

**SOUTH SUBURBAN PARK AND RECREATION DISTRICT
REGULAR MEETING NO. 821
MINUTES**

Call to order

A regular meeting of the Board of Directors of South Suburban Park and Recreation District was called to order at 5:40 pm, Wednesday, July 23, 2014, at the Goodson Recreation Center, 6315 South University Boulevard, Centennial, Colorado. Chair John Ostermiller presided.

(Note to the file: Special posting of the continuing public meeting at 7 pm had been accomplished. /ds)

Present: John K. Ostermiller
Susan M. Rosser
Pamela M. Eller
Michael T. Anderson
Scott A. LaBrash

Legal Counsel: James P. Collins, Esq.

Management Staff: David Lorenz, Executive Director
Deanna Heyn, Deputy Executive Director
Teresa Cope, Director of Communications
Jay Dikeman, Director of Hospitality Services
JoAnn Gould, Director of Recreation & Community Services
Mike MacLennan, Director of IT
Jim Priddy, Director of Parks & Open Space
Bill Ramsey, Director of Golf
Melissa Reese-Thacker, Senior Park Planner
Clay Shuck, Deputy Recreation Manager
Steve Shipley, Director of Finance

Study Session

After the call to order, Mr. Ostermiller convened the Study Session, and the group discussed several of the items on the posted agenda. (See the continued discussion beginning with monthly department reports, below.)

The Board paused returned to the public meeting at 7:11 pm.

Citizens' comments

No public had signed up or came forward to speak tonight.

NEW BUSINESS

PUBLIC HEARING: Province Center, final master plan

Melissa Reese-Thacker presented. Utilizing cash-in-lieu funds from the Shadow Canyon Condominiums development (south of C-470 and east of Colorado Boulevard), staff has designed improvements for the Park. The project has taken several years in development because of the economy downturn.

The Province Center Park property was posted for tonight's public hearing. Previously, staff held meetings with the homeowners association in the area and the proposed development is a result of that discussion with the public. Currently, the park property is a combination of bluegrass, trails, and natural open space; and staff is proposing to install a playground and shelter. The playground will have appropriate areas for 2- to 5-year-olds

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and 5- to 12-year-olds. The plan also will necessitate removing a portion of the trail; then the trail will be connected to an existing formal trail in the neighborhood.

Pending the Board's approval of the plan, staff next will submit to Douglas County to begin a location & extent process. Barring any long delays, Ms. Reese-Thacker anticipates completing the project in the first part of 2015.

To members' questions, Ms. Reese-Thacker reported the remainder of the \$140K in cash-in-lieu funds should be adequate to fund construction. Staff is mitigating the costs by using an inhouse construction crew for the work (playground, shelter, and trail).

To Mr. Ostermiller's question, Mr. Lorenz explained the area was annexed years ago into the District at the request of the original developer, before Highlands Ranch had an opportunity. There is another District park in the area, and there are some trails.

To Mrs. Rosser's question, Ms. Reese-Thacker anticipates that construction can start in early 2015; however, this will depend on Douglas County's process, which includes a planning & zoning commission approval process.

No public had signed up to speak this evening.

MRS. ELLER MOVED TO APPROVE THE FINAL MASTER PLAN FOR THE IMPROVEMENTS TO PROVINCE CENTER PARK, THAT INCLUDE A NEW PLAYGROUND, SHELTER, DRINKING FOUNTAIN AND LANDSCAPE. Mr. LaBrash seconded the motion. There was no further discussion, and **the motion was approved unanimously (5-0).**

Decision regarding November 4, 2014 election

Mr. Ostermiller introduced the item for the benefit of public and staff present. Staff has informed the Board that there is a need to decide tonight if there's any chance that the District will pose a ballot question or questions on the November 2014 ballot; if so, then the staff must inform the three counties' clerk & recorder/elections staffs (Arapahoe, Douglas, and Jefferson) of our intent by July 25. He stressed that a Board decision tonight to begin some planning processes would not mean that the District has to put a question on the November ballot. To Mr. Ostermiller's question Jim Collins explained, the District is just saying whether we think there will be an election. He noted that such an election wouldn't have to be coordinated with the counties.

Mrs. Rosser asked the value of such a (vague) communication to the counties at this time. Jim Collins explained that it would give the counties some idea of what to "gear up" for. To Mrs. Eller's question, legal counsel and staff affirmed that after Friday's deadline, staff can contact the counties and find out which other local agencies are likely to have questions on the November ballot. Jim Collins added, legal counsel staff may have some advice to provide about pros and cons of this process.

MR. ANDERSON MOVED TO DIRECT STAFF DIRECTION TO NOTIFY THE COUNTY, THAT SOUTH SUBURBAN PARK AND RECREATION DISTRICT MAY HAVE AN ELECTION ON NOVEMBER 4, 2014, BASED ON INPUT FROM THE GOLD MEDAL CITIZENS REPORT, AND PRIOR BOARD AND STAFF DISCUSSIONS REGARDING POSSIBLE NEED. Mrs. Rosser seconded the motion. There was no further discussion, and **the motion was approved unanimously (5-0).**

Colorado Open Records Act (CORA), adoption of updated request policy

Mrs. Heyn presented a resolution, included in tonight's packet, drafted and reviewed by legal counsel, updating the previous Board-approved policy (2007).

Jim Collins explained that one of the reasons for the proposed update tonight is in response to changes in law in 2014. Fees to be incurred and assessed by the District for CORA requests must be established by Board

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resolution, starting July 1, 2014; and a copy of the Resolution must be published on the District website. Fees can be assessed for staff time for preparation (with the first hour at no cost). Across the State, typically the hourly rate will be \$30, with an option for an increase every 5 years at the direction of the State.

The group discussed Paragraph 8, having to do with archived or backed-up emails. Jim Collins offered his interpretation of what emails should be kept (i.e., categorized and archived). Categorized emails are subject to CORA access rules; and all District emails do not have to be retained. Mike MacLennan, IT Director explained current staff retention practices: Basically, emails are retained at the discretion of the sending or receiving employee. He reported after a staffmember deletes an email, typically IT staff would have that email on file for another 30 days before final deletion. To Mr. Ostermiller's question, Jim Collins offered the opinion that an email held either by date sent or date received is not categorized.

Referring to CORA requests received during the previous election cycle (May 2014), Mrs. Eller asked what public requests the District receives typically. Shephard believes that most of the requests are to review history files on specific properties, and she receives perhaps one or two requests per year.

MRS. ELLER MOVED TO ADOPT THE RESOLUTION DESIGNATING THE OFFICIAL CUSTODIAN OF RECORDS AND ADOPTING A POLICY ON RESPONDING TO OPEN RECORDS REQUESTS. Mrs. Rosser seconded the motion. There was no further discussion, and **the motion was approved unanimously (5-0).** (A copy of the Resolution is attached hereto and made part of the permanent record.)

Members returned to remaining items from the Study Session agenda.

Monthly department reports, continued discussion

IT: At the request of members, Mr. MacLennan reported on available infrastructure for virtualization of computers, and about standing security measures controlling staff access to computers with credit card information.

Finance: To Mrs. Rosser's question, Mr. Shipley affirmed that the balance of the 2000 one-mill fund has been allocated; however, it is not spent, and a line item will continue to appear on District financial reports until it is at zero.

Communications: Ms. Cope updated the Board on the current Burns Marketing consultation activity. At their request, she will forward a copy of the new District catalog cover and samples of the style of writing that Burns is advocating for marketing communications.

Mr. Ostermiller thanked the employees for the planning and execution of the 2014 "Share the Trail" event, held in July on the Mary Carter Greenway Trail by Hudson Gardens. Ms. Cope reported on positive feedback from the public.

To Mrs. Rosser's questions, staff explained the process of counting paid admissions at Hudson Gardens that would be credited to the admissions requirements of the Scientific and Cultural Facilities District program for Tier II facilities.

Board of Directors items

Mrs. Eller reported on several items from the most recent High Line Canal Working Group meeting.

- The City of Aurora won a grant from Great Outdoors Colorado to create a connection and trailhead for three trailways, in the vicinity of Colfax and Tower Road. There are match funds from Arapahoe County Open Space and the City of Aurora. The Working Group wrote a letter of support for Aurora's grant.

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- A pilot project to utilize stormwater in the High Line Canal to irrigate tree canopy and other vegetation is moving forward. The test sites are in the city of Aurora. Mr. Lorenz added, the cost of the project will be a big-ticket, long term investment.
- Two individuals on the Working Group have taken the initiative to create a non-profit partnership, with the intent of raising funds and gaining supporters for a coordinated, long-term continuation of the High Line Canal recreation amenity. They've developed a vision document and have requested the Working Group's support. Mr. Lorenz stated he is 100% behind the effort.
- Finally, the study of options for nine trail crossings (over, under, and around local major streets) is complete and has been turned over to the Working Group. Two crossings are within the District: on Broadway near Acoma; and near Curtis Park on Orchard Road. Mr. Lorenz reported that improvements to the Broadways crossings will be difficult to accomplish, and no funding has been identified. Mrs. Eller added, that's why the study was performed, to identify alternatives. District planning staff will have the final study available for Boardmembers' and staff's review.

Announcements and emergency items

Mr. Ostermiller announced:

The art placement dedication event at the Lone Tree Golf Course on August 15, 5 pm (a quorum event); and Cancellation of the September 10, 2014 regular sessions.

Mr. Ostermiller asked Shephard to forward conference registration information for the Special District Association annual conference, September 10–12.

Mr. Anderson added, there's another Tantalizing Tastes at the Lone Tree Clubhouse on August 5 (a social evening, not a quorum event). He hopes more of the Boardmembers will be able to attend.

Executive Session

At 8:09 pm, Mr. Ostermiller reported there was a request to enter into Executive Session in order to **receive advice from legal counsel on election issues.**

MR. ANDERSON MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO, OR AS AUTHORIZED BY C.R.S. SECTION 24-6-402(4), #

- (B) FOR THE PURPOSE OF CONFERENCES WITH DISTRICT LEGAL COUNSEL, TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS.**

Mrs. Rosser seconded the motion, which was approved unanimously (5-0).

The Board continued into Executive Session immediately and returned to the public meeting at 8:55 pm.

Adjournment

There being no further business to come before the Board this evening, the group adjourned at 8:55 pm.

Donna Shephard
Executive Assistant

/ds

SOUTH SUBURBAN PARK AND RECREATION DISTRICT

**RESOLUTION 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; and

WHEREAS, the District maintains backup copies of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record;

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

1. Official Custodians.

(a) The Executive Assistant 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 Director of Planning and Development is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records associated with the District's construction projects, subject to the control, supervision and direction of the Primary Official Custodian.

(c) The Official Custodians 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) Upon receipt, requests by a citizen, entity, Federal or State agency, District member, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "Records Request") should be immediately sent to the Official Custodian.

(c) Every Records Request shall be submitted to the District's Official Custodian in writing and be specific as to the information desired.

(d) 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.

(e) 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 comply with the Records Request 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.

(f) If the District's legal counsel determines the District is not permitted by Federal or State law to comply with the Records Request 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.

(g) Pursuant to CORA, all records must be made available for inspection within three (3) working days, 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 the statutory period. 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. Inspection of the District's public records shall be made, where permitted by law, during normal business hours, Monday through Friday, except on holidays, at an hour specifically set by the appropriate Official Custodian for each particular request for inspection

(h) A person granted the right to inspect District records may also be furnished copies requested at a cost of twenty-five cents (\$.25) per standard page. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where 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 hour of staff time, the Custodian may charge a research and retrieval fee not to exceed thirty dollars (\$30.00) per hour. The Custodian will not impose a charge for the first hour of time expended in connection with the research and retrieval of public records.

(i) The District may require a deposit to cover the estimated cost to produce the records, including the cost of the copies and the research and retrieval fee, prior to commencing work to produce such records. Payment of any actual costs exceeding the deposit must be made at the time of release of the final work product or copies.

(j) When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Official Custodian may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the cost of providing requested records will be paid by the person making the request.

(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 general 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.

The foregoing Resolution was approved and adopted this 23rd day of July, 2014.

SOUTH SUBURBAN PARK AND RECREATION
DISTRICT

By: _____

John K. Ostermiller, Chair

Attest:

Pamela M. Eller, Secretary