

**SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT**

**Resolution No. 2023-08**

**RESOLUTION DESIGNATING THE OFFICIAL CUSTODIAN OF RECORDS  
AND AUTHORIZING THE COLLECTION OF FEES RELATED TO  
RESPONDING TO OPEN RECORDS REQUESTS**

WHEREAS, South Metro Fire Rescue Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to §32-1-1001(1)(h), C.R.S., the Board of Directors of the District is responsible for the management, control and supervision of all of the business and affairs of the District; and

WHEREAS, pursuant to §32-1-1001(1)(i), C.R.S., the Board has the authority to appoint an agent; and

WHEREAS, the Board has determined that it is appropriate to designate an official custodian of the District’s records for the protection of such records and in order to permit their inspection by persons entitled to examine and copy such records in an orderly fashion; and

WHEREAS, the Board fully supports, and complies with, all Federal and State laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (“CORA”), the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA; and

WHEREAS, CORA allows the custodian to collect certain fees for the research, retrieval, and reproduction of public records; and

WHEREAS, it is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Metro Fire Rescue Fire Protection District that:

1. Official Custodian. The Fire Chief’s Executive Assistant is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records of the District. The Official Custodian shall have the authority to designate

such agents and adopt such rules as deemed appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.

2. Collection of Fees. The Board hereby authorizes the Official Custodian to charge and collect fees for responding to records requests in accordance with CORA, without further review or approval by the Board.

3. Rules for Inspection of Records. The Board hereby directs the Official Custodian to adopt rules with reference to the inspection of records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Official Custodian or the Official Custodian's office, pursuant to Section 24-72-203(1)(a), C.R.S. Such rules may be amended from time to time, in the discretion of the Official Custodian.

4. Repeal of Prior Resolutions. All Resolutions of the Board inconsistent with this Resolution, including without limitation Resolution No. 2021-12, are hereby repealed to the extent of such inconsistency and all actions of the officers, agents and employees of the District which are in furtherance of or in conformance with the purposes and intent of this Resolution are hereby in all respects ratified, approved and confirmed.

5. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

6. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board.

PASSED AND ADOPTED by the Board of Directors of the South Metro Fire  
Rescue Fire Protection District this 2<sup>nd</sup> day of October, 2023.

SOUTH METRO FIRE RESCUE  
FIRE PROTECTION DISTRICT

By: James E Albee  
Jim Albee, Chair

Attest:

Sue Roche  
Sue Roche, Secretary