

WASHINGTON COUNTY POLICY REGARDING OPEN RECORDS REQUESTS

PURPOSE: It is the policy of the Board of County Commissioners that all public records shall be open to inspection by any person at reasonable times, except as provided by the Colorado Public Records Act, or as otherwise specifically provided by law. In all cases where a person has the right to inspect a public record, the person may request a copy or printout of the record.

Although public records are typically open to inspection, the Act authorizes a custodian of records to make rules and regulations regarding the disclosure and inspection of public records as are reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office.

The purpose of this policy is to set forth a general guideline for use by citizens or entities requesting public records, and for use by County staff in responding to such requests. Elected officials may expand the parameters of this policy such as the Clerk and Recorder when requests for ballots when made in proximity to elections.

APPLICABILITY: This policy shall apply to all County Departments and Offices. In most cases, Washington County's elected officials and department heads are the official custodians of records maintained within their respective offices and departments. Requests for public records and / or inspection of those records in most cases will be fulfilled within three working days or, when extenuating circumstances apply, within an addition seven working days as established by CORA. The appropriate custodian will notify you when there are extenuating circumstances that do not allow us to respond to your request within three working days.

PROCEDURES: To request inspection or a copy of a public record, any member of the public should contact the Washington County office or department that is the designated custodian for that specific information. In some cases the custodian may require that the request be in writing so as to retrieve documents that are relevant to the requestor and germane to the request. In most cases copies of the documents may be obtained for the nominal fee of \$.25 per page. However in some cases where retrieval may be onerous or require staff time to retrieve or create a document that is not normally produced by said office or department, the cost will be increased to reflect the actual reasonable cost to produce the record. In those cases, the custodian may require payment for the documents to be produced prior to undertaking the task of production. Each office or department will attempt to help you with the request and provide information about any applicable fees for obtaining copies of public records. (A contact list is provided at the end of this document).

Open records requests may be submitted in person, by regular mail or via facsimile to the appropriate custodian. One should describe their request as specifically as possible. If the document name is unknown, provide a brief, but specific, description of the information requested. Include dates, type of document, parties involved, etc. Broad, vague or voluminous requests may cause delays in producing the records. Requests submitted via email are discouraged because due to spam filters, inactive or incorrect email accounts, the County cannot guarantee that a particular custodian has received an electronic email request. It is not necessary

to disclose your reason for making the request, unless such information is necessary to fulfill the request.

As stated above, a person may be required to submit the request in writing if the custodian believes it is reasonable and appropriate based on the specific and unique circumstances of the request or will help the department to better serve your needs for identifying the records you are requesting. In some of these cases the custodian may extend the inspection of and production of public records for an additional seven (7) working days as allowed by

REVIEWING IN PERSON: You may review public documents prior to requesting copies of public documents available from Washington County. If you ask to review original documents, we may request that you follow certain procedures to protect the integrity of the public record. For example, you may:

- Be supervised by a county employee within the area where the records are stored and/or maintained;
- Need to review records in a designated area or be asked to schedule for a particular time of day in order to not unduly disrupt the day-to-day activities of that specific office or department.

In relation to the aforementioned, questions or problems arising from a request to review or produce public records should be referred to the Elected Official or Department Head who is the custodian of the specific record(s). See contact information at the end of this document.

Please note: Records that are prohibited from disclosure under CORA or other statute(s) cannot be made available to the public. Washington County may also have certain private and/or financial information within a personnel file relating to employees that will not be released except upon the approval of that individual.

OBTAINING COPIES REQUIRING RESEARCH OR TIME CONSUMING RETRIEVAL: It is the policy of Washington County to meet public information requests in the most economical way possible. Any fees charged by Washington County will be consistent with the provisions of CORA. The nature of the request will dictate any potential fees or costs. As stated above, costs for standard photocopies will not exceed the limit set by CORA (currently \$.25 per page) unless actual costs exceed that amount.

As stated above, if a specific request requires a substantial devotion of staff time, whether for the purposes of researching records, redacting documents to remove confidential information, supervising the physical inspection of original documents, or manipulating data (including manipulating data in order to generate a record in a form not used by the county, although such manipulations are not required by CORA), then a fee of \$25 per hour may be charged to the requesting party. For the purposes of this document, “substantial devotion of staff time” shall mean more than one hour, and said fee shall not begin to accrue until after the first hour of staff time.

In this case the requesting party will be notified of the estimated fees and costs, and said fees and costs will be collected from the requesting party before any records are produced by the County. Only actual costs will be charged, and if the estimate exceeded the actual expense of filling the request, the excess will be refunded to the requestor.

CONTACT INFORMATION: The following persons may be contacted regarding records that may be available to the public. In all cases it is imperative that the appropriate Elected Official and the County Administrator be notified of any and all requests so that requests are directed to the proper custodian. Failure to follow this may result in a substantial delay in retrieval or production of documents in that if the official custodian is not made aware of your request, Washington County cannot comply. By notification to the County Administrator, your request will be promptly forwarded to the correct person within Washington County.

Board of County Commissioners / Commissioner Departments

Contact: Annie Kuntz
Phone: 970.345.2701
Address: 150 Ash Avenue, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: akuntz@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

County Assessor

Contact: Larry Griese
Phone: 970.345.6662
Address: 150 Ash Avenue, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: lgriese@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Property records, Parcel maps, Taxing Authority information

County Clerk and Recorder

Contact: Garland Wahl
Phone: 970.345.6565
Address: 150 Ash Avenue, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: gwahl@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Records are available for the following Divisions: Motor Vehicle, Recording, Elections and Clerk of the Board.

Washington County Clerk and Recorder Internal Policies (see at back of policy)

Rules with Reference to the Inspection of Public Records within the Custody of the Office of the Washington County Clerk and Recorder (see at back of policy)

County Coroner

Contact: Dallas Bowin
Phone: 970.554.1781
Address: 150 Ash Avenue, PO Box 505, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: dbowin@co.washington.co.us

Public Trustee

Contact: Debi Cooper
Phone: 970.345.6601
Address: 150 Ash Avenue, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: dcooper@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Foreclosures

County Sheriff

Contact: Jon Stivers (Sheriff) / Brittani Kusel (Office Manager)
Phone: 970.345.6865 Ext. 2000
Address: 26861 Highway 34, Akron, CO 80720
Website: <https://www.washcountysheriff.com/>
Email: bkusel@co.washington.co.us or jstivers@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Criminal justice records, criminal reports, sex offender lists,

County Treasurer

Contact: Debi Cooper
Phone: 970.345.6601
Address: 150 Ash Avenue, Akron, CO 80720
Website: <http://co.washington.co.us>
Email: dcooper@co.washington.co.us
Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Property tax information, taxing authority distribution, investment portfolio, tax lien/treasurer's deed, etc.

WASHINGTON COUNTY CLERK & RECORDER INTERNAL POLICIES

SUBJECT: Rules for Response to Open Records in Proximity to Elections.

PURPOSE: To provide clear direction regarding the County's obligations to respond to Open Records requests during election periods when the office needs to devote substantially all of its resources to the impending election.

SCOPE: These Rules are adopted pursuant to Section 24.72.203, C.R.S. These Rules are deemed by the official custodian to be reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of duties of the staff of the Office of the Clerk and Recorder.

PRIMARY RESPONSIBILITY: It is the responsibility of the Election supervisor to monitor compliance with the County's Open Records Policy and this specific Election Open Records Policy.

POLICY:

From the time that ballots are mailed to electors (no earlier than 22 days before an election) until final certification of the results by the Clerk and Recorder (no later than 18 days following an election), the Elections Office must devote substantially all of its resources to meeting impending deadlines of the election and the numerous, mandated, statutory duties that must take place before, during and after each election. Therefore, open records requests during this time period will not be permitted to interfere with the Clerk's ability to perform public service responsibilities relating to the conduct of public election.

Upon consideration of the following factors:

- The breadth of a request.
- The time necessary for responding to a request, and
- The scheduled work activities of the Elections Office
- The nature of the request and the effect of a delay upon the requestor; if responding to a request would significantly disrupt or otherwise interfere with the duties of the office to conduct an election, the response to such a request may be delayed until:
 1. 18 days after the election, or
 2. After the final certification of election results, whichever comes last.

When an Open Records Request is received in the twenty days prior to and following an election, and this policy is invoked in response to the request, the Clerk and Recorder or the Elections Coordinator shall respond to each request within three days of receipt of the request. The response shall include reference to, and an attached copy of, this policy, as well as citation to any relevant sections in the Colorado Revised Statute.

Requests received during the twenty two days prior to and eighteen days following an election which do not necessitate the use of this policy based on the requirements for filling the request or which by their nature cannot be delayed until after the election, shall be responded to as a normal Open Records Request following the County's Open Records Policy.

Rules with Reference to the Inspection of Public Records within the Custody of the Office of the Washington County Clerk and Recorder.

These Rules are adopted pursuant to Section 24-72-203 C.R.S. These Rules are deemed by the Clerk and Recorder to be reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of duties of the staff of the Office of the Clerk and Recorder.

Fee for Staff Time

Standard 8.5" x 11" copies of public records shall, pursuant to State Law and County policy, be provided for the fee of \$.25 per page, with no additional charge for staff time.

When compliance with a specific request requires more than standard copies, then the actual copying may be charged to the requesting party.

In the event that a specific request requires substantial devotion of staff time, researching records, or supervising the physical inspection of original documents, then a fee of \$25 per hour may be charged to the requesting party. For purposes of this Rule "substantial devotion of staff time" shall mean more than 2 hours, and said fee shall not begin to accrue until after the first two hours of staff time.

A requesting party should be notified of the estimated fees and costs, and said fees and costs should be collected from the requesting party, prior to any such costs being incurred by the Office and of the Clerk and Recorder. Only actual costs will be charged and if the estimate exceeded actual expense of filling the request the excess will be refunded to the requestor.