

RESOLUTION 23R22

A RESOLUTION APPROVING THE TOWN OF ELIZABETH RULES GOVERNING ACCESS TO PUBLIC RECORDS AND SETTING FORTH THE MAXIMUM FEES THAT MAY BE CHARGED FOR PUBLIC RECORDS REQUESTS UNDER THE COLORADO OPEN RECORDS ACT, C.R.S. § 24-72-200.1, *et seq.*

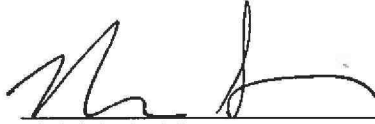
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Board of Trustees hereby approves the Town of Elizabeth Rules Governing Access to Public Records, attached hereto as Exhibit A, and incorporated herein by this reference.

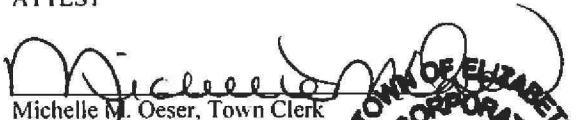
Section 2. The Town through the Town's custodian of records shall charge a fee not to exceed twenty-five cents (\$0.25) per standard page for any copy of a public record or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record which is in a format other than a standard page. For purposes of this policy, a black and white copy made on a single sheet of letter or legal-sized white paper shall constitute a "standard page."


Section 3. The Town through the Town's custodian of records shall further be authorized to charge a research and retrieval fee in accordance with C.R.S. § 24-72-205(6), which fee shall be in the amount authorized by C.R.S. § 24-72-205(6), including that the custodian shall not charge for the first hour of time expended in connection with the research and retrieval of such records.

PASSED, APPROVED, and ADOPTED this 23 day of May, 2023, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of 7 for and 0 against.


Nick Snively, Mayor

ATTEST


Michelle M. Oeser, Town Clerk





TOWN OF ELIZABETH RULES GOVERNING ACCESS TO PUBLIC RECORDS

Under the Colorado Open Records Act, CRS § 24-72-200.1 (the "Act"), public records made, maintained, or kept by the Town, regardless of format or medium, are open for inspection by the public at reasonable times. Certain records are specifically exempted from inspection by the Act or other Colorado law and all records are subject to the following rules adopted by the Town to maintain the integrity of the Town's records, account for costs to the Town of complying with requests and prevent unnecessary interference with Town operations. Reasonable requirements, consistent with these rules and the Act, may be established by the custodian of records with respect to requests as necessary and appropriate.

1. Submission of Records Requests

- a. Requests must be submitted in writing on the form provided by the Town or on a separate writing clearly indicating that the request seeks public records under the Act.
- b. Requests must be submitted to the Town Clerk, who is the official custodian of Town records (other than criminal justice records).
- c. Requests must be made with sufficient specificity to permit the efficient identification, collection, and evaluation of records. For example, to the extent available, specific requests should include information such as the record's name or title, location(s), date(s), author(s), recipient(s), specific subject matter, or category of records. Requests that are not sufficiently specific may be denied, or the Town may request clarification regarding the request. The Town may deem a request abandoned if requests are not clarified to include such.
- d. Requests (or portions of requests) that seek records that are not yet in existence, that seek disclosure on a continuing or periodic basis, that are not Town records, or that consist of interrogatories, editorials, or other similar comments will not be fulfilled.
- e. The Town may reject a request where the request or any communication relating to the request includes harassing, threatening language, or abusive conduct.
- f. The Town will deem a request as abandoned if, after ten business days, the requestor has not reviewed records made available for inspection, retrieved records by the Town in response to the request, or submitted payment for the identification, collection, evaluation, and copying of records. At such time, any original record will be returned to its normal place and copies will be destroyed.

2. Responses to Records Requests

- a. Upon receipt of a complete and properly submitted records request, the Town will strive to provide a response within three business days, excluding holidays. Record requests shall not take priority over the previously scheduled work activities of the Town. If the Town cannot respond to the request within three business days, the requestor will be notified and provided with an estimated timeframe for when the response will be fulfilled.
- b. The Town may respond to a records request by: (a) providing the requested records; (b) making the requested records available for inspection; (c) denying the request; (d) responding that there are



no records responsive to the request; (e) requesting clarification or narrowing the request; (f) providing a cost estimate to respond to the request and requesting a deposit in accordance with this policy; (g) any combination of these; or (h) any other appropriate response.

- c. Conferral between the requestor and the Town is encouraged throughout the entirety of this process.
- d. The Town is not required to create a document or collect documents from other entities in order to respond to a request for information. For example, a person denied access to certain records because of the attorney client privilege requests a "log" listing all such privileged records. Such a log is not a record the Town maintains, and the Town has no obligation to create such a record. Nonetheless, the Town may choose to create such a record and may charge the requestor associated actual costs.
- e. Pursuant to C.R.S. § 24-72-204 (3)(a)(II)(A) personnel files will not be disclosed. Pursuant to Federal IRS tax code 6103, tax information such as W-2s, W-4s, I-9s, and 1099s will not be disclosed.

3. Inspection and Copying of Records

- a. The Town shall retain control of the records at all times. Inspection is subject to the supervision of all appropriate records.
- b. Records are generally available for inspection by appointment from 9:00 a.m. until 12:00 p.m. and 1:00 p.m. until 4:00 p.m., Monday through Friday, except during any holiday observed by the Town or according to different hours of operation established by respective Town departments.
- c. The Town will not allow requestors to access Town computers that are not ordinarily available for use by the public.
- d. The Town may charge reasonable fees for the production of records, including without limitation the cost of copying or reproduction and time spent by the Town (through its employees or any third parties) to identify, collect, evaluate, redact, format, and reproduce records, prepare responses and privilege logs, or otherwise respond to the request.
 - I. A fee of twenty-five cents (\$0.25) per standard page (8.5"x11) per side in black and white will be charged for the reproduction of paper records. Thirty-five cents (\$0.35) per standard page per side will be charged for color copies. If a commercial copy service is necessary to produce copies at the Town's discretion, the requestor is responsible for paying the actual cost of these services.
 - II. When the response to a request, in the aggregate, takes longer than one hour, the Town will charge \$33.58 per hour (excluding the first hour) spent by any employee or third party to review, evaluate, identify, collect, evaluate, redact, format, and reproduce records, to prepare responses, or to otherwise respond to a request (except for third-parties retained to assist with responding to requests for electronically stored information.)
 - III. Unless waived by the Town, the requestor must pay the actual cost of any media and third-party service required to respond to requests (including the identification, collection, duplication, and evaluation of records as well as production) for electronically stored information and hard copy records (no external hard drive, compact disc, thumb drive or other



media provided by the requestor will be accepted, unless provided by the Town Clerk). Nothing in this Policy requires the Town to take action beyond what is required by the Act.

- IV. The requestor must pay the actual costs of transmission of any records (except when transmitted by email).

4. Payment of Fees & Costs

- a. The Town will accept payment in the form of cash or check. Credit cards will be accepted with the charge of a service fee.
- b. Where fees and costs may apply, the Town will not take further steps after notifying the requestor of the estimate of fees and costs until the payment of such fees and costs has been agreed to and, where appropriate, paid as provided in this policy. Any timeline for the Town to respond to a request will be tolled pending such.
- c. Before processing a request, the Town may require an advance deposit of (in any combination, as appropriate): (a) up to 50% of the estimated fees and costs where that the Town anticipates more than two hours of time will be required; (b) 100% of the estimated fees and costs where the requestor previously failed to pay fees and costs associated with a request or abandoned a request; (c) 100% of the of the estimated fees and costs where the request is extremely large or anticipated to take a large amount of employee time to gather; (d) 100% of the estimated costs of media and third party services required to respond to requests for electronically stored information.
- d. The actual costs, as calculated in this policy, must be paid before the requestor is provided access to records or copies.

Records qualifying as criminal justice records under the Colorado Criminal Justice Records Act, C.R.S. § 24-72-301, *et seq.*, are not subject to this policy and requests must be submitted to the Police Department Records Clerk.

To submit an open records request, please use the Records Request form found on our website and return to the Clerk's office at Town Hall or via email.