District shall charge a reasonable fee of \$25.00 per man-hour expended in the research and compilation of documents relevant to any open records request, and such costs shall be paid in advance on the basis of the District Manager's reasonable estimate of time required, with excess amounts to be refunded upon completion of the compilation of the open records request, and additional amounts due payable prior to the review by the requesting party of any relevant documents so compiled. Such fee may be adjusted from time to time in the reasonable discretion of the District Manager.
3. The District shall charge a reasonable fee of \$0.25 per black and white copy made, \$0.50 per color copy made, and actual costs incurred for any oversize copies made pursuant to an open records request. Such costs and fees shall be paid in advance of any review by the requesting party of any relevant documents compiled and copied pursuant to an open records request. Such fees may be adjusted from time to time in the reasonable discretion of the District Manager.

4. In the event that the District Manager estimates that the man-hours required to research and compile documents relevant to an open records request exceed 40 hours, it is recognized that the scope of such request makes it physically impossible for the District to comply with the maximum seven (7) working days provided by statute for compliance with an open records request. In such instances, the District shall so advise the requesting party, in writing, of the physical impossibility of compliance with such open records request, request that the requesting party either:
 - a. Revise their open records request to provide greater specificity and thereby allowing the District to comply with the statutory requirements; or,
 - b. Consent to an extended research and compilation period beyond the statutory requirements, and expressly waiving any and all statutory and common law remedies against the District for such noncompliance as concerns the specific open records request may otherwise be available.

5. To the extent a requesting party is not willing to accommodate the District's requests as discussed in Paragraph 4, above, as concerns research and compilation requirements exceeding statutory provisions, the District may seek a declaratory judgment from the District Court for El Paso County, Colorado that the open records request is "impossibly overbroad" and that it would be "physically impossible" to comply with the statutory provisions of CORA requiring review of requested documents within a reasonable time, being a maximum of seven (7) days, and requesting that the Court provide a judgment that the District shall not be held liable for compliance with such requirements on such basis.

Enacted August 14, 2012