

**BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5
RESOLUTION 2011 - 12 - ___**

**DESIGNATING CLIFTON GUNDERSON LLP AS THE
OFFICIAL CUSTODIAN OF RECORDS
OF THE BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5 AND
ADOPTING A RECORDS RETENTION SCHEDULE**

WHEREAS, pursuant to Section 32-1-1001(1)(h-i), C.R.S., the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 ("District") is responsible for the management, control and supervision of all business and affairs of the District and has the authority to appoint, hire, and retain agents; 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 purpose of storing, maintaining, and protecting such records in accordance with state statute and to permit their inspection in an orderly and timely fashion; and

WHEREAS, pursuant to C.R.S 24-80-101 et seq., the Colorado State Archives has developed a statewide records retention schedule in cooperation with the Special District Association, the Colorado Attorney General's Office and the State Auditor's Office for special districts and other governmental entities to use and follow; and

WHEREAS, the Board of Directors of the District has determined that it is appropriate to adopt the model special district retention schedule, unless modified by Section 3 below;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 that:

SECTION 1. Clifton Gunderson LLP, 8390 E. Crescent Parkway, Suite 500, Greenwood Village, Colorado, 80111, is hereby designated as the Official Custodian of the District's records, responsible for the maintenance, care, and keeping of all records of the District.

SECTION 2. The Official Custodian shall have the authority to designate such persons and/or organizations as it shall determine appropriate to perform any and all acts necessary to the maintenance, care, and keeping of the District's records. This may include, and shall not be limited to, the temporary, off-site storage of such records.

SECTION 3. Unless otherwise prescribed by Statute, all District records shall be retained in accordance with the records retention schedule approved by the State Archivist. This records retention schedule may be amended from time to time as required by the Official Custodian or by the State Archivist.

SECTION 4. All District records are public records and shall be available for public inspection, unless prohibited by the exceptions of Part 2 of Title 24, Article 72 ("Public Records Act"). Inspection shall be permitted during normal business hours, Monday through Friday, except on holidays, at a time set by the Official Custodian. The Official Custodian shall adopt procedures regarding the inspection and copying of the District's records.

SECTION 5. 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 be prohibited by one or more exceptions set forth in the Public Records Act.

The foregoing Resolution was approved and adopted this 5th day of December, 2011.



Banning Lewis Ranch Metropolitan
District No. 5

By: 
Chairman

ATTEST:

By: 
Secretary