

**RESOLUTION OF THE BOARD OF DIRECTORS OF
WATERFALL METROPOLITAN DISTRICT NO. 1**

**A RESOLUTION ADOPTING AND APPROVING AN AMENDMENT TO THE POLICY
REGARDING THE INSPECTION, RETENTION AND DISPOSAL OF PUBLIC RECORDS**

WHEREAS, on December 9, 2009, via Resolution, the Boards of Directors of Waterfall Metropolitan District No. 1 (the "District") and Waterfall Metropolitan District No. 2 adopted a joint resolution establishing a Policy Regarding the Inspection, Retention and Disposal of Public Records and adopting a public records retention and disposal schedule (the "Policy"); and

WHEREAS, the passage of House Bill 13-1041 on March 8, 2013, added Section 24-72-205(1)(b), C.R.S. to the Colorado Open Records Act (the "Act"), which sets forth procedures for the custodian of public records to transmit, upon request, public records to the requestor via United States Mail, other delivery service, facsimile, or electronic mail; and

WHEREAS, the District desires to amend the Policy, as such Policy applies to the District, to provide for the transmission of the District's public records, upon request, via United States Mail, other delivery service, facsimile, or electronic mail, as set forth in Section 24-72-205(1)(b), C.R.S. of the Act.

**NOW THEREFORE, THE BOARD OF DIRECTORS FOR WATERFALL
METROPOLITAN DISTRICT NO. 1 HEREBY RESOLVES AS FOLLOWS:**

1. The Board hereby adds the following subparagraph e. to Paragraph 1 of the Policy with regard to requests for the transmission of the District's public records:

e. Transmission of Public Records. Upon request that copies of public records of the District be transmitted to the person who made a public records request, the custodian shall transmit a copy of the record by United States Mail, other delivery service, facsimile, or electronic mail. No transmission fees shall be charged to the record requester for transmitting public records via electronic mail. The custodian shall notify the record requester within the time periods set by Section 24-72-203(3), C.R.S., as amended from time to time, that a copy of the record is available but will only be sent to the requestor once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with the transmission of the requested records, including such fees set forth in Paragraph 1.d. of the Policy, scanning fees as set forth herein, actual delivery charges for delivery of public records other than via electronic mail, and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian. In the event a public record must be scanned and saved electronically prior to transmitting the public record via electronic mail to the requestor, the requestor shall be charged fifteen cents (\$0.15) per scanned page unless otherwise waived by the custodian. Upon receiving such payment or making arrangements to receive such payment at a later date, the custodian shall send the record to the requestor as soon as practicable not no more than three business days after receipt of, or making arrangements to receive, such payment.

2. Paragraph 1 of this Resolution shall apply to the transmission of the District's public records only. The Board of Directors for Waterfall Metropolitan District No. 2 may adopt

a separate amendment applicable to the transmission of public records for Waterfall Metropolitan District No. 2.

3. Except as otherwise set forth herein, all other provisions of the Policy, as such Policy applies to the District, shall remain in full force and effect.

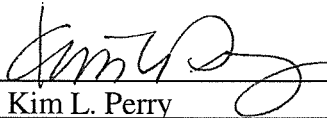
4. The Board may further amend the Policy, including this Amendment, from time to time as the Board deems necessary.

5. This Resolution shall take effect on the date and at the time of its adoption.

(Signatures Begin on Next Page.)


ADOPTED AND APPROVED THIS 24TH DAY OF OCTOBER, 2013.

WATERFALL METROPOLITAN DISTRICT NO. 1



By: Kim L. Perry
Its: President

ATTEST:

By: 

Jay Hardy, Secretary