

**JOINT RESOLUTION OF THE BOARDS OF DIRECTORS OF
INDEPENDENCE METROPOLITAN DISTRICTS NOS. 5 AND 6, AND
INDEPENDENCE COMMERCIAL METROPOLITAN DISTRICT
CONCERNING THE ADOPTION OF A PUBLIC RECORDS POLICY**

WHEREAS, District (“Districts”) were created pursuant to and in accordance with the provisions of §§ 32-1-101, *et seq.*, C.R.S.; and

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

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(i), the Boards of Directors of the Districts have the authority to appoint, hire and retain agents; and

WHEREAS, the Districts, as “political subdivisions,” are subject to the terms and provisions of the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (as may be amended, “CORA”); and

WHEREAS, the Boards of Directors of the Districts have determined that it is appropriate to designate a custodian of the Districts’ public records, in accordance with C.R.S. § 24-72-202(1.1), as may be amended, for the purpose of storing, maintaining, and protecting such public records in accordance with applicable Colorado statute and to permit their inspection in an orderly and timely fashion (the “Custodian”); and

WHEREAS, pursuant to C.R.S. §§ 24-72-201, *et seq.*, (as may be amended, “CORA”), “public records” of the Districts, as that term is defined in CORA in C.R.S. § 24-72-202(6), as may be amended, shall be made available for inspection by the Districts, except as limited therein; and

WHEREAS, in accordance with C.R.S. § 24-72-205(6)(a), as may be amended, a custodian may impose a fee in response to a request for the research and retrieval of public records only if the custodian has, prior to the date of receiving the request, either posted on the custodian’s website or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of the current fee; and

WHEREAS, further, in accordance with C.R.S. § 24-72-205(6)(a), as may be amended, the custodian shall not impose a charge for the first hour of time expended in connection with the research and retrieval of public records and, after the first hour of time has been expended, the custodian may charge a fee for the research and retrieval of public records up to thirty dollars (\$30.00) per hour; and

WHEREAS, further, in accordance with C.R.S. § 24-72-205(6)(b), as may be amended, the maximum hourly fee that may be charged by the custodian for the research and retrieval of public records may be adjusted by the Director of Research of the Legislative Council on July 1, 2019, and every five years thereafter, in accordance with the percentage of change over the period in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley, all items, all urban consumers, or its successor index (as may be adjusted, a “Research and Retrieval Fee Adjustment”); and

WHEREAS, pursuant to C.R.S. § 24-72-203, as it is reasonably necessary for the protection of its public records and to prevent the unnecessary interference with the regular discharge of the duties of Custodian of the District's public records, the Boards of Directors of the Districts have determined that it is appropriate to adopt an Open Records Policy in conformance with CORA.

WHEREAS, this resolution shall constitute the Public Records Policy of the Districts and of the Custodian of the Districts.

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARDS OF DIRECTORS OF THE INDEPENDENCE METROPOLITAN DISTRICTS NOS. 5 AND 6, AND INDEPENDENCE COMMERCIAL METROPOLITAN DISTRICT AS FOLLOWS:

Section 1. Access/Information, Inc. is hereby designated as the "custodian" of the District's "public records," as those terms are defined in C.R.S. §§ 24-72-202(1.1) and 24-72-202(6), respectively, as each may be amended, and shall be responsible for the maintenance, care, and protection of all public records of the Districts (as may be designated or subsequently replaced, the "Custodian"). Such designation may be changed at any time by the respective Boards of Directors of each District upon lawfully adopted resolution. Subject to annual appropriation and budget by the Districts, as well as the terms and conditions of CORA, the Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts necessary to the maintenance, care, and protection of the Districts' public records; this may include, and shall not be limited to, the temporary off-site storage or electronic cataloging of such public records.

Section 2. Public records of the Districts shall be available for public inspection in accordance with CORA. The Districts hereby adopt the definitions contained within CORA, including, specifically, what constitutes "public records" of the Districts. The Districts shall adhere to the terms and provisions of CORA in processing any requests to inspect the public records of the Districts. The Custodian shall act at all times in compliance with the terms and provisions of CORA. Inspection shall be permitted during normal business hours, Monday through Friday, except on holidays, at a time reasonably established by the Custodian. Although the Districts shall endeavor to respond to any inspection request provided pursuant to CORA in as prompt a manner as possible, normal, and required operations of the Districts shall remain prioritized over any CORA inspection request, subject to any requirements imposed upon the District by CORA.

Section 3. The Districts and the Custodian shall adhere to all applicable requirements of CORA in the maintenance, care, protection, retention, research, retrieval, inspection, copying and dissemination of the Districts' "public records," as defined in C.R.S. § 24-72-202(6), as may be amended. In accordance with C.R.S. § 24-72-205(6), as may be amended, the Custodian shall be authorized to charge an hourly fee for the research and retrieval of the Districts' public records up to an amount equal to the lesser of: a) the actual cost to the Districts; or b) forty one dollars and 37 cents (\$41.37) (as may be amended, the "Research and Retrieval Fee"). The Research and Retrieval Fee shall not be imposed for the first hour of research and retrieval time that the Custodian expends in a research and/or retrieval request of public records. The Research and Retrieval Fee shall be invoiced at the time of delivery of any requested public records or upon the delivery of any correspondence detailing why any public records have not been delivered pursuant to a CORA request in accordance with C.R.S. § 24-72-204, as it may be amended from time to time. Any such invoice shall be due and payable upon delivery and an

accounting of the Custodian's time and expense spent in responding to any CORA request shall be provided to the person seeking to inspect such public records upon request. The Districts may also require a reasonable estimated deposit at the time any public record inspection request is filed with the Custodian pursuant to CORA if, in the Custodian's sole reasonable discretion, the processing of such a public record inspection request shall require more than five hundred dollars (\$500) worth of time and expense, as calculated by the Research and Retrieval Fee; any deposit shall be used by the Districts for costs incurred by the District for processing such CORA request. Any remaining funds from the deposit shall be returned to the requesting entity within thirty (30) days after the CORA request has been fully processed; in the event that the costs incurred by the Districts exceed the deposit, the Districts shall immediately advise the requesting entity or person and the requesting entity or person shall immediately render additional funds to the Districts. The amount of the allowable Research and Retrieval Fee shall be automatically increased or decreased, as may be applicable, in the event of a Research and Retrieval Fee Adjustment pursuant to C.R.S. § 24-72-205(6)(b), as may be amended.

Section 4. In all cases in which a person has the right to inspect a public record, the person may request a copy, printout, or photograph of the record in accordance with C.R.S § 24-72-205, as may be amended. Pursuant to C.R.S. § 24-72-205(5)(a) , as may be amended, the Custodian shall furnish a copy for twenty-five cents (\$0.25) per standard 8 ½ x 11 inch page or a fee not to exceed the actual cost of providing such copy, printout, or photograph if in a format other than a standard 8 ½ x 11 inch page. The costs of copying and reproduction shall not be waived by the Custodian for any reason whatsoever. Under no circumstances shall the Custodian allow documents of the Districts to be removed from the Custodian's custody for copying or reproduction purposes.

Section 5. In accordance with C.R.S. § 24-72-205(1)(b), as may be amended, the Custodian shall notify the public record requester once a copy of the public record(s) is/are available, but such public record(s) will only be sent to the requester once the Custodian either: 1) receives payment for all costs associated with the public records transmission and for all other fees lawfully allowed; or 2) makes arrangements for receiving payment for all costs associated with public records transmission and for all other fees lawfully allowed. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Custodian shall send the public 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.

Section 6. If, in response to a specific request and pursuant to C.R.S. § 24-72-205(3), as may be amended, the Custodian must perform a manipulation of data so as to generate a record in a form not used by the Districts, including, but not limited to, the production of a privilege log, the Research and Retrieval Fee shall be charged to the person or entity making such a request. In conformance with C.R.S. § 24-72-205(3), as may be amended, persons or entities making subsequent requests for the same or similar records may be charged a Resource and Retrieval Fee not in excess of the original Resource and Retrieval Fee.

Section 7. The provisions of this Public Records Policy are in addition to and not in lieu of the provisions of CORA. Nothing contained herein shall be construed as limiting or waiving any rights or privileges that the Districts may have pursuant to CORA or any other applicable law, rule, or regulation, that are not otherwise explicitly stated herein. Each District

hereby retains any further or additional rights and privileges provided to it pursuant to CORA regarding the generation, retention, destruction, inspection or copying of any records of the District, whether or not such records are deemed to be “public records” pursuant to CORA. In the event of any discrepancy between this Public Records Policy and the statutory provisions of CORA, the compulsory statutory provisions of CORA shall prevail.

Section 8. In accordance with C.R.S. § 24-72-205(6)(a), as may be amended, this Public Records Policy shall be either posted on the Custodian’s website or otherwise published as required by CORA or any other Colorado statute applicable to special districts.

[SIGNATURE PAGE FOLLOWS]

ADOPTED AND APPROVED this 26th day of November, 2024.

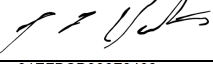
**INDEPENDENCE METROPOLITAN DISTRICT
NO. 5**

Signed by:

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Tim Craft, President

ATTEST:

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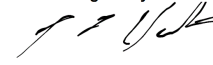
Jim Yates, Secretary/Treasurer

**INDEPENDENCE METROPOLITAN DISTRICT
NO. 6**

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Tim Craft, President

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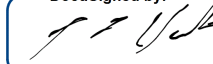
Jim Yates, Secretary/Treasurer

**INDEPENDENCE COMMERCIAL
METROPOLITAN DISTRICT**

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Tim Craft, President

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Jim Yates, Secretary/Treasurer