

**TOWN OF FIRESTONE ADMINISTRATIVE RULES  
PUBLIC RECORDS REQUESTS  
COLORADO OPEN RECORDS ACT ("CORA")  
C.R.S. SECTION 24-72-200.1 *et seq.***

ARTICLE I  
IN GENERAL

Sec. 1-1. Title.

This document shall be known as the "Town of Firestone Administrative Rules Public Records Requests" ("Rules") Colorado Open Records Act ("CORA"), C.R.S. §§ 24-72-200.1. *et seq.*

Sec. 1-2. Authority.

The Colorado Open Records Act, C.R.S. §§24-72-200.1 *et seq.* (as may be amended from time to time) ("Act"), requires that all public records be open for inspection by any person at reasonable times, except as provided by law. The Act expressly authorizes the official custodian of public records to adopt rules concerning the inspection of such records to protect the integrity of the records and to prevent unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office. C.R.S. § 24-72-203(1)(a).

Sec. 1-3. Purposes and application.

(a) These Rules are intended to establish general procedures with regard to providing the public with timely, orderly, and appropriate access to and inspection of public records maintained by the Town, and to set reasonable and standardized fees for the research, retrieval, review, segregation, copying and conveyance of public records pursuant to the Act.

(b) These Rules do not apply to records requested under the Colorado Criminal Justice Records Act ("CCJRA"), C.R.S. §§24-72-301 *et seq.*, (as may be amended from time to time). Requests for records under CCJRA should be directed, as applicable, to the Town of Firestone Police Department or the Town of Firestone Municipal Court.

(c) The Town Clerk is the official custodian of public records maintained by the Town. The Town Clerk should strive to ensure the consistent application of the procedures in these Rules and provide guidance to all Town employees regarding application of the Rules.

(d) It is the goal of the Town to conduct business in a transparent manner within the parameters set forth by law. To that end, the public is encouraged to visit [www.firestone.gov](http://www.firestone.gov) to determine if the records they wish to request are already available for inspection online.

ARTICLE II  
DEFINITIONS

Sec. 1-11. Definitions in the Act.

(a) Definitions in the Act are incorporated in these Rules, unless the context clearly requires a different interpretation. In the event of a conflict between a definition set forth herein and the Act, the definition in the Act shall prevail.

(b) The following words and terms shall mean as follows:

"Applicant" means the party requesting records.

"Official Custodian" means the Town Clerk or designee.

"Research and Retrieval Time" means the time expended by staff and/or third party contractors to research, gather, review, segregate, and prepare for inspection records which are the subject of any request.

### ARTICLE. III PROCEDURES

Sec. 1-21. Specificity of requests required.

All requests for public records must be specific as to the records sought, including the subject matter, types of records, dates covered, and applicable departments/personnel. All requests shall be made in writing upon a form provided by the Office of the Town Clerk and available at the Town's web page. Requests for documents must identify, to the extent reasonably practicable, applicable time periods and names or titles of parties to the documents.

Sec. 1-22. Excessive, burdensome, or harassing requests.

In order to prevent unnecessary interference with the regular operational duties of the Office of the Town Clerk, the Town reserves the right to process multiple requests received from any person(s) in groups of three (3). The Town reserves the right to not respond to any portion of a communication that contains demeaning, harassing, or threatening language, or consists of interrogatories, editorials, or other such comments, which do not constitute a public records request. (C.R.S. 24-72-202(6)(a))

Sec. 1-23. Format of data.

To the extent required by law records, including digital records in a sortable or searchable format, will be provided in the format requested by the Applicant. Records available in an electronic format shall if requested by the Applicant be provided electronically at no cost to the Applicant. Applicants who submit electronic requests for records available on the Town's website shall receive a link to the records location. If the Applicant desires copies of the records, they shall be provided upon Applicant's payment of all copying and mailing costs.

Sec. 1-24. Manipulation of data.

The Town is not required by the Act to create any new public record in response to a request. Records and data need only be provided in the format in which they currently exist.

Sec. 1-25 Duplication of records.

The Town will not screen requests from the same Applicant in order to avoid duplication of records. It is the Applicant's responsibility to ensure that the requests are not duplicative. In the event duplicate records are provided, no refunds will be provided.

Sec. 1-26. Continuing requests.

Requests made for records that are not yet in existence or requests that a record be made on a continuing or periodic basis will not be fulfilled as they do not constitute a public record. (C.R.S. 24-72-202 (6)(a)).

#### Sec. 1-27. Possession, control, and protection of Town records.

In order to protect Town records, no original records may be removed from the files or taken from the site designated by the Official Custodian for inspection. The Town reserves the right to require supervision of the inspection and copying and will charge the research and retrieval fee for the staff time involved in the performance of such duties. The Official Custodian may authorize the Applicant to copy public records using the Applicant's own equipment (e.g., cell phone camera), but such authorization must be made prior to any copying. Under appropriate circumstances, to be determined by the Official Custodian, the Town may, at its option, provide a computer for use by the Applicant. The Town reserves the right to withdraw records being inspected, or sought to be inspected by the public, for operational purposes. The Town reserves the right to prosecute anyone who intentionally destroys, defaces, or alters public records or without authorization from the Official Custodian removes public records from the Town's premises.

#### Sec. 1-28. Office hours for inspection of public records.

Upon scheduling with the Office of the Town Clerk, public records shall be open for inspection generally between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, excepting holidays and Town facility closures. The Official Custodian may abbreviate the hours on any given day if the Official Custodian deems that the request to inspect public records unduly interferes with the operational duties of the Office of the Town Clerk.

#### Sec. 1-29. Time to respond to Open Records Requests.

Pursuant to the terms of the Act, the Town shall make the public records requested available within three (3) business days, unless extenuating circumstances exist, in which case, up to an additional seven (7) business days may be added. A finding of extenuating circumstances shall be made in writing by the Official Custodian, and shall be provided to the Applicant.

#### Sec. 1-30. Allowance or denial of inspection.

The Official Custodian shall adhere to the requirements and procedures of the Act and applicable Colorado case law when determining whether to allow, redact or deny any public records request or any part thereof, and though disclosure is generally favored, grounds for non-disclosure include, but are not limited to: inspection would be contrary to state or federal law or regulation; release of the record would violate a court order; or disclosure would be contrary to public interest. The Official Custodian's decision shall be subject to the outcome of the dispute resolution process (C.R.S. 24-72-204(5)(a)) be final for purposes of appeal under Colorado law.

#### Sec. 1-31. Abandoned requests.

Failure to inspect the public records at the agreed upon time and place will be deemed an abandoned request. The Town may return the records to their proper locations within two (2) business days, or a shorter period if needed by the Town for any use. Upon the records return inspection of such records requires submittal of a new request. Any research and retrieval fee paid by the Applicant for the production of the records shall not be refundable.

ARTICLE IV.  
FEES

Sec. 1-51. Research and Retrieval.

Public records that are responsive to a request, and not covered by an exemption, may be inspected at no cost if the document already exists, and if it takes one hour or less of cumulative staff time to research, retrieve, review and segregate the public records. However, the Town will charge a research and retrieval fee of \$33.58 per hour for staff time exceeding one hour. Notwithstanding the foregoing, the Town reserves the right to require supervision of the inspection and copying of any public records and will charge a research and retrieval fee for staff time, as well as actual costs for copies requested.

Sec. 1-52. Fee schedule.

The Town's research and retrieval fee is \$33.58 per hour commencing after the first hour of work. Fees for copies, printouts and photographs are in accordance with C.R.S § 24-72-205, pursuant to which the fee for a copy of a standard page is .25 cents per page and the actual cost or providing a copy in a format other than a standard page.

Sec. 1-53. Deposit and pre-pay requirements.

If the Official Custodian reasonably believes that fulfillment of any request may result in more than one hour of staff time to research, retrieve, segregate or prepare the records the Official Custodian shall require a monetary deposit before commencing work to research and retrieve or prepare the records. The Applicant will be required to pre-pay the estimated costs before the Town commences action to retrieve and make available the records. If the final amount is greater than the estimate, the Applicant shall pay the additional amount at the time the records are made available. If the final amount is less than the estimate, the amount of overpayment shall be refunded.

Sec. 1-54. Forms of payment.

Whenever fees are assessed pursuant to these Rules, the Town will accept payment in the forms of payment that are accepted at that time by the Town. Except as stated herein, payment shall be made at the time the records are made available.

**Adopted on the 5<sup>th</sup> day of February, 2020.**

  
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Jessica Koenig, Town Clerk