

**RESOLUTION NO. 2023-05
OF THE FRONT RANGE PASSENGER RAIL DISTRICT**

ADOPTING A COLORADO OPEN RECORDS ACT PUBLIC RECORDS POLICY

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, individual Directors have been appointed to the Board of Directors of the District (“Board of Directors”) as provided in the Act; and

WHEREAS, except as otherwise specifically provided, the Board exercises and performs all powers, privileges, and duties vested in or imposed upon the District in the Act; and

WHEREAS, the Act authorizes the Board of Directors, acting by a majority vote of a quorum of its total membership, to make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the District’s powers and duties; and

WHEREAS, Section V-5 of the Front Range Passenger Rail District Board of Directors Bylaws states that official actions of the Board must be taken in an open meeting through the adoption of a resolution or motion duly made and passed by a majority vote of the Board and recorded in the minutes; and

WHEREAS, the Colorado Open Records Act (“CORA”) states all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law; and

WHEREAS, the District generates public records subject to CORA; and

WHEREAS, C.R.S. 24-72-203(1)(a) of CORA permits the District to adopt a policy for the protection of its records and the prevention of unnecessary interference with the regular discharge its duties; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District that the Board of Directors hereby adopts a Colorado Open Records Act Compliance Policy, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, and directs that a copy of such policy shall be maintained in the District’s files.

APPROVED this 24th day of February 2023.

ATTEST:


Secretary

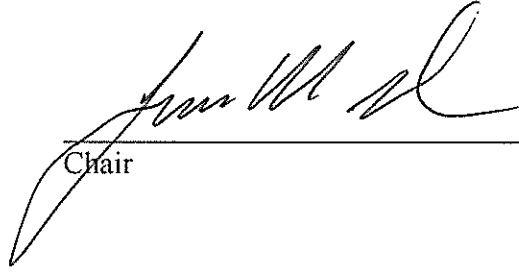

Chair

EXHIBIT A
COLORADO OPEN RECORDS ACT COMPLIANCE POLICY

(continued on next page)

OPEN RECORDS REQUEST POLICY
FRONT RANGE PASSENGER RAIL DISTRICT

Adopted February 24, 2023

The Front Range Passenger Rail District (the “District”) is committed to transparency and open government. This policy specifies how Section 24-72-201, *et seq.*, C.R.S. (the Colorado Open Records Act, or “CORA”) will be applied in a uniform and reliable manner. This policy also ensures the District complies with CORA in all respects and meets all statutory duties. Pursuant to Section 24-72-203(1)(a), C.R.S., the District has adopted this policy for the protection of its records and the prevention of unnecessary interference with the regular discharge its duties.

A. General Provisions Regarding Document Production

1. Documents shall not be created to comply with specific requests. Only records created as normal business records are subject to inspection.
2. Original records should not be released from District custody. Normally, a court order to produce documents can be complied with by providing a certified copy of the record and retaining the original record in the District’s file.
3. The District’s Custodian of Records (“Custodian”) shall determine the appropriate format for the records to be produced, except for the format requirements set forth in Section 24-72-204(3.5), C.R.S.
4. A request should identify the desired records with as much specificity as possible. If a request for public records is not sufficiently specific, the Custodian may ask the person requesting the public records for a more specific description of the records desired prior to responding.
5. The District will treat a request that cites the federal Freedom of Information Act (“FOIA”) as though it were made pursuant to CORA.
6. This policy is not intended to supersede or duplicate CORA or FOIA law, and such law will control in instances where this policy is silent or in conflict with such law.
7. Personal inspection of records will be permitted at the District’s offices upon the scheduling of an appointment with the Custodian. Any personal inspection of records shall be supervised by a District representative. Appointments shall be during normal business hours and may be rescheduled if the District representative becomes unavailable due to an emergency or unusual situation.

B. District Procedures for Handling Record Requests

1. Form of Record Request. The District will only accept requests made in writing. All requests must be made via mail, fax, courier, or email and must be directed to:

Attn: Custodian of Records
Front Range Passenger Rail District
Andy Karsian, General Manager
(303) 883-9381
Andy.Karsian@frprdistrct.com

2. Receiving Party. Any District employee or office receiving a records request shall immediately forward the request to Custodian. The Custodian will be responsible for responding to all responses to a request. Any redactions or removal of information that the District is legally required or allowed to withhold, pursuant to Section 24-72-204, C.R.S., may not be done without prior approval from the Custodian and the advice of counsel, if needed. Records requests should not be made to the District's contractors, consultants, or employees. Misdirected requests may not be processed.
3. Time of Receipt. A request is considered received by the District the day a piece of mail containing a request is opened. If the request is received via email or facsimile, the date of confirmation of receipt will suffice. A request received after 5:00 p.m. or on any day the District is officially closed will be considered received as of the following working day.
4. Tracking Number. Each request shall have a sequential tracking number based upon the date of receipt. The CORA Tracking Number ("CTN") should start with CTN-[year]-001 and increase sequentially with each CORA request. For example, CTN-2023-001 should be followed by CTN-2023-002, then CTN-2023-003 and so forth.

C. Mandatory Time Frame for Responding to Records Requests

1. Initial Response. Section 24-72-203(3)(b), C.R.S. requires that the District make every effort to respond to a records request within three working days. The response must notify the Requestor about whether a copy of the record is available and state that the District will send the record to the Requestor once the Custodian either receives payment or arranges 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.
2. Initial Response Time Period. The three working-day response time begins the first working day following receipt of the request. If the District seeks clarification of the request, the response time begins once the Requestor provides the clarification. If the scope of the request requires additional time to comply, the District may add an extension up to seven working days, pursuant to Section 24-72-203(3)(b), C.R.S. An

extension must be based on extenuating circumstances set forth in Section 24-72-203(3), C.R.S. and must be provided to the Requester within the three-day period.

3. Sending of Records. Upon either receiving such payment or arranging to receive such payment at a later date, the Custodian shall send the record to the Requester as soon as practicable but no more than three business days after receipt of, or making arrangements to receive, such payment.

D. Fees

1. Costs. Costs may be assessed for records requests according to the chart below. Any costs charged to a requestor shall not exceed the actual cost of producing the records.

Service	Fee
Copies and printouts	Actual cost, up to \$.20 per page
Requests that require less than one hour of staff time to process	No charge
Requests that require more than one hour of staff time to process	No charge for the first hour, with a reasonable fee not to exceed \$33.58 per hour for subsequent hours
Requests that require more than mere retrieval of records, such as reformatting data collected in a form not easily disclosable, applying unique suppression rules to remove identifiability and/or legal expertise to determine how to comply with confidentiality rules	Hourly rate of salaried staff member, attorney billable hourly rate, or contractor hourly rate, as applicable
Postage for transmitting to Requester. No charge for documents sent electronically	Limited to actual cost
If the request triggers a fee specifically prescribed by law—i.e., cost of notary, certification of court documents, certified transcript of data, etc.	Limited to actual cost

2. Estimates. Upon request, the Custodian will provide an estimate of the total cost of production to the Requestor. If the requestor wishes to proceed after receiving notification and/or the estimate of total fees, he or she must respond in writing. The time between the date of the estimate and the receipt of a written request to proceed will not be counted against the time period for making the records available under CORA. By responding in writing, the Requestor agrees to pay all fees associated with responding to the request. After producing the requested records, the District will provide an invoice to the requestor. Costs must be paid in full before the District provides the records unless alternative arrangements have been made.

3. Deposit. If the fees are estimated to exceed \$250, the District may require a deposit of up to 100% of the estimated total fees.
4. Integrity of District Records. To maintain the integrity of the District's records, individuals are prohibited from independent retrieval or photocopying of records. All retrieval and photocopying of records shall be conducted by District representatives and the above schedule of fees shall be assessed.