

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 USB FLASH DRIVE Recording Costs: The cost associated with the production of videos, audio recordings or other media files will be \$20.00 per 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 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