

RESOLUTION 2010-06-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HARTSEL FIRE PROTECTION DISTRICT AUTHORIZING AND DIRECTING THE DISTRICT'S CUSTODIAN OF RECORDS TO ADOPT REGULATIONS PERTAINING TO THE PREVENTION OF UNNECESSARY INTERFERENCE WITH THE DISCHARGE OF THE CUSTODIAN'S REGULAR DUTIES.

WHEREAS the Hartsel Fire Protection District employs an administrative assistant as its only paid administrative staff; and

WHEREAS the administrative assistant also serves as the District's Custodian of Records, as that position and duties are more fully set forth in the *Colorado Open Records Act*, §24-72-101, et seq., C.R.S.; and

WHEREAS the position of administrative assistant is a part time position and not a full time position; and

WHEREAS in the past 12 month period, the District has received numerous requests for copies of District records, including **historic records that are maintained in storage and such requests** have resulted in the Custodian **expending approximately 66 hours responding to such requests; and**

WHEREAS such requests **have impaired the ability** of the administrative assistant to **fully perform** her assigned duties and have unnecessarily interfered with the **regular** discharge of her duties; and

WHEREAS such interference is not in the best interests of **the District** or its statutory duty to preserve and protect the **public health, welfare and safety through fire prevention/protection, rescue, and emergency medical response** because it diverts **necessary administrative support services** from the **District's mission**; and

WHEREAS §24-72-203 (1) (a), C.R.S., authorizes a custodian of **records** to "make such rules with reference to the inspection of such records as are reasonably necessary for. . . the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office"; and

WHEREAS any records request that requires more than 15 minutes of staff time for the search, identification, location, retrieval, and copying of such records is hereby deemed to be an unnecessary interference with the regular discharge of the duties of the custodian; and

WHEREAS a fee of \$ 16 per hour is reasonable under the circumstances to defray the actual personnel costs of identifying, locating and gathering the requested documents and information, and such hourly rate does not exceed the actual costs of such statutory compliance ; and

WHEREAS the District's custodian of records has previously adopted reasonable rules and regulations pertaining to records requests;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARTSEL FIRE PROTECTION DISTRICT THAT:

1. The District's custodian of records is hereby authorized and directed to immediately draft, adopt, and implement additional rules and regulations that assess a surcharge of \$ 19 per

hour, chargeable in ¼ hour increments, for the identification, location, and gathering of all requested documents under *Colorado Open Records Act, §24-72-101, et seq., C.R.S.*, that

2. Such surcharge shall be charged based upon the estimated time to identify, locate, and gather the requested records, with such estimated amount being deposited with the custodian to apply against the actual costs incurred based upon the actual time expended.
3. Such surcharge shall be applicable to all requests for records that will involve more than 15 minutes of staff time.
4. Such surcharge shall be in addition to the currently authorized charge of \$0.25 per page copying charge.
5. Such rules and regulations shall be finalized, adopted, and implemented as soon as possible but no later than June 30, 2010.
6. The custodian shall maintain accurate time cards and data to support and document all time expended on such requests.
7. This Resolution shall be effective immediately upon passage and remain in full force and effect until rescinded by further action of the Board of Directors.

Adopted this 9 day of June, 2010

HARTSEL FIRE PROTECTION DISTRICT

By: [Signature]
President

ATTET:

[Signature]
Secretary

