

RESOLUTION NO. 2020-01-02

**RESOLUTION
OF THE BOARD OF DIRECTORS
OF
INSPIRATION METROPOLITAN DISTRICT**

**APPROVING AND ADOPTING A POLICY REGARDING
THE PROVISION AND USE OF DISTRICT PORTABLE ELECTRONIC DEVICES
BY THE DISTRICT’S ELECTED OFFICIALS AND CONSULTANTS**

WHEREAS, Inspiration Metropolitan District (the “**District**”) was duly organized and validly exists pursuant to and in accordance with the Special District Act, §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board of Directors of the District (the “**Board**”) is empowered to adopt, amend and enforce bylaws and rules and regulations not in conflict with the Colorado Constitution for the purpose of carrying on the business, objects and affairs of the Board and of the District; and

WHEREAS, the District takes pride in the delivery of effective governmental services in a manner that is environmentally conscious, efficient, and cost effective; and

WHEREAS, the District incurs ongoing costs related to District operations, including copying charges, delivery charges, and other incidental administrative costs necessary for the provision of District services; and

WHEREAS, the District relies extensively on electronic data services for its operations, including the regular use of electronic email, electronic document storage, electronic document transmittal, and electronic data display; and

WHEREAS, the use of electronic data devices and electronic media conserves natural resources by reducing the amount of paper used in the conduct of District business; and

WHEREAS, the District has determined that the use of portable electronic devices, including but not limited to tablets, netbooks, Apple Ipads, or other handheld devices (the “**PEDs**”) for District business by certain of the District’s consultants and by the District’s elected officials serving on the Board is consistent with the District’s efforts to remain technologically efficient at all levels; and

WHEREAS, the District reaffirms its commitment to adhere to all applicable requirements of Colorado law regarding open meetings, open records, and fair campaign practices; and

WHEREAS, the District desires to establish a policy with regard to the use of said PEDs as a tool for the efficient, convenient and proper use of PEDs provided to its elected officials and consultants; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF INSPIRATION METROPOLITAN DISTRICT AS FOLLOWS:

GENERAL PROVISIONS

1. **Public Policy.** The District may, in its sole discretion, purchase PEDs for use by the elected officials serving on the District's Board and/or consultants of the District (the "Users") for official District business and incidental personal use. The District hereby finds that use of PEDs is in the best interests of the District and its tax payers by reducing copying costs, delivery, and other incidental costs incurred by the District in the conduct of official District business.

2. **District-Owned Property.** Any PEDs purchased by the District and assigned to a User shall remain the property of the District. Users who are assigned a PED shall execute a receipt and acknowledgment substantially in the form attached hereto as **Exhibit A.** A copy of this Policy shall be provided to each User assigned a PED for his/her reference. The working condition of the PED shall be noted at the time such PED is assigned to a User.

3. **PED Use.** District-issued PEDs are primarily intended for the conduct of District business. The use of District-issued PEDs for purposes other than District business is permitted; however, Users are cautioned that data kept on District owned PEDs may be subject to public disclosure as further described in Section 7 below. District-issued PEDs may be used for the full spectrum of District business, including but not limited to: note-taking; public meeting preparation; public meeting participation; constituent communications; electronic mail communication; transmission, display, receipt, modification, and storage of electronically-stored documents, and internet research.

4. **Software/Hardware.** The District strongly discourages Users from installing any additional software or hardware to the PED units. Additional software installed must not disable or alter the functionality of the pre-included software or hardware and must be virus-free. Any software or hardware components added to the system are the responsibility of the individual and the supplying vendor. A fee may be charged for any work required to restore the PED to its original software and/or hardware. Unauthorized copying of software is a violation of the District's acceptable PED use policy and a violation of copyright law and an infringement of intellectual property rights.

5. **Care, Maintenance, and Warranty.** Each User will take reasonable precautions to assure the security of the District's PEDs and the content stored therein. Each User shall take precautions to assure that the District-issued PED in his/or her possession is properly cared for at all times. The User is responsible for maintenance of the PED in his or her possession and the District will not be responsible for ordinary maintenance and protection of the PED. The District may, in its sole discretion, elect to purchase warranty and/or insurance coverage of the PEDs

which shall serve to supplement costs for repair or replacement which are the responsibility of the individual User. The District shall not be responsible for the following types of damage to a PED:

- a. Accident.
- b. Unreasonable use, abuse, neglect, and alternations.
- c. Improper service, improper installation, and/or improper connection with peripherals.
- d. Other causes not arising out of defects in materials or workmanship.
- e. Any service or repair provided outside the scope of the limited warranty.
- f. Damage to or loss of any programs, data, or removable storage media, whether it occurs during warranty repair or other repair service.

6. Loss, Damage and Replacement. Should a PED become lost, stolen or damaged at any time by a User, the User shall notify the District Manager in writing within 24 hours. If it is determined by the District Manager that a PED was intentionally or negligently damaged or lost by a User, the Board may determine that the User is responsible for the replacement of the PED at the then-current value of the PED as determined by Section 8 of this Resolution.

7. PEDs And Data Subject To Public Disclosure. Users are cautioned that PEDs and documents, images, and data kept on such PEDs may not be assumed to be confidential and may be considered “kept and maintained” by the District under the Colorado Open Records Act, thus subjecting all such data to inspection and copying, subject further to the provisions of the Colorado Open Records Act. Users are not required to keep or maintain any documents within the District-issued PED and may delete or save to other data storage devices any files he/she deemed appropriate from time to time.

8. Disposition of PED upon Departure from Board or Termination of Service. Upon departure from the Board by an individual elected official, including but not limited to recall, resignation, or disqualification) or in the event the District terminates services with an individual consultant, such User shall either return the PED to the District Manager or, at his/her election, may purchase the PED from the District at the then-current depreciated value of the PED, pursuant to the depreciation schedule attached hereto as **Exhibit B.**

9. Conflict of Law. In the event anything contained in this Resolution conflicts with any provision of Colorado law, such conflicting provision shall be deemed null and void.

10. District Manager. All notices or written communication with regard to the PEDs shall be directed to the District Manager at:

USE OF DISTRICT-ISSUED PEDS DURING PUBLIC MEETINGS

1. District elected officials and consultants shall not use District-issued PEDs for transmitting and/or receiving data communication (including but not limited to electronic mail) to or from any person during any meeting convened for the conduct of public business. This limitation may be rendered inapplicable if there is a need to provide District elected officials with specific documents or images distributable via electronic mail by the District’s Manager, accountant or legal counsel, or upon request by any District official or consultant.

2. Subject to the foregoing limitations and consistent with the District’s elected official and consultant’s duties, District-issued PEDs may be used during public meetings for:

- Review and display of documents, memoranda, correspondence, and images;
- Note-taking, document margin comments and similar purposes;
- Internet-based research of questions raised with the public meeting or pertinent to the resolution of any matter before the District while acting in any legislative capacity;
- Any other lawful purpose not inconsistent with the duties of public officials.

3. The use of PEDs shall not distract, deter, interrupt, or in any way interfere with the conduct of public business during public meetings of the District.

**USE OF DISTRICT-ISSUED PEDS FOR CANDIDATE AND/OR ISSUE
CAMPAIGNS**

1. The use of District-issued PEDs for the purpose of promoting a candidate nomination, retention, recall, or election, or for the purpose of promoting or discouraging a local ballot issue is prohibited.

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APPROVED AND ADOPTED THIS 14th DAY OF JANAUARY, 2020.

INSPIRATION METROPOLITAN DISTRICT

Signature: Aaron Curtiss
Aaron Curtiss (Jan 5, 2021 11:20 MST)

Email: aaroncurtiss@inspirationmetro.org

Officer of the District

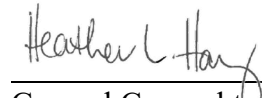
ATTEST:

Signature: Sandra C. Thomas
Sandra C. Thomas (Jan 12, 2021 12:59 MST)

Email: sthomas@newlandco.com

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

**Exhibit A
Receipt and Acknowledgement Form**

**Inspiration Metropolitan District
Acknowledgment Receipt for Equipment**

Equipment Information

Type of Equipment: _____ Date Purchased: _____

Description and Condition: _____

Model No. _____ Serial No. _____

Unit Cost at Time of Purchase: _____

Director/Consultant Information

Name: _____ Phone Number: _____

Address: _____

Acknowledgement

I hereby acknowledge that I have received the equipment listed above. I understand that the equipment issued to me is to be used for District business (incidental personal use excepted) and belongs to the District. It is expected that reasonable care be taken when operating/using District property so as to be able to return it in good operating condition, including all accessories included with the product such as chargers, batteries, etc. I also understand, acknowledge, and agree that if I incur additional charges such as overage charges I agree to pay said charges. I also understand that upon termination of my engagement with the District or upon leaving the Board of Directors for whatever reason, I will return this equipment to the District, in good working order and condition, or may elect to purchase the equipment from the District pursuant to the attached schedule. I also acknowledge that the information contained within the equipment is not assumed to be confidential and may be considered to be "kept and maintained" by the District under the Colorado Open Records Act.

Director/Consultant:

Signature _____ **Date** _____

For District Use Only

| | |
|--------------------------|-------------------|
| Equipment Received From: | Form Received By: |
| Date: | Date |

**Exhibit B
PED Depreciation Schedule**

**INSPIRATION METROPOLITAN DISTRICT
Depreciation Schedule for District-owned Ipad**

| Asset ID | Possession | Date Acquired | Cost | Depreciation Schedule * | | | |
|----------|---------------|---------------|----------|-------------------------|-----------|-----------|-----------|
| | | | | 2018 | 2019 | 2020 | 2021 |
| Ipad - 1 | BM #1 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |
| Ipad - 2 | BM #2 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |
| Ipad - 3 | BM #3 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |
| Ipad - 4 | BM #4 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |
| Ipad - 5 | BM #5 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |
| Ipad - 6 | Consultant #1 | _____ | _____.00 | (____.00) | (____.00) | (____.00) | (____.00) |

* Straight-line method assuming 3-year useful life










Inspiration MD Documents Requiring Board Signature, 2020-12-14

Final Audit Report

2021-01-12

| | |
|-----------------|---|
| Created: | 2020-12-14 |
| By: | Dan Cordova (dcordova@wbapc.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAiTfbjzsCXZf-gCbdvaB_Q261nktgG2y |

"Inspiration MD Documents Requiring Board Signature, 2020-12-14" History

-  Document created by Dan Cordova (dcordova@wbapc.com)
2020-12-14 - 11:28:05 PM GMT- IP address: 50.209.233.181
-  Document emailed to Aaron Curtiss (aaroncurtiss@inspirationmetro.org) for signature
2020-12-14 - 11:36:12 PM GMT
-  Email viewed by Aaron Curtiss (aaroncurtiss@inspirationmetro.org)
2020-12-15 - 0:24:38 AM GMT- IP address: 64.233.172.79
-  Email viewed by Aaron Curtiss (aaroncurtiss@inspirationmetro.org)
2021-01-05 - 6:18:27 PM GMT- IP address: 66.102.6.219
-  Document e-signed by Aaron Curtiss (aaroncurtiss@inspirationmetro.org)
Signature Date: 2021-01-05 - 6:20:27 PM GMT - Time Source: server- IP address: 71.205.81.222
-  Document emailed to Sandra C. Thomas (stthomas@newlandco.com) for signature
2021-01-05 - 6:20:31 PM GMT
-  Email viewed by Sandra C. Thomas (stthomas@newlandco.com)
2021-01-12 - 7:15:32 PM GMT- IP address: 96.90.167.101
-  Document e-signed by Sandra C. Thomas (stthomas@newlandco.com)
Signature Date: 2021-01-12 - 7:59:01 PM GMT - Time Source: server- IP address: 96.90.167.101
-  Agreement completed.
2021-01-12 - 7:59:01 PM GMT