

**CITY OF GOLDEN, COLORADO  
ADMINISTRATIVE POLICY  
COLORADO OPEN RECORDS ACT REQUESTS**

**Effective Date:** March 3, 2023

---

**I. AUTHORITY**

The Colorado Open Records Act, C.R.S. §§ 24-72-201 *et seq.* (“CORA”), requires that all public records be open for inspection by any person at reasonable times, except as provided by law. CORA allows 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 operational duties of the City’s employees that may be caused by CORA requests. The City Manager approves this policy pursuant to Section 2.08.050 of the Golden Municipal Code.

**II. PURPOSE**

The Purpose of this Policy is to:

- A. Protect the integrity of the City’s records and prevent unnecessary interference with the regular operational duties of City employees that may be caused by records requests.
- B. Establish procedures authorized by CORA, including standardized fees permitted by C.R.S. § 24-72-205 for research and retrieval of public records maintained by the City Clerk as well as time required for staff to review, prepare, and produce copies of public records subject to CORA.
- C. Ensure consistent application of this policy across all City departments when responding to CORA requests.
- D. Provide general guidelines to assist City employees in handling public records requests.

**III. SCOPE**

- A. Subject to any exceptions listed in C.R.S. §§ 24-72-201, *et seq.*, it is the policy of the City to make public records open for inspection at reasonable times.
- B. This Policy applies to requests submitted to the City for the inspection of public records pursuant to CORA. This Policy does not apply to requests for information or records that are not subject to CORA.
- C. The City Clerk is the official records custodian for municipal records centrally maintained by the City. In certain circumstances, department heads may be considered records custodians for records maintained within their departments.

- D. The City Attorney shall be consulted when requests for public records under this Policy are made from members of the media, attorneys, or private investigators. The City Attorney shall also be consulted when requests involve multiple City departments or when legal interpretation is required.
- E. Elected officials may develop their own policies and procedures regarding public records in their custody; however, to the extent that the City has custody of any public records of an elected official, the City shall, in consultation with the elected official, meet any requirement of CORA as it may apply to the records in the City's possession.
- F. This policy does not apply to criminal justice records, as defined by the Colorado Criminal Justice Records Act ("CCJRA"), C.R.S. §§ 24-72-301 *et seq.* CCJRA records requests that originate in the City Clerk's office and requests that include public records under both CORA and CCJRA will be processed according to applicable law and policy.

#### IV. DEFINITIONS

- A. The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply to this Policy unless the context clearly requires a different meaning. The following definitions from C.R.S. § 24-72-202 are of particular importance:
  - 1. **Public Records.** "[A]ll writings made, maintained, or kept by... [any] political subdivision...for use in the exercise of functions required or authorized by law... or involving the receipt or expenditure of public funds." CORA does not include criminal justice records, which are addressed by the CCJRA.
  - 2. **Writings.** "[A]ll books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. 'Writings' includes digitally stored data, including without limitation electronic mail messages, but does not include computer software."

## **V. PROCEDURES**

### **A. Submission of Requests**

1. Persons requesting to inspect or receive a copy of public records (“Requester”) shall make all requests for public records in writing and must be specific as to the information requested.
2. Requests must be submitted to the City Clerk’s office on City-approved forms.
3. Requests may be submitted by hand-delivery, mail, or email.
4. Upon receipt of a complete and properly submitted records request, the City will strive to provide a response within three (3) business days, excluding holidays, in accordance with this Policy. Records requests shall not take priority over the previously scheduled work activities of the City. If the City cannot respond to the request within three (3) business days, the Requester will be notified and provided with an estimated timeframe for when the response will be provided.

### **B. Inspection or Production of Documents**

1. Public records can be made available for inspection or pickup by appointment in the office of the City Clerk during the regular business hours of the City Clerk’s office and under the supervision of City staff. No original public records shall leave the possession or control of the City.
2. If the requested records are in the custody and control of the records custodian, but are in active use, in storage, or otherwise not immediately and readily available for inspection, the records custodian shall set a date and hour when the records will be available for inspection. The date and time shall be within three (3) business days of the date of the City Clerk’s receipt of the request unless extenuating circumstances exist, which require the date and time to be extended for up to an additional seven (7) business days.
3. All findings of extenuating circumstances shall be made in writing by the official records custodian and provided to the Requester. In no event will extenuating circumstances apply to a request that relates to a single, specifically identified document.
4. The time period for response by the City does not begin to run until the City Clerk receives the request, or, if a deposit is required, until the City Clerk receives payment for any required deposit of estimated costs for responding to

the request. CORA requests received on weekends, observed holidays, City closure days, or outside regular business hours shall be deemed received on the following business day.

5. Public records shall not be removed from the City Clerk's office or from City departments. Copies will be made be from the originals and will be made available for inspection in the City Clerk's office. Even if the Requester chooses to simply inspect the documents in the City Clerk's office, if the documents were assembled solely for the purposes of such request, the full cost of filling that request, as delineated in Part VI of this Policy, must be paid in full before the documents can be inspected.
6. The public will not be allowed to directly use either its own equipment or the equipment of the City in inspecting or copying public records. In every instance, the necessary manual or electronic function necessary to extract, collate, organize, retrieve, copy or otherwise manipulate the records and data necessary to produce the record or allow for its inspection shall be performed by City personnel using the equipment of the City.
7. The City will provide records in digital format pursuant to the requirements of C.R.S. § 24-72-203. For all other records, the City will choose the format in which to provide the public documents and will provide responsive information in a reasonably accessible form which does not alter the content of the information. The standard practice is to provide hard copies of public records other than records stored in digital format. No transmission fees will be charged to the Requester for transmitting public records via electronic mail. However, other fees may be charged, if applicable, according to this Policy.
8. The City shall deny the inspection of any records if such inspection would be contrary to state or federal law or regulation, would violate a court order, the requested records are involved in litigation, or inspection of the requested records would do substantial injury to the public interest.
9. The Requester must provide the City with written notice of an appeal of such denial to district court at least fourteen (14) days prior to filing the appeal in district court pursuant to C.R.S. § 24-72-204. The City will work with the Requester in good faith during the 14-day period to come to a resolution outside of court whenever possible.
10. If the official records custodian has the capability to make reproductions, he or she shall do so at the rates described in Part VI below. If the custodian does not have the facilities for making copies, printouts, or photographs of the records, the custodian may make arrangements for the services to be rendered at another

facility. If other facilities are necessary, the Requester shall pay the cost of providing them. In no event shall the records leave the custody and possession of a City employee during this process (other than providing the items to the third-party facility for reproduction). The City is under no obligation to allow members of the public access to City computers.

## **VI. FEES**

C.R.S. § 24-72-205 permits the City to impose research and retrieval fees.

Before processing a request, the City may require an advance deposit of the estimated costs. The City Clerk will provide a cost estimate to the Requester. The cost estimate will include the estimated time needed by City staff or a representative to complete the research, retrieval, copying, redaction, assembly, transmission, etc., of the requested documents. A 50% advance deposit shall be required for open records requests that are estimated to cost in excess of \$100.00 to complete. No work to complete the request will begin until the Requester approves the cost estimate and, if the estimate is greater than \$100.00, pays the deposit in advance. *See also* Part VII.B. of this Policy, Abandoned Requests.

- A. If a person has the right to inspect a public record, the person may request a copy of the record. The official records custodian may charge reasonable fees for the production of such public records.
- B. The City will not impose a charge for the first hour of time any staff members expend in connection with research and retrieval in filling a request for public records under CORA.
- C. After the first hour of time has been expended, the City will charge the maximum hourly fee permitted by C.R.S. § 24-72-205(6)(b), as amended from time to time, for the research and retrieval of such records. As of the effective date of this Policy, the current research and retrieval fee is \$33.58 per hour, pro-rated in 15-minute increments. This cost is separate from and in addition to the fee for copies, printouts, photographs, CDs, DVDs, USB drives, or other devices onto which public records may be reproduced.
- D. Copies, printouts, and photographs of a public record will be provided at a cost of twenty-five cents (\$.25) per standard page. A “standard page” is defined as a document created from word processing, generated onto 8.5” x 11” or 11” x 17” sized paper from a non-color printer.

- E. Copies, printouts, and photographs of a public record in a format other than a standard page will be provided for a fee not to exceed the actual cost of providing such documents.
- F. If the City provides information in a format other than hard copies, a fee not to exceed actual costs of the production of such records will be charged.
- G. The fee for a Compact Disc, Digital Video Disc, or USB Drive is actual cost.
- H. Subject to Part V.B.7 of this Policy, if the City delivers or transmits public records in response to a records request, the fees for such delivery shall not exceed actual costs. After notifying the Requester that the records are ready to be inspected or picked up, and if the Requester asks and the official records custodian agrees to deliver or transmit the records, the official records custodian will send the records only upon either receiving full payment or making arrangements to receive such payment at a later date.
- I. Checks for the cost of production of public records shall be made payable to the City of Golden.
- J. Multiple requests and requests submitted by the same person, entity, or group for documents related to the same or similar subject matter within five (5) business days will be treated as a single request for purposes of allocating and assessing fees and costs.

## **VII. ABANDONED REQUESTS**

- A. Records assembled in response to a CORA request will be held for no more than seven (7) business days after the Requester has been notified that the records are available for inspection or pick-up. The holding period may be shorter for records which are needed for any City use. Failure to inspect or pick up the records within this timeframe will be considered an abandoned request, and the request will automatically be closed. The records will be returned to their files, and the Requester must submit a new records request to receive the records. Failure to pay a required deposit for estimated costs within seven (7) business days after the records custodian has notified the Requester of the amount of the required deposit shall also be considered an abandoned request.
- B. The official records custodian will maintain a list of requesters, including agencies, who have previously abandoned requests. A 100% advance deposit may be required for requests from persons or agencies who have made previous records requests and not paid or not come in to view or pick up the requested information, although such deposit shall not include the first hour of time the City Clerk anticipates will be expended in connection with the research and retrieval of the requested records

## **VIII. AMENDMENTS**

- A. The City Manager is authorized to approve amendments to this Policy as needed and in accordance with any revisions to CORA, upon consultation with the City Attorney.
- B. Any amendment to this Policy shall be effective seventy-two (72) hours following the date on which the amended Policy is posted on the City website and made available for public inspection at the City Clerk's office.

## **IX. APPROVAL**

---

City Manager

---

Date