

# Mineral County Open Records Requests Policy & Procedures

## POLICY STATEMENT

The Board of Commissioners for Mineral County are committed are complying with and responding to open records requests submitted pursuant to C.R.S. 24-72-201 *et seq.*, & C.R.S. §24-72-301 *et seq.* To facilitate obtaining documents and other information from Mineral County, all requestors must use the following procedures established below.

### **Procedures for Making and Responding to Requests for Information to Mineral County Under the Colorado Open Records Act (CORA), and the Colorado Criminal Justice Records Act (CCJRA).**

- 1) These procedures apply to all requests, submitted pursuant to C.R.S. 24-72-201 *et seq.*, & C.R.S. §24-72-301 *et seq.* to inspect and/or copy public records in the custody or control of Mineral County or its officials. Those requests must be submitted in accordance with the policy of Mineral County.
- 2) All requests to inspect public records must be submitted in writing on the official **Mineral County Public Records Request Form**, to the official custodian. Request made to any person other than the proper custodian will not be accepted.
- 3) Requests may be mailed or sent via facsimile. **Requests made via electronic mail will not automatically be accepted.** The custodian, at the custodian's sole prerogative, may accept requests sent via e-mail upon request. If a request is sent via e-mail to anyone other than the custodian, it will not be considered as received by the County and the statutory time for response to the requests will not begin until a confirmation has been sent by the custodian.

*Note: The reason for this rule is, due to spam filters and inactive or incorrect e-mail accounts, the County cannot guarantee that the custodian has received an electronic mail request.*

- 4) All requests for records **must** be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated the custodian may require the requestor to provide a more specific request.
- 5) If a requestor is unable to identify the specific documents sought, the requestor is encouraged to contact the County at 719-658-2360 in advance of submitting a request for assistance in providing the requisite specificity.

- 6) The custodian is not required by the Open Records Act to construct or create a record that does not exist.
- 7) Time for response to records requests shall be as follows:
  - a. The normal time for production shall be three working days, beginning on the first business day after the request is received.
  - b. Such period may be extended upon determination by the custodian that extenuating circumstances exist. Such period of extension shall not normally exceed **seven** working days. The requestor shall be notified of the extension within the three-day period.
  - c. Time periods will be calculated without including the date on which the custodian receives any request.
- 8) Requests to inspect records documents will not take priority over the regular work activities of County employees.
- 9) Charges for copies of requested records shall be as follows:
  - a. The normal cost for requested documents shall be \$.25 per standard page/digital image or, for documents in non-standard formats, the actual duplication costs.
    - i. Non-standard formats shall include, but are not limited to documents that are either (1) historically significant; (2) of fragile nature; or (3) bound and held together in such a manner that makes it particularly difficult for a member of the public to copy without damage
  - b. At the custodian's sole discretion, and in addition to the fee set forth in paragraph 9(a), the requestor may be charged a reasonable retrieval fee when researching, retrieving, reviewing or producing records consumes more than one hour of staff time ("research fee"). The first hour of any such research fee shall not be charged, however each additional hour shall be billed at a rate of \$30.00 per hour, and billed on ¼ hour increments.
  - c. If records are readily available, the custodian or the Board of County Commissioners, or their designee, may waive the charge or may charge a lesser amount per page for copies.
- 10) If charges are expected to exceed \$30.00, or if a retrieval fee based on the actual cost of responding is to be charged, the custodian will provide the requestor with an estimate of the cost of responding prior to responding and shall require a deposit of no less than the estimated fees. If the requestor wishes to proceed once receiving an estimate, he or she must respond in writing with the required deposit. By responding in writing, the requestor agrees to pay all fees associated with responding to the request. In the event that the actual cost is in excess of the estimate, Requestor agrees to make payment in full within thirty (30) days of receipt of an invoice. The time

between the date of the custodian's estimate and the receipt by the custodian of a written request to proceed and deposit will not be counted against the time period set forth above.

- 11)** If the requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during ordinary working hours. Such inspection must be supervised by a County representative and the requestor may be charged for employee time associated with such inspection, not to exceed \$30.00 per hour.
- 12)** For purposes of this policy, Elected Officials serve as the custodian of records for their respective offices. The County Administrator shall serve as the custodian of records for all county departments.

## Mineral County Public Records Request Form

The following request is made under the Colorado Open Records Act or the Colorado Criminal Justice Records Act

Date: \_\_\_\_\_  
Time: \_\_\_\_\_ a.m or p.m.

Name: \_\_\_\_\_

Company Represented (if any): \_\_\_\_\_

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Cellphone Number: \_\_\_\_\_

Name of document(s) requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the document name is unknown, provide brief, but specific description of document or information requested (note of issuance and location of document, if known).  
\_\_\_\_\_  
\_\_\_\_\_

If the records are available pursuant to C.R.S. §24-72-201 et seq., or C.R.S. §24-72-301 et. seq., the records shall be made available for viewing within three working days. The date of receipt is not included in calculating the response date. If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the three-day period, the Custodian may extend the period by up to seven working days. The requestor shall be notified of the extension within the three-day period.

Public records may be viewed at the Custodian's office located in, Mineral, Colorado, Creede, CO 81130, on regular business days at prearranged times. After viewing the document(s), photocopies may be requested **for \$.25 per standard page, the requestor may be charged a retrieval fee (up to \$30.00/hour) based on the actual cost of responding to the request.** Charges must be paid for at the time the request for photocopies are made and must be picked up in person. By signing below the requestor affirms that the information requested shall not be used for pecuniary gain.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### For Official Use Only

Time spent by staff in assembling the records request. \_\_\_\_

Estimated cost of assembly. \$ \_\_\_\_\_

Records requests received by: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_