

**KREMMLING SANITATION DISTRICT**

**RESOLUTION 2026-02-02**

**RESOLUTION ADOPTING POLICY**

**WHEREAS**, the Kremmling Sanitation District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, located in the County of Grand, Colorado, and is a duly organized and existing special district pursuant to C.R.S. § 32-1-101 *et seq.*

**WHEREAS**, the Board of Directors (the “Board”) has the management, control, and supervision of all the business and affairs of the District, pursuant to C.R.S. § 32-1-1001(1)(h).

**WHEREAS**, the Board may appoint, exercise all rights and powers necessary or incidental to or implied from the specific powers granted to special districts pursuant to C.R.S. § 32-1-1001(1)(n).

**WHEREAS**, the District desires to clarify its general operating policies and consolidate the same into easy-to-understand policy documents.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Kremmling Sanitation District as follows:

1. Governance. Exhibit A, attached hereto and incorporated by this reference, is adopted as the District’s Governance Retention.
2. Conflict of Interest. Exhibit B, attached hereto and incorporated by this reference, is adopted as the District’s Policy on Conflict of Interest.
3. Open Records Exhibit C, attached hereto and incorporated by this reference, is adopted as the District’s Policy on Open Records.
4. 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.
5. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED by the Board this 9th day of March 2026.

**KREMMLING SANITATION DISTRICT**

By: *Noble Underbrink*  
Noble Underbrink (Mar 16, 2026 09:53:49 MDT)  
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Noble Underbrink  
President

ATTEST:

*Alan N. Hassler*  
Alan N. Hassler (Mar 17, 2026 13:40:29 MDT)  
\_\_\_\_\_  
Alan N. Hassler  
Secretary

**Exhibit A**  
**Policy on Governance**

# KREMMLING SANITATION DISTRICT

## Policy on Governance

Adopted: March 9, 2026

1. Purpose. This Governance Policy (the “Policy”) establishes the respective roles, responsibilities, and authority of the Board of Directors (the “Board”) and the District Manager of the Kremmling Sanitation District (“District”) in accordance with generally accepted principles of Policy Governance. This Policy is intended to ensure lawful, ethical, transparent, and effective governance while clearly separating governance from management.
2. Authority. This Policy is adopted pursuant to, and shall be interpreted consistently with the:
  - a. Colorado Special District Act, C.R.S. §§ 32-1-101 *et seq.*
  - b. Colorado Local Government Budget Law, C.R.S. §§ 29-1-101 *et seq.*
  - c. Colorado Open Records Act (“CORA”), C.R.S. §§ 24-72-201 *et seq.*
  - d. Ethics, conflicts of interest, and disclosures, C.R.S. §§ 24-18-101 *et seq.* and C.R.S. § 32-1-902
  - e. Elections and director qualifications, C.R.S. §§ 1-1-101 *et seq.* and C.R.S. § 32-1-801 *et seq.*
3. Role and Authority of The Board of Directors. The Board derives its authority from C.R.S. § 32-1-1001, which vests the board of directors with all powers necessary to manage and conduct the business and affairs of the district.

Acting collectively, the Board shall:

- a. Adopt Policy and Strategy.
  - i. Establish governance, financial, and operational policies.
  - ii. Set the District’s mission, long-range goals, and strategic priorities.
- b. Fiscal Oversight.
  - i. Adopt the annual budget and appropriations.
  - ii. Certify mill levies and fix rates and fees.

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- iii. Ensure independent audits and financial reporting as required by law.
- c. Employment of the District Manager. Employ, evaluate, and compensate the District Manager.
- d. Employment of the Superintendent. Employ, evaluate, and compensate the Superintendent.

The Board shall not:

- e. Direct or supervise District employees other than the District Manager and Superintendent.
  - f. Engage in day-to-day operational decision-making.
  - g. Exercise individual authority outside of a duly noticed public meeting.
  - h. Take action inconsistent with adopted budgetary appropriations.
4. Role and Responsibility of the District Manager. The District Manager shall be the District's chief executive and administrative officer and shall administer the daily business and affairs of the District. The District Manager is an employee of the Board, pursuant to C.R.S. § 32-1-1001(1)(i).

Within the scope of Board policy and law, the District Manager shall:

- a. Monitor and evaluate the revenues and expenditures of the District and notify the Board when expenditures exceed revenues.
- b. Keep or cause to have kept accurate and timely books, papers, records, and accounts of the District's activities, finances, and operations.
- c. Execute contracts and approve expenditures within limits established by the Board.
- d. Prepare and recommend the annual budget and capital plans.
- e. Evaluate, discipline, and compensate, within budgetary constraints, District employees.
- f. Prepare bid specifications and obtain bids from contractors pursuant to the District's Procurement Policy.

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- g. Ensure compliance with all laws, regulations, and policies lawfully enacted.
  - h. Act in the name of and on behalf of the District in all correspondence, meetings, and communications with the public and other governmental agencies.
  - i. Represent the District before all courts of law, regulatory panels, and other governmental agencies.
5. Role and Responsibility of the Superintendent. The Superintendent shall be the District's chief of operations and shall oversee the operation of all District facilities and services. The Superintendent is an employee of the Board, pursuant to C.R.S. § 32-1-1001(1)(i).

Within the scope of Board policy and law, the Superintendent shall:

- a. Administer all District operations and services.
  - b. Oversee the operation, maintenance, repair, and replacement of all District facilities and the implementation of all District programs and services.
  - c. Administer and oversee contracts between the District and any contractors and ensure that contracted services are performed in a satisfactory manner.
  - d. Ensure the sound operation of the District's facilities and programs
  - e. Supervise, hire, and train District employees.
6. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of any law of the State of Colorado.
7. Amendment. The Board may amend this Policy from time to time, only in writing following a duly called meeting.

**Exhibit B**  
**Policy on Conflict of Interest**

# KREMMLING SANITATION DISTRICT

## Policy on Conflicts of Interest

Adopted: March 9, 2026

1. Purpose. This Policy on Conflicts of Interest (“Policy”) is adopted by the Board of Directors (the “Board”) of the Kremmling Sanitation District (the “District”) to protect the public trust and ensure District decisions are made solely in the District’s best interests, consistent with Colorado’s ethics and conflict-of-interest laws applicable to local government officials. Holding office as a director is a public trust, and directors must carry out their duties for the benefit of the people, not for private advantage. The Board adopts this policy as an exercise of the District’s powers and as a governance measure to guide Board and staff conduct.
2. Authority. This Policy is adopted pursuant to, and shall be interpreted consistently with the:
  - a. Article XXIX of the Colorado Constitution
  - b. Colorado Special District Act, C.R.S. §§ 32-1-101 *et seq.*
  - c. Colorado Local Government Officials Code of Ethics, C.R.S. §§ 24-18-103, 24-18-109, and 24-18-110.
  - d. Criminal Conflict-of-Interest provisions, C.R.S. §18-8-308
3. Definitions.
  - a. “Covered Person” means a director, officer, employee, and any member of a District committee or advisory body when acting for or on behalf of the District.
  - b. “Conflict of Interest” means a situation when a Covered Person’s private Financial Interest, or the private Financial Interest of an immediate family member or associated business, could reasonably be perceived to influence the covered person’s judgment, vote, recommendation, or action on a District matter.
  - c. “Financial Interest” means any interest that may result in a direct or indirect economic benefit or detriment that is distinguishable from the effects on the public generally.
4. Scope. This Policy applies to all District decisions and actions, including but not limited to contracts, procurements, change orders, claims, development-related

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decisions, personnel actions, and any matter that may confer an economic benefit on a covered person or a related party.

5. Governing Standards. Covered Persons must avoid conflicts of interest and the appearance of impropriety and must comply with the rules of conduct for local government officials and employees in Colorado law. Covered persons must not perform official acts that directly and substantially affect, to their economic benefit, a business or undertaking in which they have a substantial financial interest, except as permitted by law and after complying with disclosure and recusal requirements described in this Policy.
6. Duty to Disclose Promptly and Before Action. Any Covered Person who knows or reasonably should know of a potential Conflict of Interest related to a District matter shall disclose it as soon as the Conflict of Interest becomes known and, in all events, before participating in discussion, advocacy, negotiation, recommendation, or a vote on the matter. For Board actions, the director must disclose the Conflict of Interest on the record at a public meeting and ensure the disclosure is reflected in the minutes. Where written disclosure is required or advisable, the Covered Person must prepare a written disclosure describing the nature of the Conflict of Interest sufficiently to inform the Board and the public.

Colorado law provides a mechanism for written voluntary disclosure to the Secretary of State describing the Conflict of Interest, and it provides that such disclosure can operate as an affirmative defense to certain civil, criminal, or other sanctions relating to Conflict of Interest when properly made. In addition, Colorado criminal law separately requires advance written notice (at least seventy-two (72) hours) to the Secretary of State and to the governing body before exercising substantial discretionary functions in connection with a government pecuniary transaction when the director has a known potential Conflict of Interest.

7. Recusal, Abstention, and Non-Participation. A director with a disclosed Conflict of Interest shall recuse themselves from the matter, except where the conflict is of a de minimis value. Recusal under this Policy means the director will not debate, advocate, negotiate, attempt to influence other directors (formally or informally), or vote on the matter, and will not direct staff regarding the matter except to facilitate administrative handling of the recusal. When practical, and especially when the matter is quasi-judicial, competitive procurement, or a contested contract decision, the recused director should also leave the dais during deliberation and vote to avoid any appearance of influence, and the minutes should reflect the director's recusal and whether the director was present during deliberations.
8. Contracting and Procurement Safeguards. No Covered Person may use their position to secure unwarranted privileges, contracts, purchase orders, payments,

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or other pecuniary benefits for themselves, an immediate family member, or an associated business. Covered Persons must not participate in the specification, selection, evaluation, negotiation, administration, approval, or change-order process for any vendor or contractor where the covered person has a Conflict of Interest. The District will use procurement practices designed to reduce risk, including clear scopes, competitive processes where feasible, documentation of selection rationale, and segregation of duties in invoice approval when a potential Conflict of Interest exists, consistent with the overarching duties imposed by Colorado ethics law on local officials and employees.

9. Gifts, Gratuities, and Things of Value. Covered Persons must comply with Article XXIX of the Colorado Constitution and applicable statutes and rules governing gifts and things of value, including restrictions that may apply to local government officials and employees. The District prohibits any Covered Person from soliciting or accepting any gift, favor, service, or other thing of value that could reasonably be construed as intended to influence a District decision or reward official action, whether offered directly or indirectly through an intermediary.
10. Disclosure Records. The District's records custodian shall maintain a Conflict of Interest file containing written disclosures submitted under this Policy and any related correspondence. For Board matters, the minutes will reflect the disclosure, the nature of the Conflict of Interest stated on the record, and the director's recusal/nonparticipation. If a director makes a written disclosure to the Secretary of State under Colorado's voluntary disclosure statute, the director should also provide a copy to the District for its records.
11. Training and Advice. The District may provide periodic ethics and conflict-of-interest training for directors and key staff. When a Covered Person is uncertain whether a conflict exists or how to handle it, the Covered Person should seek advice from the District's legal counsel before participating.
12. Violations and Enforcement. Violations of this Policy may result in remedial actions deemed appropriate by the Board and consistent with law, which may include censure, reassignment of duties, contract safeguards, referral to legal counsel for further evaluation, or other corrective measures. Covered Persons are also reminded that failure to disclose a conflict of interest may carry criminal consequences under Colorado law in certain circumstances. Nothing in this Policy limits the authority of any enforcement body or the applicability of any civil or criminal statute.
13. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of any law of the State of Colorado.
14. Amendment. The Board may amend this Policy from time to time, only in writing following a duly called meeting.

**Exhibit C**  
**Policy on Open Records**

# KREMMLING SANITATION DISTRICT

## Policy on Open Records

Adopted: March 9, 2026

1. Purpose. This Policy on Open Records (“Policy”) is adopted by the Board of Directors (the “Board”) of the Kremmling Sanitation District (the “District”) to adopt a public records request policy pursuant to C.R.S. § 24-72-203(1); provide access to and the protect the integrity of Public Records in the custody of the District; to prevent unnecessary interference with the regular discharge of the duties of the District and its manager in compliance with the CORA; to establish reasonable and standardized fees for producing copies of and information from records maintained by the District as authorized by CORA; and set forth a general procedure for providing consistent, prompt and equitable service to those requesting access to Public Records.
2. Authority. This Policy is adopted pursuant to, and shall be interpreted consistently with the following:
  - a. Colorado Open Records Act, C.R.S. § 24-72-201 *et seq.* (“CORA”)
  - b. Colorado Special District Act, C.R.S. § 32-1-101 *et seq.*
3. Definitions.
  - a. “Custodian” means the official designated by the Board to serve as custodian for the maintenance, care, and keeping of all Public Records of the District, in accordance with C.R.S. § 24-72-202, and to oversee the collection, retention, and retrieval of Public Records of the District.
  - b. “Public Records” has the same meaning as C.R.S. § 24-72-202(6).
4. Scope. This Policy applies to requests submitted to the District for the inspection of Public Records pursuant to CORA and shall supersede any previously adopted CORA policies of the District.
5. Submission of Requests.
  - a. Requests for inspection of Public Records are to be submitted in writing on an official request form to the Custodian, and must be sufficiently specific as to enable the Custodian to locate the information requested with reasonable effort. The Custodian shall produce an official request

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form to facilitate the submission of requests in a form and format of their choosing.

- b. Requests may be submitted by mail, fax, email, web form, or be hand-delivered.
- c. A request shall be considered made when the request is actually received by the Custodian:
  - i. A letter is received when it is opened in the usual course of business by the recipient or a person authorized to open the recipient's mail.
  - ii. A fax is received when it is printed during regular business hours, or, if received after hours, at 8:30 AM on the following business day.
  - iii. An email is received when it is received and opened during regular business hours, or, if received after hours, at 8:30 AM on the following business day.
- d. If a deposit is required, the request is not considered received until the deposit is paid.

6. Inspection.

- a. The Custodian or the Custodian's designee shall make the requested Public Records available for inspection during regular business hours, deemed to be from 8:00 AM to 5:00 PM, Monday through Friday, except for times the Custodian's office is closed. During the inspection of Public Records, the Custodian may ask that the requester follow certain procedures to protect the integrity of the Public Records.
- b. If a Public Record is not immediately or readily available for inspection, the Custodian or the Custodian's designee shall make an appointment or other arrangements with the applicant concerning the time at which the requested record will be available. The Public Record shall be made available for inspection within a reasonable time, which is presumed to be three (3) working days or less from the date of receipt of the request. Such three (3) day period may be extended by an additional seven (7) working

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days if extenuating circumstances, as described in C.R.S. § 24-72-203 (3)(b), exist. Responding to applications for inspection of Public Records need not take priority over the previously scheduled work activities of the Custodian or the Custodian's designee.

- c. No one shall remove a Public Record from the Custodian's offices without the permission of the Custodian. Public Records may be removed from file folders or places of storage for photocopying by the Custodian or the Custodian's designee. The Custodian may allow a person to use their own portable electronic equipment to make copies of Public Records.
- d. As a general practice, in response to a Public Records request:
  - i. Public Records will be made available for inspection in the format in which they are stored. If the Custodian is unable to produce the Public Record in its stored format for any reason set forth in C.R.S. § 24-72-203(3.5)(b), an alternative format may be produced or a denial issued under C.R.S. § 24-72-204.
  - ii. The person making the request shall not be allowed access to the Custodian's computer or for any other purpose, to inspect any Public Record.
  - iii. Any portion of a Public Record containing non-public information that is not subject to inspection may be redacted by the Custodian prior to making the record available for inspection. The Custodian is not required to redact information from a writing that is not a Public record in order to make the writing available for inspection.
  - iv. The Custodian, in consultation with the District's legal counsel, will determine which information is no longer considered "work-in-progress" subject to the deliberative process or work product privilege and therefore eligible for release.
  - v. Altering an existing Public Record, or excising fields of information that the Custodian is either required or permitted to withhold, does not constitute the creation of a new Public Record.

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- e. Where a request seeks in excess of twenty-five (25) electronically stored Public Records, the following procedure shall apply in responding to such a request:
  - i. The Custodian shall solicit the comments of the requester regarding any search terms to be used to locate and extract such records, and, in doing so, will seek to have the request refined so that it does not result in an inordinate number of irrelevant or duplicative documents, it being understood that the Custodian will make the final determination regarding search terms.
  - ii. The Custodian shall designate an employee or another person with experience in performing electronic searches to locate and extract responsive records.
  - iii. The person who is designated to perform the searches shall consult, as appropriate, with legal counsel to identify privileged records that should not be produced.
  - iv. Where appropriate, legal counsel shall conduct a final review to identify and withhold privileged records.
- f. The Custodian or the Custodian's designee shall deny the inspection of the records if such inspection would be contrary to federal or state law or regulation, or would violate a court order. In special circumstances, the Custodian shall deny inspection of the Public Record if such inspection would cause substantial injury to the public interest. Such a denial shall be made in writing by the Custodian to the person making the request and shall set forth with specificity the grounds of the denial. It is not necessary to state a ground for denial of access for each document if a specific ground is applicable to a group of documents.
- g. If the Public Records requested are not in the custody or control of the Custodian, the Custodian shall notify the requester of this fact in writing. In such a notification, the Custodian shall state in detail to the best of their knowledge and belief the reason for the absence of the Public Records, the location of the Public Records, and what person then has custody or control of the Public Records.

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- h. All Public Records, regardless of storage format, will be administered in accordance with approved retention schedules.

7. Fees for All Record Requests.

- a. Fees for Standard Reproductions. The Custodian or the Custodian's designee shall charge a fee not to exceed twenty-five cents (\$0.25 ) per page for any photocopies or printed copies of electronic records that are required to make a Public Record available. Other reproductions of Public Records shall be provided at a cost not to exceed the actual cost of the reproduction. Such fees shall be paid by the applicant prior to the receipt of copies of any Public Records. Requests expected to exceed a total charge of ten dollars (\$10.00) or more must be accompanied by a deposit equal to the reasonably-estimated reproduction costs. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance will be refunded.
- b. Transmission Fees. No fees related to transmission shall be charged for transmitting public records via electronic mail. Within the period specified in C.R.S. § 24-72-203 the Custodian shall notify the record requester that a copy of the record is available, but will only be sent to the requester once the custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other costs associated with producing the record. Upon receiving such payment, the custodian shall send the record to the requester as soon as practicable, but no more than three business days after receipt of such payment.

8. Fees for Search, Retrieval, and Legal Review.

- a. In the case of any request requiring more than one (1) hour of time for search, retrieval, supervision of inspection, copying, manipulation, redaction or legal counsel review to identify and withhold privileged records, the Custodian or the Custodian's designee may charge an hourly fee not to exceed the maximum amount allowed under C.R.S. § 24-72-205 (6)(a) which can be found at <https://content.leg.colorado.gov/colorado->

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open-records-act-maximum-hourly-research-and-retrieval-fee. Prior to performing any services necessary to respond to a request, the Custodian or the Custodian's designee shall require the applicant to pay a deposit equal to the reasonably estimated fees that will be charged by the Custodian for such staff time. Before receiving any records, the applicant shall also pay the amount by which the cost of any open records services exceeds the deposit. The District shall promptly refund the amount by which the deposit exceeds the cost of any open records services.

- b. To the extent possible, the Custodian shall utilize administrative or clerical staff for search and retrieval of Public Records who are ordinarily responsible for such duties to ensure that the fees charged for staff time in connection with the request represent costs incurred in the ordinary course of business and not extraordinary charges, but in any case, such charges shall be consistent with C.R.S. § 24-72-205(6).
9. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of any law of the State of Colorado.
  10. Amendment. The Board may amend this Policy from time to time, only in writing following a duly called meeting.