AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Public Records Policy and Form; Draft Revisions

Action Requested: Discussion

Parties to the Agreement: Gunnison County

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Revision to Gunnison County's Public Records Policy and Submission Form so that both documents are consistent with legislation passed July 1, 2014

Fiscal Impact:

Submitted by: County Attorney's Office **Submitter's Email Address:** bwiseman@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ● Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 12/16/2014 Certificate of Insurance Required Yes ○ No ●

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 12/16/2014

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted: 10 minutes

Agenda Date: 1/13/2015 Follow Up Agenda Date:

Revised April 2013

PUBLIC RECORDS REQUEST FORM

The following request is made under the Colorado Public Records law, C.R.S. 24-72-201 et seq.:

Date:	
Name:	
Organization Represented (if any):	
Address:	
Phone Number:	
Email Address:	
County Department/Office where record is maintained:	

Name, date and/or description of document(s) requested. If the document name is unknown, provide a specific description of document requested. A request which is broad, vague or too voluminous, may cause a delay in the time the County can produce the records. Please attach an additional page, if needed, to list these items in detail.

1.	
2.	
3.	
4.	
5.	

Several records are available at county offices and on the Gunnison County website: www.gunnisoncounty.org, without completing a formal request for records under C.R.S. 24-72-201 et seq. Those records include but are not limited to recorded documents, marriage certificates, development applications and permits, vital records, property tax information, tax liens and foreclosure information. Note: Gunnison County is not the custodian of records for judicial matters. Please contact the Gunnison Combined Courts at 970-641-3500 for records related to judicial matters.

If the records are available pursuant to C.R.S. 24-72-201 et seq., the records shall be made available for viewing within three working days. If extenuating circumstances exist so that the Custodian cannot gather the records within the three-day period, the period shall be extended an additional seven working days. The requestor shall be notified of the extension within the first three days of receiving the request.

Some records requests may be denied if disclosure of the record would be contrary to public interest as defined by statute. Also, the Open Records Act only makes available public documents that already exist. An agency is not required to create or manipulate a record to be responsive to a request.

FEES:

Copy costs: The fee shall be $0.25 per standard page, unless actual costs exceed that amount, in which case actual costs may be charged.

Actual costs: Any other actual cost or expense(s) associated with the production of the request shall be charged to requestor. These cost may include, but are not limited to, engineering copies, certified copies or other reproduction, color photographs, cd's, postage and handling, etc.

Staff time costs: Staff time to research, redact information pursuant to statute, retrieve and distribute public records shall be charged at $30 per hour, with no charge for the first one hour.

Records may be delivered in person upon inspection, electronically by email (subject to email size limitations), by facsimile or by US Mail. All payments for public records must be received in advance of releasing the requested records.

FILING INSTRUCTIONS: You may fill out the electronic form and email it to: records@gunnisoncounty.org. Otherwise, you may print the form, fill it out, and then submit it by fax at 970-641-7696, by mail to 200 E. Virginia Avenue, Gunnison, CO 81230, Attention County Attorney, or in person at the office of the Gunnison County Attorney.

OFFICE USE ONLY:

PRR No.

Date Received		FEE CALCULATION	ESTIMATED		ACTUAL	
Date Extended (if applicable)			#	$	#	$
Date Deposit Received		Copies				
Deposit Amount		Research/Retrieval Time				
Date Actual Received		Other:				
Date Delivered		TOTAL				

SECTION I GENERAL AND ADMINISTRATIVE POLICIES
(Adopted by the BOCC September 7, 2010, Amended January __, 2015)

NUMBER:	**I.12 Guidelines for Handling Requests for Public (Open) Records**
PURPOSE:	To comply with the Colorado Revised Statutes 24-72-201 et seq. regarding access to public records.
SCOPE:	This policy applies to all documents in the custody or control of Gunnison County employees, elected officials and County boards and committees.
OFFICE OF PRIMARY RESPONSIBILITY:	Custodian of Records and Office of the Gunnison County Attorney

POLICY:

It is the policy of the Board of County Commissioners (BOCC) 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 Gunnison County Attorney and exceptions may be made in individual cases at the discretion of the Gunnison County Attorney.

REQUEST FORM:

The BOCC 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 Gunnison County policy and shall be provided the official form by directing the requestor to the Gunnison County website http://www.gunnisoncounty.org/FormCenter/County-Managers-Office-3/Public-Records-Request-Form-42, the Gunnison County Administration Office or the Office of the Gunnison County Attorney to receive a request form for completion and submission. A copy of the current approved form is located on the last page of this policy.

FEES:

1. Records Available At No Charge. Requests for records which fit the following criteria may, in the judgment of the official custodian, be provided free of charge:
   a. Per request, documents which do not exceed ten standard pages; or
   b. Items that are available on the Gunnison County website: www.gunnisoncounty.org or are otherwise readily accessible in electronic form.

2. Charges. 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:

   a. Copy Costs: The fee shall be $.25 per standard page, unless actual costs exceed that amount, in which case actual costs may be charged.

   b. Staff Time: Staff time to research, redact information pursuant to statute, retrieve and distribute public records shall be charged at $30 per hour, with no charge for the first full hour.

   c. Actual Costs and Expenses: Any actual cost or expense(s) associated with the production of the request shall be charged to requestor. These cost may include, but are not limited to, engineering copies, certified copies or other reproduction, color photographs, etc.

   d. CD/DVD Recording Costs: The cost associated with production of videos, audio recordings or other media files will be $10 per CD/DVD or Flash Drive created.

   e. Postage and handling costs: The requestor shall pay for all postage and handling costs associated with the request for records.

3. 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.

4. Payment. Checks, money orders or credit card payment for records requests shall be made payable to Gunnison County prior to Gunnison County releasing any record(s). Additional costs may apply for credit card transactions.

5. Waiver of Costs and Fees. The BOCC, Department Heads and Elected Officials have the authority to waive charges for good cause.

Inspection of Public Records:

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 Gunnison County receives the properly submitted request during regular business hours on the Gunnison County's official Public Records Request Form.

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:

   a. 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

b. 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:

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

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, Gunnison County may request relief from the court, including attorney's fees, as provided by law.

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 Gunnison County records. Copies will be made at inspection or at a later time, depending upon volume.

4. Gunnison County is under no obligation to allow the public access to Gunnison County computers nor is Gunnison County obligated to provide records in electronic format.

5. <u>Delivery of Records.</u> Records may be delivered by Gunnison County by providing the records in person upon inspection, electronically by email (subject to email size limitations), by facsimile or by US Mail.