



TOWN OF GREEN MOUNTAIN FALLS

POLICY REGARDING ACCESS TO PUBLIC RECORDS

Effective Date: Revised August 26, 2018

Administrative Authority: Adopted by the Town Clerk pursuant to C.R.S. 24-72-203(1)(a)

Scope: All records within the Town of Green Mountain Falls, except that this policy shall not apply to criminal justice records (as defined in C.R.S. 24-72-302).

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as “all writings made, maintained, or kept... by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software.”

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (Town Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the Town of Green Mountain Falls to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the Town Clerk, who is the Records Custodian. The Town Clerk may designate other staff to receive requests on behalf of the Town Clerk. In the case of a request made in person, the custodian shall either provide the records to the requestor if the records are immediately available, or shall provide a response in writing within three (3) working days letting the requestor know the date, time, and location where the records can be inspected, along with an estimate of the fees. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are to be in writing. The requestor may use the form provided by the Town Clerk, or submit the request without the form, but including the equivalent information.

If a record contains both public and confidential material, the Town is not required to redact confidential material in order to comply with a request for the record. However, the Town Clerk may agree to provide redacted records if the requestor pays the redaction fee as shown on the schedule below.

Requests for routine copies of non-restricted, readily available documents (e.g. minutes, agendas, ordinances, resolutions, etc.) Shall not be considered an open records request, and shall not be required to be submitted in writing. However, applicable fees will still apply.

Electronic records and electronic communications: Records stored on electronic (non-paper) media are considered public records and open to disclosure. After receiving a written request for records stored in an electronic format, the custodian will notify the requestor of the most effective means of making these records available. This may include providing portable electronic media (such as disks or drives), referring the requestor to the Town's web site or other public access device, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian. Data manipulation fees may apply.

If the records are stored in an electronic format which is "searchable and sortable", the record may be available in that native format as described in CRS 24-72-203(3.5)(a) unless that format does not accommodate redaction of confidential records as described in CRS 24-72-203(3.5)(b).

Please note that open records requests may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the Town.

Fees and charges: Fees apply to all record requests, including paper and electronic records. Requests must be accompanied by a non-refundable deposit equal to the estimated amount. 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 shall be refunded within 30 days.

The open records request shall be considered received only when the deposit has been paid.

Each standard page (8 ½" x 11") will be charged at 50 cents per page. Non-standard sizes or color products (if available) will be charged at the actual cost of production. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below, and within the restriction of state law. The custodian will also charge a fee for any manipulation of data needed to generate a record in a form or format that does not already exist. This includes redaction if needed. This also includes converting a proprietary file format into a standard format. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee.

The custodian may charge a fee for providing copies of electronically stored public records, except as limited under state law. The Town will respond to requests for access to public records stored electronically and in computer software by providing, upon written request, a copy of the file on portable electronic media, reports from within specific software, or a hard copy printout. The records may be provided to the requestor electronically if practical. The fee will be based on research and recovery of the actual costs of providing the electronic services and products.

Data kept by the Town but generated by a third party shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the Town for similar items. The Town Clerk has the authority to waive such fees and charges when it is deemed in the best interest of the Town to do so.

**TOWN OF GREEN MOUNTAIN FALLS PUBLIC RECORDS
STANDARD FEES AND CHARGES**

Photocopies or printouts	8 ½" x 11" black/white, \$0.50 per page. Other sizes and color may be charged at actual cost, and will be provided by a third party service
Certified Copies	\$20.00 per document (in addition to the per page copy charge)
Portable media	Actual cost of media plus research/retrieval time. NOTE: The Town does not have the technology available to provide excerpts of audio or video files.
Publications produced by the Town of Green Mountain Falls	Price varies, will be established based on actual production cost.
Transcriptions prepared by third party transcribers	Actual cost incurred.

Research, Retrieval and Data Manipulation Fees

There is no charge for the first hour.	\$33.58/hr. beginning with the second hour
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The Town does not charge for:

1. Requests from members of the Town Board or Planning Commission when the information requested is for the purpose of Town business.
2. Requests from Town Board candidates from the time of official candidacy through Election Day. Records provided to any candidate will be distributed to all candidates.
3. Requests from other federal, state, or local government entities or governmental professional associations.

**TOWN OF GREEN MOUNTAIN FALLS
PUBLIC RECORDS REQUEST**

PLEASE PRINT

Name: _____ Date of Request: _____

Address: _____

Town: _____ State: _____ Zip: _____

Phone: Day _____ Evening _____

Email: _____

Board of Trustees Meeting Date: _____ Agenda Item Number _____

INSTRUCTIONS

Indicate the records requested. Please be as specific as possible. Allow three (3) working days after submitting this form and the deposit for a search of the records. Per the State of Colorado Open Records Act C.R.S. 24-72-203(3)(b), the three day time may be extended up to an additional seven (7) working days if extenuating circumstances exist. You will be notified within three (3) days of any extension and all estimated costs.

Please select the format in which you would like to receive materials:

_____ View only, no copies requested.
Appropriate personnel will be scheduled to accompany you during viewing.

_____ Hard copies/printouts

_____ portable media*

_____ email*

_____ Any of the above methods. Records Custodian is authorized to determine the most cost-efficient method and notify me.

*Not all documents are stored electronically. The transmission method may be limited by size/type of electronic records. Data manipulation fees may apply.

Please select the method you prefer for notification when the records are available:

_____ U.S. First Class mail

_____ I will pick up the records.

_____ Contact me by (circle one) mail phone email

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For Staff Use Only

Received by: _____

Date/Time: _____

Estimated charges:

Hard Copy: _____ Copies @ 25 cents per page _____

Portable media (specify type) _____ \$ _____

Research, retrieval, and data manipulation fees

This fee includes staff time needed for Research/Retrieval, Data Manipulation, or Redaction.

Total estimated hours: _____ If one hour or less there is no charge.

Beginning with the second hour: _____ hrs. @ \$30.00/hr. = \$ _____

Deposit required: \$ _____

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I agree to pay the charges incurred in processing this request pursuant to the schedule of fees and charges currently in place, including, if necessary, any amounts exceeding the estimates set forth above. This request will be considered received when this form is complete and the deposit is paid. If no deposit is required, the request shall be considered received upon receipt by the Records Custodian.

Signature of requestor

date and time of request

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Request completed by: _____ Date: _____

Method of delivery: _____

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Request denied by: _____ Date: _____

Reason(s) for denial:
