RESOLUTION 2013-11-02

AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2

REGARDING COLORADO OPEN RECORDS ACT REQUESTS

WHEREAS, Beebe Draw Farms Metropolitan District No. 2 (the "**District**") is a quasi-municipal corporation and political subdivision of the State of Colorado and operates pursuant to its Amended and Restated Consolidated Service Plan approved by the Board of County Commissioners of Weld County on March 16, 2011 (the "**Service Plan**"); and

WHEREAS, the District maintains certain records of the District that are available for inspection by the public under and in accordance with the laws of the State of Colorado; and

WHEREAS, the District anticipates that individuals may, from time to time, request the right to inspect, and/or copy public records of the District; and

WHEREAS, the District is authorized under Section 24-72-203 C.R.S. to adopt rules with respect to the inspection and copying of public records of the District; and

WHEREAS, the District desires to set forth in this Resolution the rules with regard to the inspection and copying of all public records of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2 OF THE COUNTY OF WELD, COLORADO:

1. The Manager for the Districts, is hereby designated as the "**Official Custodian**" of the public records of the District, as such term is defined in Section 24-72-202(2). Contact information for the Official Custodian is: Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228. Phone: 303-987-0535. Fax: 303-987-2032.

2. Upon request for records transmission by a person seeking a copy of any public record, the Official Custodian shall transmit a copy of the record by United States mail, other delivery service, facsimile, or electronic mail.

3. Within the period specified in section 24-72-203 (3) (a), C.R.S., as amended from time to time, the Official Custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Official Custodian shall send the record(s) to the requester as soon as practicable but no more than three (3) business days after receipt of, or making arrangements to receive, such payment.

4. If the record(s) requested are transmitted to the record requestor by United States Mail, other delivery service, or by facsimile, the Official Custodian is hereby authorized to charge:

(a) An amount of twenty-five cents ($0.25) per standard page, or such other maximum charge as is permitted by law from time to time, for each page of public records copied to defray the actual cost of providing a copy, printout, or photograph of a public record; and

(b) The actual cost of providing a copy, printout, and/or photograph of a public record in a format other than a standard page.

5. No transmission fees may be charged to the record requester for transmitting public records via electronic mail.

6. The Official Custodian is authorized to charge $20.00 per hour for the costs incurred to review public records requests, prepare documents for inspection, consultation with legal counsel or other consultants regarding such requests, to supervise and coordinate preparation, review and copying of public records, and for actual costs incurred by Official Custodian, District, District Management, outside consultants and legal counsel in responding to and complying with public record requests.

7. All requests for copies or inspection of public records of the Districts shall be submitted to the Official Custodian in writing. Such requests shall be delivered by the Official Custodian to the District's legal counsel for review and legal advice regarding the lawful availability of records requested and related matters. The District may, from time to time, designate specific records for which a written requests are not required and with respect to which review by legal counsel is not required; i.e. service plans, rules and regulations, minutes, etc. Such designations shall occur in the minutes of the meetings of the District.

8. All public records of the Districts copied and provided to interested persons shall be copied in duplicate by the Official Custodian. The Official Custodian shall retain the original record in the appropriate file, and shall retain the duplicate copies in a separate filing bearing the name of the person to whom copies were provided and the date of such person's request. Copies of duplicate copies of public records of the Districts shall not be charged to the person requesting the public records, but shall be maintained for record purposes by the Official Custodian.

9. All inspections of public records shall take place during regular business hours at the office of the Official Custodian. Public records requests may not preempt or take priority over previously scheduled official District related business activities.

10. No person shall be entitled to remove public records of the Districts from the Official Custodian's office for inspection, copying, or any other purpose or reason. Public records of the Districts shall be:

(c) Subject to inspection in the presence of the Official Custodian or the Official Custodian's designee;

(d) Appropriately marked by the person making the request;

(e) Copied after receipt of all required charges therefore; and

(f) Delivered to the person requesting such records at the office of the Official Custodian within the statutory timeframe and after all charges have been paid.

Copies of public records of the Districts not picked up at the time set aside by the Official Custodian may be destroyed. In the event a person renews the request for the same public records of the Districts after failing to pick up previously requested copies, they will be charged for the costs of both records requests.

11. Only the Official Custodian (or designee of the Official Custodian) may copy public records of the Districts.

12. On behalf of the Districts, the Official Custodian reserves the right to seek a declaratory judgment, pursuant to Section 13-51-101, et. seq. to determine if a large public records request may be exempted from the statutorily required response time.

13. The Official Custodian may establish such other reasonable regulations as are not inconsistent with this Resolution or with applicable Colorado law, as established and amended from time to time.

RESOLUTION APPROVED AND ADOPTED on November 12, 2013.

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2

By: _____
President

Attest:

_____
Secretary