

ORDINANCE NO. 2

Series 2015

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

WHEREAS, Colorado Revised Statutes (2009), 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, the Town of Pitkin, Colorado's Colorado Open Records Act response procedure shall be as follows:

1. Purpose: to comply with the Colorado Revised Statutes 24-72-201 et seq. regarding access to public records.
2. Scope: This policy applies to all documents in the custody or control of Town of Pitkin employees, elected officials and County boards and committees.
3. Office of Primary Responsibility: the Town Clerk, the custodian of specific records, and the Town of Pitkin Attorney.
4. Policy: it is the policy of the Board of Trustees that public records shall be open for inspection to persons of the public at reasonable times, as provided by the Colorado Public 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 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 such as copies, printouts, staff time, or expenses to obtain such record as follows:

- 5.1 Copy Costs: The fee shall be \$.25 per standard page, unless actual costs exceed that amount, in which case actual costs may 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, 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 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 such copies shall include travel time from the Town of Pitkin to Gunnison, CO, which is the nearest location at which a commercial copier is located which can handle such copies.
- 5.4 CD/DVD Recording Costs: The cost associated with production of videos, audio recordings or other media files will be \$10.00 per CD/DVD or Flash 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 requestor, if required.
- 5.7 Payment. Checks or money orders for records requests shall be made payable to the Town of Pitkin prior to the Town of Pitkin releasing 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 right away, this information shall be communicated to the requestor in writing if necessary.
- The time period for response begins when the Town Clerk receives the records request during regular business hours.
- 6.2 Extension of Time to Seven Working Days. The period of providing requested records for review may be extended 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 reasonably 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 of 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 to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a 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) days, Town of Pitkin may request relief from the court, including attorney's fees, as provided by law.

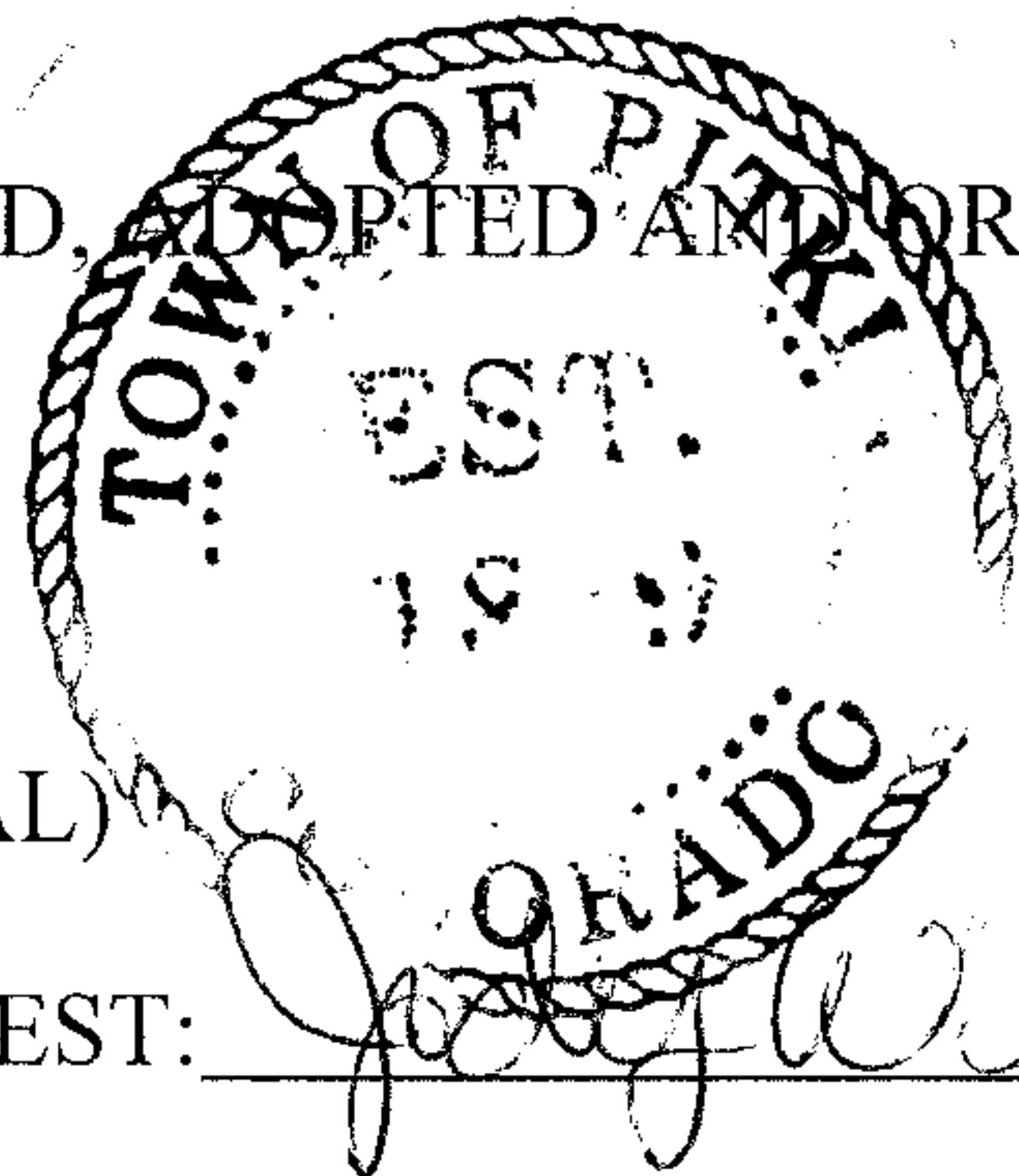
6.3 In no event may a requestor remove records or add records to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines, CD/DVD's, flash drives, electronic devices or any other copy, scanning or reproduction device to copy Town of Pitkin records. Copies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

6.4 Town of Pitkin is under no obligation to allow the public access to Town of Pitkin computers nor is 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 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 shall be provided the official form by directing the requestor to the following website: pitkincolorado.com.

READ, ADOPTED AND ORDERED PUBLISHED THIS 11th day of August, 2015.



(SEAL)

ATTEST:

Jody Wise, Town Clerk

Suzy Metzler
Suzy Metzler, Mayor Pro Tem