

**RESOLUTION
BOARD OF DIRECTORS OF THE
LOVELAND FIRE RESCUE AUTHORITY**

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

WHEREAS, the Loveland Fire Rescue Authority ("**Authority**") is a political subdivision of the State of Colorado, established pursuant to the Amended and Restated Intergovernmental Agreement ("**IGA**") between the City of Loveland and the Loveland Rural Fire Protection District dated November 29, 2017, for the purpose of providing fire suppression, fire prevention and public education, rescue, extrication, hazardous materials, and emergency medical services within their joint jurisdiction and service area;

WHEREAS, the Authority's Board of Directors ("**Board**") is vested with all legislative and administrative powers of the Authority, which includes the adoption of policies regarding the exercise of its powers. C.R.S. §§ 29-1-203.5(2)(a) & 32-1-1001, *et seq.*; IGA Art. I, Sec. 1.9(g);

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 Authority's current policy for responding to requests for public records and assessing charges for the production of public records is set forth in Board Resolution R-86;

WHEREAS, the Board intends for this Resolution to supersede and replace Resolution R-86 with respect to responding to requests for public records and assessing charges for the production of public records, and for Resolution R-86 to be rescinded for all purposes; and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
LOVELAND FIRE RESCUE AUTHORITY THAT:**

1. The term "**public records**" shall have the same meaning as set forth in the Open Records Act.
2. 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.
3. The Authority 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.

4. 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 Authority will furnish copies, printouts, or photographs of a public record for a fee of \$0.25 per standard page. The Authority 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 Authority shall charge the actual costs it incurs in having the copies made off-site by an outside copying facility.

5. If, in response to a specific request, the Authority's custodian of records performs a manipulation of data so as to generate a record in a form not used by the Authority (including a privilege log), an hourly administrative fee equal to the hourly research and retrieval fee discussed below in Section 6 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.

6. If the amount of time required by the Authority 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 Authority will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

7. Upon request for transmission of the public record, the Authority 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 Authority may notify the record requester that a copy of the public record is available, but will be sent only when the Authority 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 Authority will transmit the public record within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.

8. This Resolution shall supersede and replace Resolution R-86, and 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 18th day of December, 2019, by the Board of Directors of the Loveland Fire Rescue Authority.

ATTEST:

Secretary



Board Chairman

