

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
REGULAR MEETING NO. 895
MINUTES**

1. Call to Order

- 1.1. A regular meeting of the Board of Directors of South Suburban Park and Recreation District was called to order at 5:41 pm on **Wednesday, August 23, 2017** at the Goodson Recreation Center, 6315 South University Boulevard, Centennial, Colorado. Chair John Ostermiller presided.

Board of Directors: John K. Ostermiller
Scott A. LaBrash
Pamela M. Eller
Michael T. Anderson
James A. Taylor

Legal counsel: David Greher, Esq.; Collins, Cockrel & Cole PC

Management staff: Rob Hanna, Executive Director
Mike Braaten, Deputy Executive Director
Brett Collins, Director of Planning & Development
Jay Dikeman, Director of Hospitality Services
Andy Jennings, Director of Parks and Open Space
Mike MacLennan, Director of Information Technology
Eileen Matheson, Director of Recreation
Bill Ramsey, Director of Golf
Steve Shipley, Director of Finance
Erich WonSavage, Director of Human Resources

2. Study Session

Tonight's Items of Interest topics included the following:

- 2.1. Meeting updates from the District staff liaison for the Lone Tree Community Recreation Advisory Committee
- 2.2. A report from the most recent High Line Canal Working Group meeting

The consent agenda item reviewed:

- 2.3. The first amendment to the Arapahoe County Intergovernmental Agreement, for the Family Sports Golf Course / County Lima Street property

In addition, the Board of Directors reviewed

- 2.4. The July financial reports
- 2.5. Look ahead (a review of future agendas, special sessions and quorum events).
- 2.6. The Board also received reports on summertime closures and annual maintenance at the recreation centers, upcoming repairs to the Lone Tree

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Recreation Center Pool, contacts with the homeless and opiate users on public properties, a complaint received about the tennis program, and the South Suburban Golf Clubhouse reopening.

5. Recess

The Board paused at 6:45 pm and returned to the public meeting at 7:02 pm.

3. Public Meeting continued

3.1. Formal roll call

All members were present.

3.2. Pledge of allegiance

3.3. Unscheduled public comments

No members of the public spoke at this time.

3.4. Minutes approval – Meeting No. 894, August 9, 2017

There were no changes. Mr. Ostermiller announced, without further objection, the minutes stood approved as presented.

3.5. Consent agenda item

A) Approve the First Amendment to the existing Intergovernmental Agreement dated May 14, 2014 with Arapahoe County, to provide safety fencing to hole # 6 at Family Sports Golf Course

Mr. Anderson moved to approve item A. Mrs. Eller seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0).

3.6. Public Hearing: 2018 Budget, Public Hearing No. 1

Steve Shipley presented. Proposed budget numbers are due from the departments at the end of August. As of packet delivery (August 18), citizen requests received by email and telephone:

Property	Requestor	Request
Arapaho Park	Carolyn Rudy	Install a trail connection from S. Adams St. to Arapahoe Park along the south side of S. Steele St. near Monterey Townhomes
Arapaho Park	Carolyn Rudy	Install two park benches along trail in the park
Arapaho Park	Rudy Alfson	Install a park bench at the west end of the park near the trail
Centennial Ridge Playground	J.J. Simmons	Update and add equipment to the playground.
Centennial Trail	Barbara Soehngeb	Connect the trail at Holly St. to the Centennial Trail (C-470 trail)
Clarkson Park	Shelly Au	Install a basketball court

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Property	Requestor	Request
Cornerstone Park	Mark Greene and Dakota Clearwater	Add lights and water fountains and expand the skatepark
Cornerstone Park	Steve Cameron	Rebuild skatepark with lights to improve safety and reduce vandalism.
Cornerstone Park	Scott Lennick	Add six more Pickleball courts. Estimated cost \$600,000
Footbridge Park	Cynthia Ehrnstein	Install a light on the bridge for safety at night
Hamlet Park	Linda Hancock	Add two or three picnic tables, paint pavilion, fix concrete wall on playground, new playground equipment, playground bench, paint lines on basketball court
Palos Verdes Park	Rod Brown	Sidewalk/trail from Palos Verdes Park center area to northeast corner to provide access to Orchard Road
Various	Diane W.	Install better maps and location information on trail signage
Various	Charlie Bolton	Build a Parkour specific park somewhere in the District

Mr. Ostermiller opened the public hearing.

- Norma Shettle, 7535 South Steel Street and President of the Monterey Homeowners Association proposed. 1) a habitat improvement project to support butterflies and other pollinators, and specifically to grow milkweed and flowers in some discreet District locations; and 2) to perform aggressive maintenance and repairs by the access road from Adams Street into Arapaho Park. She reported that in 2012, she and the HOA's vice president worked with District planning staff to clarify division of maintenance responsibilities for that area. There is a drainage swale in Arapaho Park, on the north side by Dry Creek Road. The location has been damaged by heavy rain and is now collecting mud and plant debris. Erosion underneath the nearby sidewalk needs to be addressed.
- Mr. Taylor referred to a recent Board conversation about some failing trees in Writer's Vista Park and the need to shade the picnic shelter. He requested that shade trees be included in the 2018 citizen requests.

No other public remained to speak, and Mr. Ostermiller closed the public hearing. He stated that staff would consider all citizen requests for the 2018 budgeting process.

- 3.7. Resolution # 2017-019, authorizing the ballot issue language for the November 7, 2017 Special Election

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Mr. Hanna presented the revised draft questions in tonight's packet. Based on feedback from Boardmembers, staff and Mr. Greher, staff presented a revised proposed ballot language for approval this evening. Following the Board direction this evening, staff would address one spelling mistake before finalizing the language.

Mr. Anderson suggested the questions are ready to go forward.

Mr. LaBrash asked if it is necessary to insert a clause in Exhibit B (the GO Bond debt question). Messrs. Greher, Taylor and Hanna explained why the language is necessary. Mr. LaBrash still expressed concern about the potential impact that language at the end of the question could have on some voters, specifically "without limitation..."

Mr. Ostermiller asked for a motion. Mrs. Eller moved to approve Resolution # 2017-019, authorizing the ballot issue language of the two ballot questions for the November 7, 2017 coordinated special election, to extend two existing mill levies, and to incur debt. Mr. Anderson seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0).

- 3.8. Revised Resolution # 2017-018, designating the official custodian of District records and revising the District's adopted policy on responding to open records requests

Mr. Braaten presented, noting that the resolution had been updated since the August 9 meeting discussion (See August 9 minutes. /ds) The current draft resolution was prepared by Mr. Collins. Mr. Braaten offered to answer any questions; there were none.

Mrs. Eller moved to approve Resolution # 2017-018 (revised), designated the Official Custodian of Records and adopting a policy regarding responding to open records requests. Mr. LaBrash seconded the motion, which was approved unanimously (5-0).

- 3.9. Approval of Resolution # 2017-020 and Southgate Sanitation District's sanitary sewer easement request, Willow Creek Trail corridor

Mr. Collins presented the proposed easement, located in the vicinity of Dry Creek Road. To complete several current projects, the Southgate Sanitation District proposes to adjust several existing easements. One result of the changed District easement would be to relocate a manhole onto public property and out of a District resident's back yard. The revised easement (comprised of two parcels) is in the floodplain. It is anticipated that the parcels would not be developed by the District for any other use in the future.

While the Sanitation District had requested the easement be granted at no cost, Mr. Collins recommended assessing the District's minimum basic fee, plus the per-square foot cost based on open space property values, less the value of the vacated property from the historic easement, for a net fee of \$7,619. Staff doesn't anticipate any ongoing costs with this change in the easement; and the Sanitation District will restore the trail, turf and grass. Staff recommended approval.

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Mr. Ostermiller noted a previous issue with an easement restoration project in Willow Spring Open Space. Mr. Collins stated, the issue mainly was with a contractor; the overall relationship between the districts has been positive; and if there is some need for future remediation, the easement fee would fund some changes completed by another contractor. To Mrs. Eller's question, he added, the fee would cover current staff and legal counsel costs.

The cut banks and vertical cliffs in the work area will be laid back, at cost of the Southeast Metro Stormwater Authority.

To members' questions, Mr. Collins stated, probably the abandoned sewer line would not be removed, and it's in flood plain. He doesn't favor removal, as the work would further damage the landscape. The line will be capped.

To Mr. LaBrash's question, Mr. Collins reported the local prairie dog colony is at a distance from the construction site and it shouldn't be involved with this construction.

Mr. Taylor stated a concern that the District, by imposing the easement fee, is just moving tax money around; and the same taxpayers would be paying the District's fee. Mr. Hanna reported the Sanitation District assesses fees to South Suburban. Mr. Ostermiller added, the Sanitation District has considerably different boundaries than South Suburban, and it's been a practice for local districts and agencies to charge one another. Mr. Collins added, while it's been the Board's policy to assess a basic easement fee plus for the property the easement crosses, the Board has the option of waiving fees per current District policy. Mr. Anderson expressed agreement with Mr. Ostermiller, concluding, they'll understand it's the right business decision.

Mrs. Eller moved to approve Resolution # 2017-020, authorizing the granting of Permanent Non-Exclusive Easements to Southgate Sanitation District for sanitary sewer lines along the Willow Creek Trail corridor. Mr. LaBrash seconded the motion. The motion was approved by majority (4-1), with Mr. Taylor voting against.

3.10. Award of contract, High Line Canal Trail restroom at Milliken Park

Mr. Collins presented. The restroom construction, located west of South Clarkson Road, mainly is for trail users but it also will serve users of the Park ballfields and playground. This project addresses a recent District survey and the citizens' request for improved park facilities.

The low bidder for the project was Construction Concepts Inc. (CCI). CCI was one of the two bidders. The District has not worked with this firm before; however, they have experience with this type of project.

Staff's original budget project in the grant was \$300K. Tonight, staff was requesting approval of an overall project budget of \$486,537, utilizing some remaining overage from the joint projects budget. He cited several additional construction requirements, identified during planning and engineering. Staff recommended approval of the contract award.

To Boardmembers' questions, Mr. Collins reported that the Park's parking lot is used as a trailhead. Milliken Park is located immediately north of the radio

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tower property. There will be additional lighting in the Park, installed outside and inside the restroom building.

Mr. Ostermiller stated that the variance between the budget and bid is the widest he has encountered while on the Board of Directors, and he asked for the reasons. Mr. Collins reported on the bid review process; and on conclusion, staff felt that CCI could do the work within the bid, with their current resources and within the desired timeframe. To Mr. LaBrash's question, Mr. Collins reviewed staff's vetting process, including review of bidders' financial statements and references.

Mr. Taylor moved to approve the construction agreement with Construction Concepts, Inc. for Milliken Park Restroom in the amount of \$226,825; and to approve an overall project budget of \$495,237 which includes the construction contract, 15% construction contingency, restroom building, utilities, engineering, permits, fees and other project related expenses. Mrs. Eller seconded the motion. There was no further discussion, and the motion was approved unanimously (5-0). (Note to the minutes: The final contract was signed for \$210,705. /ds)

3.11. Board of Directors comments, and committee meeting updates

- Mr. Ostermiller reported on the most recent Hudson Foundation board meeting. Comments from Gardens Boardmembers were very appreciative of the special joint session on July 31, and they encouraged the District to plan a joint session at least once a year. Mr. Ostermiller stated that the District has some financial responsibility to take care of this valuable property, which is a District gem.
- Mr. Ostermiller also reported on the last Meet, Greet, & Eat event of the year held by the City of Littleton. There was a big turnout, and there were a lot of young people in attendance.
- Mr. Anderson extended his appreciation to the Golf staff for putting together the upcoming District Cup day at Littleton Golf Course. This annual event creates an esprit de corps between District golf clubs.

3.12. Announcements and emergency items

Mr. Ostermiller announced a probable quorum event: Tuesday - Thursday, September 26 - 28, 2017: the National Recreation and Parks Association Annual Conference, at the Ernest N. Morial Convention Center in New Orleans; and therefore, the September 27 regular sessions have been cancelled due to the anticipated lack of a quorum.

4.0 Adjournment

The group adjourned for the evening at 7:47 pm.

Donna Shephard
District Records Clerk

/ds

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
RESOLUTION # 2017-019**

**A RESOLUTION AUTHORIZING THE BALLOT ISSUE
LANGUAGE TO EXTEND TWO EXISTING MILL LEVIES AND
TO INCUR DEBT
TO BE SUBMITTED TO THE
ELECTORS AT THE NOVEMBER 7, 2017 SPECIAL ELECTION**

WHEREAS, the South Suburban Park and Recreation 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 Title 32, Article 1 Colorado Revised Statutes (“C.R.S.”); and

WHEREAS, by Resolution adopted August 9, 2017, the Board of Directors of the District determined it was necessary to submit to the eligible electors of the District the questions (a) to extend in all future years two existing operating mill levies and (b) to incur indebtedness payable from an extension of the current debt service mill levy, and the Board further determined that such questions should be presented to the District's eligible electors at the election to be held on November 7, 2017 (“Election”); and

WHEREAS, the objects and purposes for which the indebtedness is proposed shall be to improve, repair and upgrade trails, recreation facilities, playgrounds and parks (“Project”); the estimated cost of which is \$46,860,000; none of which shall be defrayed out of state or federal grants; and

WHEREAS, the aggregate principal amount of the indebtedness shall not exceed \$46,860,000, and the maximum net effective interest rate thereon shall not exceed 7% per annum.

NOW, THEREFORE, be it resolved by the Board of Directors of the South Suburban Park and Recreation District in the Counties of Douglas, Arapahoe and Jefferson, State of Colorado that:

1. At the Election, the ballot title for the property tax levy extension and debt authorization shall be in substantially the forms shown on Exhibit A and Exhibit B attached hereto and incorporated herein by this reference.

2. If a majority of the votes cast on the question to authorize the incurring of District indebtedness submitted at the Election shall be in favor of incurring such indebtedness as provided in such question, the District acting through the Board shall be authorized to proceed with the necessary action to incur such indebtedness in accordance with such question.

Subject to any limitations on the time period for such authorization contained in the ballot title, any authority to contract indebtedness, if conferred by the results of the Election, shall be deemed and considered a continuing authority to contract the indebtedness so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

3. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.

4. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

5. Any and all actions previously taken by the Designated Election Official or the officers of the Board of Directors or any other persons acting on their behalf pursuant to the Act, the Code or other applicable laws, are hereby ratified and confirmed.

6. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

7. The Board expects to incur and pay certain expenditures (“Expenditures”) for the Project with the proceeds of tax-exempt obligations (“Obligations”), in the form of bonds issued in the future by the District, including possibly general obligation bonds. The Internal Revenue Service (“IRS”) has issued regulations (“Regulations”) under Section 103 of the Internal Revenue Code (“IRS Code”) clarifying when the allocation of the proceeds of tax-exempt obligations to reimburse expenditures made by an entity will be treated as an expenditure of such proceeds within the meaning of Section 103 of the IRS Code. To satisfy IRS requirements with respect to the foregoing, the Board hereby declares its “official intent” to reimburse itself for the Expenditures from a portion of the proceeds from the Obligations. The expected maximum principal amount of the Obligations is \$46,860,000. The Expenditures related to hard costs to be reimbursed pursuant to this Resolution shall have been incurred no earlier than 60 days prior to the date hereof in connection with the Project. Said Expenditures include, but are not limited to, preliminary legal work and financing work in connection with the Project. The Board shall not use reimbursed money for purposes prohibited by Treasury Regulation § 1.150-2(h).

The provisions of this Resolution shall take effect immediately.

PASSED, APPROVED, AND ADOPTED this 23rd day of August, 2017, by the Board of Directors of the South Suburban Park and Recreation District, by a vote of 5 for and 0 against.

SIGNED

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

By _____
John K. Ostermiller, Chairman

ATTEST:

Pamela M. Eller, Secretary

**South Suburban Park and Recreation District
November 7, 2017 Special Election. Two Ballot Issues.
Final Ballot Copy with numbers, September 14, 2017**

EXHIBIT A

SOUTH SUBURBAN PARK AND RECREATION DISTRICT BALLOT ISSUE 4B:

WITHOUT RAISING TAX RATES OR IMPOSING ANY NEW TAX, SHALL SOUTH SUBURBAN PARK AND RECREATION DISTRICT'S EXISTING 1 MILL PROPERTY TAX LEVY (APPROVED IN MAY 2010) AND EXISTING 2 MILL PROPERTY TAX LEVY (APPROVED IN NOVEMBER 2014) BE EXTENDED IN ALL FUTURE YEARS TO PAY OPERATING AND OTHER EXPENSES, INCLUDING:

- (1) MAINTAINING AND CONSERVING NATURAL AREAS, OPEN SPACE AND PARKS THROUGHOUT THE DISTRICT;
- (2) MAINTAINING AND IMPROVING WALKING, BIKING AND HIKING TRAILS (SUCH AS HIGH LINE CANAL, LEE GULCH, MARY CARTER GREENWAY, BIG DRY CREEK, AND WILLOW CREEK);
- (3) REPAIRING AND IMPROVING EXISTING PARKS, RECREATION FACILITIES AND PLAYGROUNDS;
- (4) REPLACING OUTDATED MECHANICAL EQUIPMENT WITH NEW ENERGY SAVING SYSTEMS INCLUDING RENEWABLE ENERGY; AND
- (5) SAVING WATER BY REPLACING INEFFICIENT IRRIGATION SYSTEMS IN PARKS AND USING NON-TREATED WATER WHERE FEASIBLE?

EXHIBIT B

SOUTH SUBURBAN PARK AND RECREATION DISTRICT BALLOT ISSUE 4C:

WITHOUT IMPOSING ANY NEW TAX, SHALL SOUTH SUBURBAN PARK AND RECREATION DISTRICT DEBT BE INCREASED \$46,860,000, WITH A REPAYMENT COST OF UP TO \$61,657,541 TO PROVIDE PARK AND RECREATION AMENITIES, INCLUDING:

- (1) IMPROVING CONNECTIVITY OF EXISTING TRAILS IN THE DISTRICT TO REGIONAL TRAILS SUCH AS THE HIGH LINE CANAL TRAIL, AND PROVIDING IMPROVEMENTS ALONG THE TRAILS FOR WALKERS AND BIKERS;
- (2) IMPROVING ENERGY AND WATER EFFICIENCY AT PARKS, FIELDS AND FACILITIES;
- (3) REPAIRING AND IMPROVING AGING RECREATION FACILITIES TO PROVIDE UPDATED SERVICES FOR SENIORS, FAMILIES AND CHILDREN;
- (4) PROVIDING MORE OPPORTUNITIES FOR ACTIVE RECREATION FOR CHILDREN, YOUTH, AND ADULTS BY BUILDING A NEW INDOOR MULTI-GENERATIONAL FACILITY, INCLUDING TURF FIELDS AND PICKLEBALL COURTS; AND
- (5) RENOVATING AND UPGRADING EXISTING PLAYGROUNDS AND IMPROVING EXISTING PARKS;

AND SHALL THE TAX APPROVED AT THE MAY 2000 ELECTION BE USED TO PAY PREVIOUSLY ISSUED DEBT AND EXTENDED TO PAY THE PRINCIPAL OF AND INTEREST ON THE DEBT AUTHORIZED BY THIS QUESTION OR TO REFINANCE SUCH DEBT, WHICH IS NOT EXPECTED TO INCREASE THE EXISTING DEBT SERVICE LEVY OF 1.163 MILLS, BUT WHICH LEVY MAY BE INCREASED IF NECESSARY ANNUALLY WITHOUT LIMITATION AS TO RATE; AND SHALL SUCH DEBT BE GENERAL OBLIGATION BONDS TO BE SOLD IN ONE SERIES OR MORE, FOR A PRICE AT, ABOVE OR BELOW PAR, ON TERMS AND CONDITIONS AS PERMITTED BY LAW?

/ds

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

**RESOLUTION # 2017-018 (REVISED)
DESIGNATING THE OFFICIAL CUSTODIAN OF RECORDS AND
ADOPTING A POLICY ON
RESPONDING TO OPEN RECORDS REQUESTS**

WHEREAS, pursuant to §32-1-1001(1)(h), C.R.S., the Board of Directors of the South Suburban Park and Recreation District (“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 of Directors of the District has the authority to appoint an agent; and

WHEREAS, the Board of Directors of the District 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 of Directors of the District has determined that it is appropriate to adopt a policy on responding to open records requests; and

WHEREAS, the Board of Directors 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, 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; and

WHEREAS, public records are defined by CORA as all writings made or maintained by the District, regardless of the format or medium of the records, subject to certain exceptions and public records expressly include e-mail communications.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Suburban Park and Recreation District that:

1. Official Custodian.

(a) The Records Clerk of the District, is hereby designated as the Primary Official Custodian responsible for the maintenance, care and keeping of all records of the District, except as provided herein.

(b) The Official Custodian shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this Resolution.

2. Policy on Responding to Open Records Request. The following are general policies concerning the release of records:

(a) All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of CORA or policies adopted by the Board of Directors in conformance with CORA.

(b) Every request to inspect and/or copy any District record (a "Records Request") shall be submitted to the District's Official Custodian in writing and be specific as to the information desired. If not submitted to the Official Custodian, any District employee or Board Member that receives the Records Request shall immediately send the Records Request to the Official Custodian. To assist the Official Custodian in responding to requests in a timely and complete manner, the Official Custodian may require records requests to be submitted on a form developed by the Official Custodian.

(c) If any question arises as to the propriety of fully complying with a Records Request, the Official Custodian shall immediately forward it to the District's legal counsel.

(d) The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to make records available for inspection in whole or in part, the District's legal counsel will so notify the District's Official Custodian, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

(e) If the District's legal counsel determines the District is not permitted by Federal or State law to make records available for inspection in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

(f) Following the denial of a request for record, upon receipt of the required written notice from the requesting individual that he or she will seek relief from the District Court, the Official Custodian will attempt to meet in-person or speak by telephone with the requesting individual. District personnel are encouraged to utilize all possible means to attempt to resolve the dispute during this time period and will provide a written summary of the District's position at the end of that period to the requestor and to the District's Board of Directors. No phone or in-person conference is required if the written notice indicates that the requestor needs access to the record on an expedited basis.

(g) Pursuant to CORA, all records must be made available for inspection within three (3) working days from the Official Custodian's receipt of the request, unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within three (3) working days of the Official Custodian's receipt of the request. The Official Custodian may set the time during normal office hours and the place for records to be inspected, and require that the Official Custodian or a delegated employee be present while the records are examined.

(h) A public record stored in a digital format that is neither searchable nor sortable will be provided in a digital format. A public record stored in a digital format that is searchable and/or sortable will be provided in such digital format, unless (1) the public record is in a searchable or sortable format and producing the record in the requested format would violate the terms of any copyright or licensing agreement between the District and a third party; (2) producing the record would result in the release of a third party's proprietary information; (3) after making reasonable inquiries, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format, or (4) if the Official Custodian would be required to purchase software or create additional programming functionality in its existing software to remove the information. Altering an existing digital public record, or excising fields of information that the Official Custodian is either required or permitted to withhold under this subsection, does not constitute the creation of a new public record under Section (2)(i)(iv) of this Resolution.

(i) The Custodian may charge the following fees (collectively, the "Fees") for responding to a Records Request:

(i) Printouts, photographs, and copies, when requested, will be provided at a cost of twenty-five cents (\$0.25) per standard page, and at the actual costs of production for any non-standard page (the "Copying Fee"). A standard page shall mean an 8.5-inch by 11-inch black and white copy.

(ii) When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Official

Custodian may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the “Outside Copying Fee”).

(iii) If a copy, printout or photograph of a public record is necessary or requested to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the “Production Fee”).

(iv) If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the “Manipulation Fee”); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.

(v) The cost for transmitting the requested records will be charged at the actual cost of such delivery (the “Transmission Fee”). Transmission Fees will not be charged for transmitting any record via electronic mail, when requested.

(vi) When the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than one (1) hour of staff time, the Custodian may charge a research and retrieval fee not to exceed thirty dollars (\$30.00) per hour (the “Research and Retrieval Fee”).

(vii) If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges) the District may charge the actual costs of creating a privilege log identifying the privileged records (the “Privilege Fee”). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

(j) If the estimated Fees to produce the records will exceed \$240 in labor and/or \$100 in copying costs, the District may require a 90% deposit of the estimated Fees prior to commencing work to produce the records. Payment of the remainder of the Fees, including all actual costs exceeding the estimated amount, must be made prior to the time of inspection or release of the final work product or copies.

(k) No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District’s legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

3. **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.

4. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board of Directors of the District.

PASSED, APPROVED, AND ADOPTED this 23rd day of August, 2017 by the Board of Directors of the South Suburban Park and Recreation District,

by a vote of _____⁵ for and _____⁰ against.

SIGNED

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

By: _____

John K. Ostermiller, Chairman

Attest:

Pamela M. Eller, Secretary

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
RESOLUTION # 2017-020**

**RESOLUTION AUTHORIZING THE GRANTING OF
A PERMANENT EASEMENT ALONG THE WILLOW CREEK
TRAIL CORRIDOR**

WHEREAS, the South Suburban Park and Recreation District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, formed and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1001(1)(f), C.R.S., the District is authorized to acquire, dispose of and encumber real and personal property including, without limitation, rights and interests in property, leases and easements necessary to functions and operation of the District; and

WHEREAS, Southgate Sanitation District (“Grantee”) has requested a Permanent Easements (“Easements”) under and across two small portions of the Willow Creek Trail Corridor, as more particularly described on Exhibit A (the “Easement Areas”); and

WHEREAS, the District’s staff has determined that the site for the proposed Easements is not needed for development or use by the District and the use of the Easements will not have an adverse effect upon the Park; and

WHEREAS, the Board of Directors has reviewed and approved a form of Easement Agreement; and

WHEREAS, the Grantee of the Easements will be required to pay the costs of processing the Easements and, under the terms of the Easement Agreement, will be required to restore and protect the Easement Areas.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South Suburban Park and Recreation District as follows:

1. **Approval of Easements.** The Board hereby approves and authorizes the grant of a Permanent Easements to Grantee, in accordance with the terms and provisions of the approved Memorandum of Agreement.

PASSED, APPROVED, AND ADOPTED this 23rd day of August, 2017 by the Board of Directors of the South Suburban Park and Recreation District, by a vote of _____⁴_____ for and _____¹_____ against.

South Suburban Park and Recreation District, by

SIGNED

John K. Ostermiller, Chairman

ATTEST:

Pamela M. Eller, Secretary

/ds