

TOWN OF CRESTONE
POLICY REGARDING
ACCESS TO PUBLIC RECORDS

Effective Date: May 13, 2013

Administrative Authority: Adopted by the Town Clerk pursuant to C.R.S. 24-72-203(1) (a)

Scope: All departments within the Town of Crestone.

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as “all writings made, maintained, or kept by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software.”

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (Town Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the Town of Crestone to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the Town Clerk, who is the Records Custodian. In the case of a request made in person, the custodian shall either provide the records to the requestor or shall set a date, time, and on-site location where the records can be inspected. The date shall be within three (3) working days of the date the request was made. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be

extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are required to be in writing and made on the form provided by the Town Clerk.

If a record contains both public and confidential material, the Town of Crestone is not required to redact confidential material in order to comply with a request for the record. However, the Town Clerk may agree to provide redacted records if the requestor pays the redaction fee as shown on the schedule below.

Requests for routine copies of non-restricted, readily available documents (e.g. minutes, agendas, ordinances, resolutions, etc.) shall not be considered an open records request, and shall not be required to be submitted in writing. However, applicable fees will still apply.

Electronic records and electronic communications: Records stored on magnetic or optical disk, on tapes, or other non-paper media are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, the custodian may, but need not, take any measures necessary, in the custodian's opinion, to assist the public in copying or inspecting any specific public record(s); including but not limited to: providing portable disk copies or computer files, referring the requestor to the Town's web site, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian.

Please note that requests received by email may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the Town of Crestone.

Fees and charges: The custodian will charge for any copies, printouts, photographs, or electronic data requested. Requests expected to have a total charge of \$10.00 or more must be accompanied by a non-refundable deposit of one-half the estimated amount if the requestor lives within the town limits of Crestone, or 100% of the estimated amount if the requestor lives outside town limits. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

A standard sized page will be considered 8 ½ x 11. Each standard page will be charged at \$.25 per page for non-color, and \$1.00 for color. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below. The custodian will also charge a fee for any manipulation of data needed to generate a record in a form or format not used by the Town of Crestone. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee.

Additionally, the custodian will charge a fee for providing copies of electronically stored public

records. The Town will respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk, or printout. The records may be provided to the requestor by email if practical. The fee will be based on recovery of the actual incremental costs of providing the electronic services and products together with a portion of the costs associated with building and maintaining the information system.

Data kept by the Town of Crestone but generated by a third party shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the Town for similar items. Department heads have the authority to waive such fees and charges when it is deemed in the best interest of the Town to do so.

**TOWN OF CRESTONE PUBLIC RECORDS
STANDARD FEES AND CHARGES**

Photocopies or printouts	\$.25 per standard page for non-color \$1.00 per standard page for color or actual cost for documents larger than standard size, and maps
FAX documents	\$1.50 (fax in) per page \$1.00 (fax out) per page
Document certification	\$5.00 per document (in addition to the per page copy charge)
Duplication of audio tapes or CD (this includes transfer of audio files to CD)	\$20.00 per item
Publications produced by the Town of Crestone	Price varies, will be established based on production cost
<u>Verbatim transcripts of proceedings</u> (when not prepared as a matter of routine business)	
Transcriptions of proceedings that are 15 minutes or less	\$30.00 per document
Transcriptions of proceedings that are longer than 15 minutes	\$2.00 per minute
Transcriptions prepared by third party transcribers	Actual cost incurred.
<u>Research, Retrieval and Data Manipulation Fees</u>	
When done by non-management support staff	\$25.00 per hour
When done by management staff	\$45.00 per hour
When done by legal staff	\$150.00 per hour

The Town of Crestone does not charge for:

1. Requests from members of the Town Board, the Town's boards, committees, commissions or staff when the information requested is for the purpose of Town business.

2. Requests from other federal, state, or local government entities or governmental professional associations.

3. Requests from students enrolled in accredited schools and colleges located in the San Luis Valley for documents needed in connection with a specific class research project satisfactorily identified to the records custodian.

Denial of inspection: Access to records may be denied in accordance with the provisions of federal or state law. Reasons for denial of access to records will be noted in writing on the public records request form and provided to the requestor.

Retention schedules: All public records, regardless of storage format, will be administered in accordance with approved retention schedules. The Town of Crestone has adopted the Model Records Retention Schedule as approved and updated by Colorado State Archives. This schedule is available at <http://www.colorado.gov/dpa/doit/archives/rm/municipalrmm/>

Signed under the authority of the Town Clerk:

Akia Tanara, Town Clerk

**TOWN OF CRESTONE
PUBLIC RECORDS REQUEST**

PLEASE PRINT

Name: _____

Date of Request: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: Day _____ Evening _____

Email: _____

INSTRUCTIONS

Indicate the information you desire and/or list each requested document. Please be as specific as possible. Allow three (3) working days for a search of the records. Per the State of Colorado Open Records Act (C.R.S. 24-72-203), if the request is substantially large or is maintained off-site, an extension of seven (7) working days is permitted. You will be notified within three (3) days of any extension and all estimated costs.

Please select the format in which you would like to receive materials:

View only, no copies requested.

Appropriate personnel will be scheduled to accompany you during viewing.

Hard copies/printouts

CD* email* *not all documents are available electronically. Data manipulation fees may apply.

Please select the method you prefer for notification when the records are available:

U.S. First Class mail

I will pick up the records

Contact me by (circle one) mail phone e-mail
(if records are available electronically)

If records are not available by e-mail, please specify an alternate method:

For Staff Use Only

Received by: _____ Date/Time: _____

Estimated charges:

Hard Copy Copies @ \$.25 per page, non-color: _____

Hard Copy Copies @1.00 per page, color _____

CD Copies @ \$20.00 each: _____

Other: _____

Retrieval and Research: _____ hours X \$ _____ per hour = \$ _____

Total \$ _____

Deposit required: \$ _____

For Town residents, one half of the estimated total, if in excess of \$10.00

For non-Town residents, 100% of the estimated total, if in excess of \$10.00

I agree to pay the charges incurred in processing this request pursuant to the schedule of fees and charges currently in place, including, if necessary, any amounts exceeding the estimates set forth above. This request will be considered received when this form is complete and the deposit is paid. If no deposit is required, the request shall be considered received upon receipt by the Records Custodian.

Signature of Requestor

Date and Time of Request

Request completed by: _____ Date: _____

Method of delivery: _____

Request denied by: _____ Date: _____

Reason(s) for denial:

