



**BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO**

POLICY AND PROCEDURES

Policy Number: 02

SUBJECT: Public Records Policy

PURPOSE: To provide guidelines for the identification of what are public records, how public records are to be released and charges involved in the collection of records.

BACKGROUND: In accordance with our statutory responsibility, Hinsdale County is committed to ensuring public access to the County's public records within a reasonable time and at a reasonable cost. Elected and public officials have a duty to the citizens to conduct government in accordance with Colorado law, and if there are legitimate questions of openness as to meetings and accessibility of records, those questions should be addressed on a case-by-case basis by the County Attorney.

CUSTODIAN OF PUBLIC RECORDS: The "custodian" means and includes the official custodian or any authorized person having personal custody and control of the public records in question; and it is the responsibility of each Department and Office to know which records produced by or received by that Department or Office are considered public record. C.R.S. § 24-72-202 specifies what communications and writings are public record.

DEFINITION OF PUBLIC RECORDS: All books, papers, maps, photographs, cards, tapes, recordings, correspondence, digitally stored data and other documentary materials, regardless of physical form or characteristics, held by any local government for use in the exercise of its functions or involving the receipt or expenditure of public funds are public record pursuant to C.R.S. § 24-72-202, with the exceptions noted in Article 72, Part 2 of the Colorado Revised Statutes, and subject to public inspection under C.R.S. § 24-72-203. In addition to the right of inspection, any person also has the right to obtain copies of these records.

Generally speaking, the following kinds of records are public:

Records of any official actions taken by elected officials during public meetings including minutes, tapes, exhibits, resolutions, agreements, contracts, reports, etc.

All documents related to the expenditure of public funds

Applications for employment and employment agreements

Minutes of meetings of any County advisory boards, committees and commissions. Incoming and outgoing correspondence of staff in which County business is discussed

Correspondence of elected officials, except to the extent that such correspondence is a work product; without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds; a communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from the elected official in response to such a communication from a constituent; subject to nondisclosure as require by C.R.S. § 24-72-204(1).

Voter and election information, recorded deeds, maps, property assessment information and documentation, taxation documentation and information

The following records are **not** public records:

Certain criminal justice records

Work products prepared for elected officials. Work product means and includes all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include: notes and memoranda that related to or serve as background information for such decisions; preliminary drafts and discussion copies of documents that express a decision by an elected official. Correspondence, reports and any other communication between staff, other agencies, consultants and/or others preparatory to any report or recommendation to an elected official is considered to be a work product. Work product does not include: Any final version of a document that expresses a final decision by an elected official; any final version of a fiscal or performance aptitude report or similar document the purpose of which is to investigate, track or account for the operation or management of a public entity or the expenditure of public money, together with the final version of any supporting material attached to such final report or document; any final accounting or final financial record or report; any materials that would otherwise constitute work product if such materials are produced and distributed in a public meeting or cited and identified in the text of the final version of a document that expresses a decision by an elected official.

Personnel files

Medical, psychological, sociological and certain scholastic achievement data

Real estate appraisals

Legal reports and advice on matters of litigation

These lists are not exhaustive; therefore, if there is any question about whether or not certain records are public information, the custodian shall consult with the County Attorney. The official custodian in each Department and Office is also responsible to retain, archive and/or purge records in accordance with the Department's or Office's retention schedule from the Colorado State Archivist.

REQUESTS FOR INFORMATION AND INSPECTION: With the exception of information that is readily accessible and immediately available for public inspection, any request for public information that requires research and/or retrieval shall be made in writing. Any employee who receives a public records request shall immediately notify the custodian of such records, the Department Head or Elected Official and the County Attorney.

No correspondence to or from an Elected Official may be released without first consulting with the Elected Official and, if necessary, the County Attorney for the purpose of determining whether the correspondence is a public record.

In accordance with C.R.S. 24-72-203, the custodian shall, within 3 working days, make the records available for inspection or provide written notice of extenuating circumstances to the person requesting the information as to the length of time that will be needed to compile the information (but in no case shall the time exceed calendar 7 days) and the approximate cost.

COUNTY RESEARCH AND PREPARATION COSTS: A per hour charge representing actual costs to Hinsdale County, as allowed by C.R.S. 24-72-205, may be assessed. All requests for copies of public records will be fulfilled in a timely manner provided that research and copying costs, as estimated by the custodian and communicated to the person requesting the information, are paid in advance. Such costs shall be assessed by the custodian as provided in C.R.S. 24-72-205. In response to a specific request to perform a manipulation of data so as to generate a record not used by the County, the actual cost to create such a record may be charged.

Costs for researching and compiling information will be calculated based on the fully loaded hourly rate of the employee (contact the Personnel Office for this amount) and charged in not less than quarter hour increments. Hourly charges will be rounded to the next higher increment (e.g. if research time is 20 minutes, it will be charged at 30 minutes). Copying costs and mailing charges will be in addition to the employee hourly charges.

INDIVIDUAL RESEARCH OF RECORDS: Persons wishing to research or inspect public records may do so themselves if so authorized by the custodian, provided that such research or inspection is performed in the area where the records/documents are stored and can be supervised by the custodian to avoid unauthorized removal of such records/documents; that the research or inspection does not unduly disrupt the day-to-day activities of the office; and the records/documents being researched or inspected are returned to the files in the same order as when they were removed.

APPLICABILITY: This policy shall apply to all Hinsdale County Elected Officials, appointed officials and employees.