

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, ESTABLISHING
GUIDELINES FOR HANDLING REQUEST FOR PUBLIC (OPEN) RECORDS

ORDINANCE No. 1
Series 2019

WHEREAS, Colorado Revised Statutes, 31-15-101 et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, Colorado Revised Statutes 24-72-201 et seq. establishes the protocol for a governmental entities' response regarding access to public records;

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, that the Town of Pitkin's Colorado Open Records Act response procedure shall be as follows:

1. Purpose: To comply with Colorado Revised Statutes 24-72-201 et seq. regarding access to public records.
2. Scope: This policy applies to all documents in the custody and control of Town of Pitkin employees, elected officials, and Town boards, commissions and committees.
3. Office of Primary Responsibility: The Town Clerk, the custodian of specific records, and the Town of Pitkin Attorney.
4. Policy: Public records shall be open for inspection to persons of the public at reasonable times, as provided by the Colorado Open Records Act, C.R.S. 24-72-201 et seq. or by other laws. This policy is intended to provide a guideline for handling public records requests pursuant to C.R.S. 24-72-201 et seq. This policy is subject to the interpretation by the Town of Pitkin Attorney and exceptions may be made in individual cases at the discretion of the Town of Pitkin Attorney.
5. Fees: In all cases where a person has the right to inspect any public record, the requestor may incur costs including but not limited to copies, printouts, staff time, or expenses to obtain such records as follows:
 - 5.1 Copy Costs: The fee shall be \$.25 per standard page for copies and scanned pages, unless actual costs exceed that amount, in which actual costs shall be charged.
 - 5.2 Staff Time: Staff time to research, redact information pursuant to statute, retrieve, and distribute public records shall be charged at \$25.00 per hour, including a fraction of an hour, with no charge for the first full hour.
 - 5.3 Actual Costs and Expenses: Any actual cost or expense(s) associated with the production of the request shall be charged to the requestor. These costs may include, but are not limited to, engineering copies, certified copies, or other reproduction, color photographs, etc., and copies greater in size than 8.5" x 11".

The actual costs for any records request that requires travel to Gunnison, CO will include travel time to Gunnison, CO and the return.

- 5.4 CD/DVD/FLASH DRIVE Recording Costs: The cost associated with the production of videos, audio recordings or other media files will be \$20.00 per CD/DVD or Flash Drive **USB drive** created.
 - 5.5 Postage and Handling Costs: The requestor shall pay for all postage and handling costs associated with the request for records.
 - 5.6 Cost Estimates: An estimate of copy costs, staff time, actual costs and expenses for providing records, including voluminous records requests, will be provided to the requestor, if required. **This estimate will be provided no more than 3 business days after the request is received.**
 - 5.7 Payment: For records requests with an estimated cost \$50.00 or less, checks or money orders made payable to the Town of Pitkin must be received by the Town of Pitkin Clerk prior to the Town of Pitkin releasing any record(s). For records requests with an estimated cost greater than \$50.00, a check or money order payable to the Town of Pitkin in the amount of one half of the total estimate must be received by the Town of Pitkin Clerk prior to the initiation of fulfillment of the request. Upon fulfillment, a check or money order made payable to the Town of Pitkin must be received by the Town of Pitkin Clerk prior to the release of any record(s).
 - 5.8 Waiver of Costs and Fees: The Town of Pitkin Board of Trustees shall have the authority to waive charges for good cause.
6. Inspection of Public Records:
- 6.1 Time for Inspection of Records: Three Working Days. The custodian shall set a date and time within three (3) working days when the records will be available for inspection. If the requested records are in active use or are in storage and therefore are not available within three (3) working days, this information will be communicated to the requestor within three (3) working days. The time period for response begins when the Town Clerk receives the records request during regular business hours.
 - 6.2 Extension of Time: The period of providing requested records for review may be extended ~~by up~~ to seven (7) working days if the custodian determines that one of the following conditions exists, and states such condition in writing to the requestor within the first three days that the request was received:
 - 6.2.1 A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian to prepare or gather the records within the three-day period; or

6.2.2 A broadly stated request is made that encompasses all or substantially all a large category of records and the agency is unable to prepare or gather the records within the three-day period because:

6.2.2.1 The agency needs to devote all or substantially all of its resources meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once per month; or

6.2.2.2 A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities. In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document or record. If the request is too broad, speculative or voluminous to prepare in seven (7) additional days, the Town of Pitkin may request relief from the court, including attorney's fees, as provided by law.

6.3 In no event may a requestor remove records or add records to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines, CD/DVDs, flash drives, electronic devices or any other copy, scanning or reproduction device to copy Town of Pitkin records. Copies will be made at inspection or a later time, depending upon volume.

6.4 The Town of Pitkin is under no obligation to allow the public access to Town of Pitkin computers, nor is the Town of Pitkin obligated to provide records in electronic format.

6.5 Delivery of Records: Records may be delivered by the Town of Pitkin by providing the records in person upon inspection, electronically by email (subject to email size limitations), by facsimile or by US Mail.

7. Request Form: The Board of Trustees of the Town of Pitkin, Colorado, has determined that the use of an official request form will ensure more efficient handling of public records requests. An individual who makes a request shall be informed of the Town of Pitkin policy and will be directed to the Town of Pitkin official website where the form is located.

INTRODUCED AND READ THIS 14th day of January, 2019

READ, ADOPTED AND ORDERED PUBLISHED THIS 11th day of February 2019.

Rachel New, Mayor

ATTEST: _____
Sara Gibb, Town Clerk