

RESOLUTION NO. 19-01

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Posting of Public Meeting Notices**

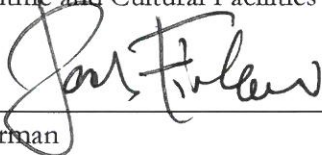
WHEREAS, pursuant to C.R.S. §24-6-402(2)(c), the Scientific and Cultural Facilities District (SCFD) is required to announce at its first meeting of the year where it posts public notices of SCFD board meetings.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. The SCFD will post its public meeting notices at least 72 hours prior to the meeting and its public meeting agendas at least 24 hours prior to the meeting on the following public sites:

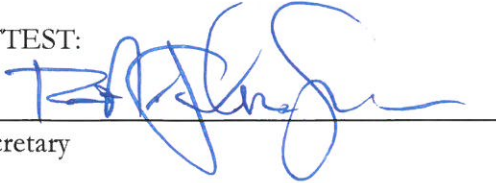
- SCFD office, 899 Logan St., Suite 500, Denver, CO 80203
- SCFD website, www.scfcd.org
- By email sent to each county or city and county within the SCFD
- By email sent to the Denver Post and all newspapers and media on the SCFD press list

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 24th day of January 2019.



Chairman

ATTEST:



Secretary



RESOLUTION NO. 19-02

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Amending Purchasing/Bidding Policies**

WHEREAS, the SCFD Board of Directors adopted Resolution 00-3: Pertaining to Purchasing/Bidding Policies on May 18, 2000; and

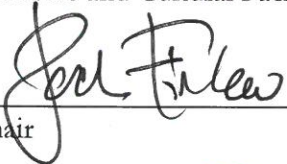
WHEREAS, technology and commerce has changed over the last 18 years and SCFD wishes to have policies that reflect the current business landscape and up-to-date best practices; and

WHEREAS, The SCFD desires to balance the need for strong internal controls over the procurement of goods and services with the need for operational efficiency;

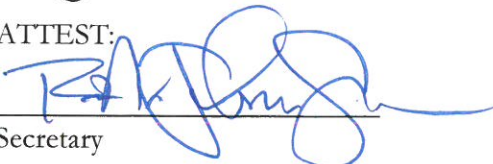
THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. Effective immediately, the new SCFD Procurement Policy reviewed by the board and provided for inspection at a public meeting will replace the policy passed in 2000.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 24th day of January 2019.



Chair

ATTEST:


Secretary



RESOLUTION NO. 19-03

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Adjustment of the Appropriation and Distribution of 2018 Revenue Collected**

WHEREAS, pursuant to Resolution 17-13 Pertaining to the fiscal year 2018 SCFD budget, the Scientific and Cultural Facilities District (SCFD) had projected and budgeted \$56,000,000 in 2018 sales and use tax revenue, but now in fact actual sales and use tax revenue of \$63,071,740.10 was collected through December 2018; and

WHEREAS, SCFD must appropriate \$7,071,740.10 in funds collected above funds budgeted, of which \$6,965,664 represent funds for distribution and \$106,076.10 represent funds for administration; and

WHEREAS, SCFD had budgeted 2018 revenue of \$34,475,000 for Tier I; \$12,568,600 for Tier II; and \$8,116,400 for Tier III; and \$840,000 for administration; and

WHEREAS, based on the distribution formulas in C.R.S. §32-13-107(3)(a), (b) and (c), and the actual 2018 revenue collected, the SCFD board will distribute a total of \$38,475,627.23 for Tier I funds; \$14,359,540.14 for Tier II funds; and \$9,290,496.63 for Tier III funds; and \$946,076.10 for administration and operations;

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To adjust the 2018 appropriated funds as reflected in the tables below.

Expendable Trust/Distribution Account:

	Total
Tier I	\$38,475,627.23
Tier II	\$14,359,540.14
Tier III	\$9,290,496.63
Total	\$62,125,664.00

Administration/Operating Account:

Total	\$946,076.10
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Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 28th day of February 2019.



Chair

ATTEST:



Secretary



**A Resolution of the Scientific and Cultural Facilities District
Pertaining to 2019 Tier III Budgeted Distribution**

WHEREAS, pursuant to C.R.S. §§32-13-105(4)(a)(III) and (5)(a)(III) and §32-13-107(3)(c) the distribution share designated to each county for Tier III is based on the previous year's proportionate collection of sales and use tax within each county and the SCFD board's budgeted revenue for the current year; and

WHEREAS, the Tier III portion of the 2019 budgeted sales and use tax revenues is \$8,924,100, less each county's proportional share of a 10% contingency reserve of \$892,410.01, for a total of \$8,031,689.99; and

WHEREAS, the total amount available for 2019 distribution includes county-specific adjustments totaling \$2,026,712.50.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

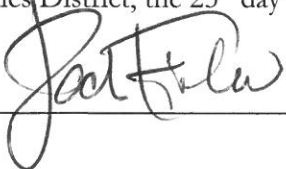
Section 1. To allow for the distribution of \$10,058,402.49 in Tier III funds in the following manner:

County	2018 Sales & Use Tax %	Share of 2019 Budgeted Funds*	County-Specific Adjustments**	Total Budgeted 2019 Funds for Distribution
Adams	16.5511 %	\$1,329,334.34	\$420,521.84	\$1,749,856.18
Arapahoe	19.5506 %	\$1,570,244.62	\$378,698.30	\$1,948,942.92
Boulder	9.3945 %	\$754,540.92	\$188,674.93	\$943,215.85
Broomfield	2.2314 %	\$179,209.10	\$49,476.36	\$228,685.46
Denver	28.2274 %	\$2,267,141.08	\$522,556.22	\$2,789,697.30
Douglas	8.5424 %	\$686,102.72	\$164,333.60	\$850,436.32
Jefferson	15.5026 %	\$1,245,117.21	\$302,451.25	\$1,547,568.46
Total	100.0000 %	\$8,031,689.99	\$2,026,712.50	\$10,058,402.49

*Reflects each county's proportional share of the budgeted \$8,924,100 in 2019 Tier III funds less its 10% share of the contingency reserve.

**County-specific adjustments may include prior year returned funds and adjustments for actual tax revenue collected.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 25th day of April 2019.


Chair

ATTEST:

Secretary



RESOLUTION NO. 19-05

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to 2019 Tier I Budgeted Funds Distribution**

WHEREAS, C.R.S. §32-13-107(3)(a)(I), (II) and (III) direct the distribution of funds by formula to the Denver Museum of Nature and Science, the Denver Zoo, the Denver Art Museum, the Denver Center for Performing Arts, and the Denver Botanic Gardens, collectively known as Tier I organizations; and

WHEREAS, the Tier I scientific and cultural facilities submitted their annual certification reports and made presentations to the Scientific and Cultural Facilities District Board of Directors on the actual use of the 2018 Funds and proposed use of the 2019 Funds; and

WHEREAS, the Tier I organizations have demonstrated compliance with SCFD statutory requirements and reporting requirements established by the Board;

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To authorize the distribution of \$36,307,100.00¹ in collected sales and use tax in the following distribution pursuant to the 2019 SCFD budget and revenue:

Organization	% of Tier I Revenue	Total Revenue
DMNS	24.50%	\$8,895,239.50
ZOO	24.24%	\$8,800,841.04
DAM	20.33%	\$7,381,233.43
DCPA	17.68%	\$6,419,095.28
DBG	13.25%	\$4,810,690.75
TOTAL	100%	\$36,307,100.00

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 23rd day of May 2019.


Chairman

ATTEST:


Secretary

¹ Distributions are based on SCFD Board budgeted revenue and may be modified in accordance with actual revenue collected. Total budgeted 2019 Revenue = \$60,000,000. \$38,000,000 - \$570,000 (1.5% for admin.) = \$37,430,000 in distributable funds up to \$38M. \$37,430,000 x .64 = \$23,955,200. Above \$38M: \$22,000,000 - \$330,000 (1.5% for admin) = \$21,670,000 x .57 = \$12,351,900 in distributable funds over \$38M. \$23,955,200 + \$12,351,900 = Total **budgeted** Tier I distribution of \$36,307,100.



RESOLUTION NO. 19-06

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Corrected Appropriation and Distribution of 2018 Revenue**

WHEREAS, pursuant to Resolution 19-03 Pertaining to Adjustment of the Appropriation and Distribution of 2018 Revenue Collected, the Scientific and Cultural Facilities District (SCFD) based resolution distributions on sales and use tax revenue of \$63,071,740.10, as reported to SCFD by the Colorado Department of Revenue; and

WHEREAS, after the adoption of resolution 19-03, the Colorado Department of Revenue informed SCFD of an additional \$90,842.83 of 2018 sales and use tax owed to SCFD, bringing the corrected 2018 total sales and use tax revenue to \$63,162,582.93; and

WHEREAS, during audit field work completed by CliftonLarsonAllen LLP, the additional revenue of \$90,842.83 was confirmed;

THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To adjust the 2018 appropriated funds as reflected in the tables below.

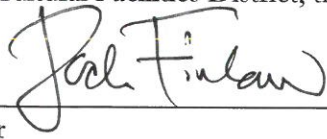
Expendable Trust/Distribution Account:

	Total
Tier I	\$38,526,630.93
Tier II	\$14,382,804.99
Tier III	\$9,305,708.27
Total	\$62,215,144.19

Administration/Operating Account:

Total	\$947,438.74
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Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 23rd day of May 2019.


Chair

ATTEST:


Secretary



RESOLUTION NO. 19-07

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Acceptance and Approval of the Fiscal Year 2018 Audit**

WHEREAS, the Scientific and Cultural Facilities District completed the Fiscal Year 2018 Audit as required by Colorado Local Government statute C.R.S. §29-1-603 (2015);

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To accept and approve the Fiscal Year 2018 Audit as presented by CliftonLarsonAllen LLP.

Section 2. To adjust the board-approved 2019 budget beginning general fund balance from \$1,077,884 to \$1,160,852 in accordance with the audited fund balance as of December 31, 2018.

Section 3. To adjust the amount of committed funds for Fiscal Year 2019 operating reserves to \$442,373 based on current board policy, which is no more than 6 months of the prior year's audited operating expenditures.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 27th day of June 2019.



Chair

ATTEST:


Secretary



RESOLUTION NO. 19-08

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to the Creation of the Election Cost Reserve**

WHEREAS, C.R.S. §32-13-106(2)(a)(b) empowers the Scientific and Cultural Facilities District (“SCFD”) Board of Directors to adopt and amend rules of procedure; and

WHEREAS, C.R.S. §32-13-107(3) gives the SCFD the authority to pay election costs from the proceeds of the SCFD sales and use tax revenues prior to making distributions to qualified recipients of the SCFD’s funds; and

WHEREAS, the SCFD incurred election costs in the 2016 election in the amount of \$910,000 that were recovered from 2017 distributions; and

WHEREAS, according to the Board adopted 2018 Financial Audit, the SCFD has a fund balance of \$1,160,852 due to a robust economy and sound and conservative budgeting practices; and

WHEREAS, the SCFD desires to establish a reserve to apply to future election costs to minimize, to the extent possible, the impact on recipient organizations.

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

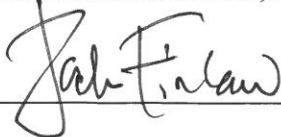
Section 1. To create a board committed reserve for the purpose of paying some or all of election costs when the SCFD statute is again put before the voters of the SCFD for reauthorization.

Section 2. To transfer \$400,000 from the general fund balance to the Election Cost Reserve.

Section 3. SCFD will pay for the election costs and will determine at the time of reauthorization how much can be paid by the reserve and/or whether any amount needs to be taken from future distributions.

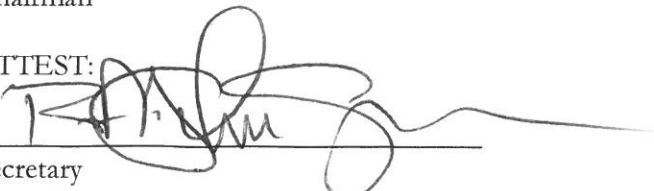
Section 4. This amount cannot be used for any other purpose unless the Board of Directors removes or changes the specific use by taking formal board action.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 27th day of June 2019.



Chairman

ATTEST:



Secretary



RESOLUTION NO. 19-09

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Organizations Qualifying for 2019 Tier II Funds**

WHEREAS, 28 organizations submitted qualification applications by the May 22, 2019 deadline to the Scientific and Cultural Facilities District for 2019 funding as specified under C.R.S. §32-13-107(3)(b); and

WHEREAS, each organization submitted by the July 3, 2019 deadline its annual certification report and made a presentation to the Scientific and Cultural Facilities District Board of Directors on the actual use of the 2018 SCFD funds and proposed use of the 2019 SCFD funds as required by the District; and

WHEREAS, each organization below has met statutory criteria for SCFD eligibility to receive the funds as described in C.R.S. §32-13-107(3)(b).

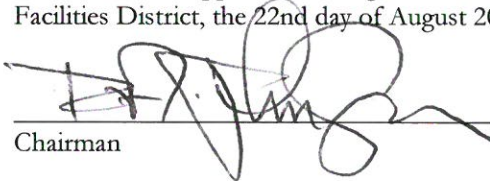
THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To approve the scheduled distribution of funds as set forth in the table below. This schedule of board approved, budgeted 2019 distributions is subject to modification based upon actual revenue collected.

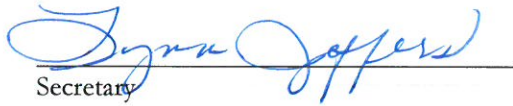
Organization	Total Funds
Arvada Center for the Arts and Humanities	\$1,132,207.23
Central City Opera	\$329,730.72
Cherry Creek Arts Festival	\$101,658.30
Children's Museum of Denver	\$1,502,823.17
City of Aurora Cultural Services Division	\$311,978.66
City of Lone Tree Cultural and Community Services Division	\$255,158.18
Clyfford Still Museum	\$289,414.12
Colorado Ballet	\$921,429.20
Colorado Chautauqua Association	\$755,613.83
Colorado Children's Chorale	\$176,965.89
Colorado Mountain Club	\$237,572.54
Colorado Music Festival & Center for Musical Arts	\$174,968.78
Colorado Railroad Museum	\$315,903.53
Colorado Symphony Association	\$1,182,772.87
Denver Film Society	\$602,252.64
eTown	\$181,390.04
Hudson Gardens and Event Center	\$461,914.25
Lakewood Heritage, Culture & the Arts	\$403,901.06
Lighthouse Writers Workshop	\$176,619.17
Lion Global Foundation dba Mizel Museum	\$446,700.18
Mizel Arts and Culture Center	\$380,601.48
Museum of Contemporary Art Denver	\$460,444.16
Opera Colorado	\$272,993.46

Rocky Mountain Bird Observatory	\$359,964.70
Rocky Mountain Butterfly Consortium	\$825,360.03
Swallow Hill Music Association	\$701,580.99
Town of Parker Cultural Department	\$477,488.92
Wings Over the Rockies Air & Space Museum	\$429,391.92
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	\$13,868,800.00

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 22nd day of August 2019.



 Chairman



 Secretary



RESOLUTION NO. 19-10

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Distribution of 2019 Tier III Funds**

WHEREAS, Tier III eligible organizations have submitted grant applications in compliance with C.R.S. §32-13-107(3)(c)(I)(A), (B) and (C); and

WHEREAS, the County Cultural Councils have prepared their annual funding plans in accordance with C.R.S. §32-13-107(3)(c)(II); and

WHEREAS, the County Commissioners in Adams, Arapahoe, Boulder, Douglas and Jefferson Counties and the City Councils in Broomfield and Denver Counties have adopted resolutions approving their respective County Cultural Councils' annual funding plans prior to submission of the funding plans to the District Board of Directors; and

WHEREAS, C.R.S. §32-13-107(3)(c)(II) authorizes the District Board of Directors to approve the 2019 annual funding plans submitted pursuant to statute;

THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. To approve the distribution of funds as set forth in the annual funding plans pending the fulfillment by each organization of any outstanding obligations, eligibility requirements, restrictions or advisements.

Section 2. To distribute per each county annual funding plan, excluding any unallocated rollover or carry forward funds noted on its annual funding plan, the amounts specified below:

Adams	\$1,757,424.73
Arapahoe	\$1,954,978.92
Boulder	\$ 947,715.85
Broomfield	\$ 228,685.46
Denver	\$2,650,212.43
Douglas	\$ 850,436.32
Jefferson	\$1,550,075.21
Total	\$9,939,528.92

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 26th day of September 2019.

Chair

ATTEST:





RESOLUTION NO. 19-11

**A Resolution of the Scientific and Cultural Facilities District
Pertaining to Fiscal Year 2020 Expenditures and Revenues for the General and
Expendable Trust Funds and Adopting the 2020 Budget**

WHEREAS, the Board of Directors of the Scientific and Cultural Facilities District, pursuant to C.R.S. §29-1-105, has appointed Deborah Jordy, Executive Director, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Ms. Jordy submitted a proposed budget to this governing body on September 26, 2019 for its consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with C.R.S. §29-1-106, said proposed budget was open for inspection by the public at the SCFD office, a public hearing was held on October 24, 2019, and interested taxpayers were given the opportunity to inspect the proposed budget and file or register any objections to said proposed budget, and;

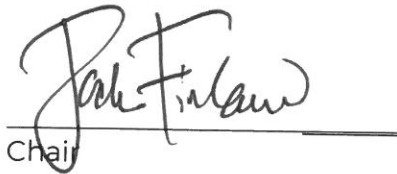
WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. That the budget as submitted, amended, and summarized by fund, is hereby approved and adopted as the budget of the Scientific and Cultural Facilities District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the Chairman and Treasurer and made a part of the public records of the District.

Introduced and Approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 24th day of October 2019.


Chair

ATTEST:

Treasurer



RESOLUTION NO. 19-12

A Resolution of the Scientific and Cultural Facilities District Adopting Procedures for Protecting and Destroying Customer Information Maintained by the District

WHEREAS, as set forth in §§ 24-73-101 *et seq.*, C.R.S., governmental entities in Colorado that maintain, own, or license personal identifying information are required to develop a written policy for the destruction and proper disposal of paper and electronic documents that contain personal identifying information, to maintain reasonable security procedures and practices for personal identifying information, and to notify Colorado residents following a security breach of personal information; and

WHEREAS, the Board of Directors (the “Board”) of the Scientific and Cultural Facilities District (the “District”) desires to adopt and implement a policy for the destruction and proper disposal for paper and electronic documents that contain personal identifying information, a policy for protecting personal identifying information, and a policy for notifying District Customers (as defined herein) following a security breach of personal information.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AS FOLLOWS:

Section 1. Definitions.

- (a) “District Customers” shall mean Colorado residents and any other individuals that have provided Personal Identifying Information and Personal Information to the District and such Personal Identifying Information and Personal Information is maintained by the District.
- (b) “Personal Identifying Information” means the following:
 - i. Social security number
 - ii. Personal identification number
 - iii. A password
 - iv. A pass code
 - v. An official state or government-issued driver’s license or identification card
 - vi. A government passport number
 - vii. Biometric data, as defined in C.R.S. § 24-73-103(1)(a)
 - viii. An employer, student, or military identification number
 - ix. A financial transaction device, as defined in C.R.S. § 18-5-701(3).
- (b) “Personal Information” means:
 - (i) A District Customer’s first name or first initial and last name in combination with any one or more of the following data elements that relate to the District Customer, when the data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable: Social security

number; driver's license number or identification card number; student, military, or passport identification number; medical information; health insurance identification number; or biometric data, as defined in C.R.S. § 24-73-103(1)(a);

- (ii) A District Customer's username or e-mail address, in combination with a password or security questions and answers, that would permit access to an online account; or
 - (iii) A District Customer's account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account.
- (c) "Security Breach" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of Personal Information maintained by the District.
- (d) "Third-Party Service Provider" means an entity that has been contracted to maintain, store, or process Personal Identifying Information or Personal Information on behalf of the District.

Section 2. Security Measures. The District shall protect Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction by implementing and maintaining the following security procedures and practices:

- (a) The District will limit access to Personal Identifying Information by the District's board of directors, employees, volunteers, committee members, and agents (collectively, the "District Associates") to the minimum level of information necessary to accomplish their duties and responsibilities by requiring password access to workstations, servers, applications, and certain parts of applications;
- (b) The District will modify or terminate a District Associate's access to Personal Identifying Information as necessary when the District Associate's duties and responsibilities change, new or upgraded application software allows greater control of application access, or the District Associate's association with the District is terminated;
- (c) The District will monitor system logins, file access, and security incidents associated with Personal Identifying Information stored on or transmitted by the District's computer systems, including:
 - i. Using and regularly reviewing system traces;
 - ii. Using and regularly reviewing audit functionality available through application software; and
- (d) The District will educate the District Associates regarding privacy and confidentiality of Personal Identifying Information in accordance with these policies and the applicable laws and regulations.

The District may implement additional security procedures, as the District deems necessary, that are appropriate to the nature of the Personal Identifying Information and the nature and size of the District and its operations.

Section 3. Document Destruction and Disposal. The District is required to comply with the following rules:

- (a) When paper or electronic documents that contain Personal Identifying Information are in the custody or control of the District, and such paper or electronic documents are no longer needed, unless longer retention is required by contractual or legal requirements, the District shall destroy or arrange for the destruction of such paper or electronic documents by shredding, erasing, or otherwise modifying the Personal Identifying Information in the paper or electronic documents to make the Personal Identifying Information unreadable or indecipherable through any means;
- (b) No paper or electronic documents containing Personal Identifying Information will be destroyed if pertinent to any ongoing or anticipated government or law enforcement investigation or proceeding, or litigation;
- (c) No paper or electronic documents containing Personal Identifying Information will be destroyed if their retention or destruction is additionally governed by other laws of the State or the Federal Government; and
- (e) If there is any question as to whether a document contains Personal Identifying Information, the District shall consult with legal counsel for a final determination as to whether the document should be retained or destroyed.

Section 4. Third-Party Service Providers. Unless the District agrees to provide its own security protection for the Personal Identifying Information it discloses to a Third-Party Service Provider, the District shall require that the Third-Party Service Provider to implement and maintain reasonable security procedures and practices that are:

- (a) appropriate to the nature of the Personal Identifying Information that is disclosed to the Third-Party Service Provider; and
- (b) reasonably designed to help protect the Personal Identifying Information from unauthorized access, use, modification, disclosure, or destruction.

Section 5. Disclosure of Security Breach. When the District becomes aware that a Security Breach may have occurred, the District will conduct, in good faith, a prompt investigation to determine the likelihood that Personal Information maintained by the District has been or will be misused.

- (a) Notice of Security Breach. Unless the District's investigation determines that the misuse of information about District Customers has not

occurred and is not reasonably likely to occur, the District shall give notice ("Notice") to the affected District Customers in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The District shall not charge the District Customers for the cost of sending the Notice.

- (1) Notice shall be provided by one of the following means:
 - (i) Written notice to the postal address listed in the records of the District;
 - (ii) Telephonic Notice;
 - (iii) Electronic Notice, if a primary means of communication by the District with a District Customer is by electronic means or the notice provided is consistent with the provisions regarding electronic records and signatures set forth in the federal "Electronic Signatures in Global and National Commerce Act", 15 U.S.C. sec. 7001 *et seq.*; or
 - (iv) Substitute Notice, if the District determines that the cost of providing Notice will exceed \$250,000, the affected class of persons to be notified exceeds 250,000 persons, or the District does not have sufficient contact information to provide Notice. Substitute Notice shall be provided via e-mail if the District has e-mail addresses for the persons affected or via the conspicuous posting of the notice on the website page of the District.

- (2) The Notice shall include, but need not be limited to, the following information:
 - (i) The date, estimated date, or estimated date range of the Security Breach;
 - (ii) A description of the Personal Information that was acquired or reasonably believed to have been acquired as part of the Security Breach;
 - (iii) Information that the District Customer can use to contact the District to inquire about the Security Breach;
 - (iv) The toll-free numbers, addresses, and websites for consumer reporting agencies;
 - (v) The toll-free number, address, and website for the federal trade commission; and
 - (vi) A statement that the District Customer can obtain information from the federal trade commission and the credit reporting agencies about fraud alerts and security freezes.

- (b) Additional Notice Upon Determination of Security Breach. If an investigation by the District determines that Personal Information as defined in subsection (1)(b)(ii) above has been misused or is reasonably likely to be misused, the District shall, in addition to the Notice set forth in subsection (5)(a) above, and in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, and consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system, direct the person whose Personal Information as defined in subsection (1)(b)(ii) above has been breached to (i) promptly change his or her password and security question or answer, as applicable, or (ii) take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose Personal Information has been breached uses the same username or e-mail address and password or security question or answer.
- (c) Third-Party Service Providers. If the District uses a Third-Party Service Provider to maintain computerized data that includes Personal Information, the District shall require the Third-Party Service Provider to give notice to and cooperate with the District in the event of a Security Breach that compromises such computerized data, including notifying the District of any Security Breach in the most expedient time and without unreasonable delay following discovery of a Security Breach, if misuse of Personal Information about a District Customer occurred or is likely to occur. Cooperation includes sharing with the covered entity information relevant to the Security Breach; except that such cooperation does not require the disclosure of confidential business information or trade secrets.
- (d) Delayed Notice. The District may delay providing Notice as required by this Section 5 to affected District Customers if a law enforcement agency determines that Notice will impede a criminal investigation and the law enforcement agency has notified the District not to send Notice. The District will provide Notice in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the law enforcement agency determines that notification will no longer impede the investigation, and has notified the District that it is appropriate to send Notice.
- (e) Notice to the Colorado Attorney General. The District shall provide notice of any Security Breach to the Colorado Attorney General in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, if the Security Breach is reasonably believed to have affected five hundred (500) District Customers or more, unless the

investigation determines that the misuse of information about District Customers has not occurred and is not likely to occur.

- (f) Notification to Consumer Reporting Agencies. If the District is required to notify more than one thousand District Customers of a Security Breach pursuant to this Section 5, the District shall also notify, in the most expedient time possible and without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by the federal "Fair Credit Reporting Act", 15 U.S.C. sec. 1681a (p), of the anticipated date of the notification to the District Customers and the approximate number of District Customers who are to be notified.

Section 6. Colorado Open Records Act. This Resolution is intended to supplement and not replace the District's Colorado Open Records Act Policy and/or Records Retention Policy, if adopted by the District, and therefore this Resolution shall be read in conjunction with the requirements of the same.

Section 7. Effective Date. The provisions of this Resolution shall take effect as of the date set forth below.

Introduced and approved at a regular meeting of the Board of Directors of the Scientific and Cultural Facilities District, the 21st day of November 2019.

Chair

ATTEST:

Secretary