

ELBERT COUNTY OPEN RECORDS REQUEST PROCEDURE AND POLICY

C.R.S. 24-72-201 *et seq.*

This procedure embodies several of Elbert County's core organizational principles of open government, citizen involvement, and organizational accountability. The Elbert County Government, the Elbert County Board of County Commissioners, Elected Officials, and all county employees support the principles of maintaining an open and accessible governing body. Elbert County is committed to fulfilling every request for public information as efficiently and expeditiously as possible and within the statutory requirements set forth in the Colorado Open Records Act (CORA), C.R.S. 24-72-201 *et seq.*

Though "all public records are to be open for inspection by any person at reasonable times," procedures for such disclosure can be subject to rules and regulations established by the Custodian of Records. These rules and regulations are authorized, if they are reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the Custodian and his/her office or department. The following procedure ensures that any member of the public will be provided reasonable access to public records covered under CORA.

Any member of the public will have reasonable access to all county public records. Reasonable access is defined as allowing a person requesting public information to use available county resources to review or obtain copies of public records. In order to maintain the integrity of public records, or the effective functioning of a county office or department, and for security reasons, certain conditions for reviewing or obtaining copies of records may apply.

Requesting Public Records

To request public records, contact the Elbert County Custodian of Records at 303-621-3126 to obtain the records request form. The County has determined that the use of an official request form to be used by the member of the public is necessary for the efficient handling of such public records requests. Requests must be submitted in writing and hand delivered or mailed by U.S. First Class mail, and must be made with specificity to the greatest extent possible as to the records sought.

If any member of the public is uncertain about which records contain the information desired, a reasonably specific description of the type of information being sought shall be provided in writing on the Open Records Request Form and every attempt will be made to locate the relevant records. Please be advised that vague, broadly stated, or voluminous requests may be returned to the requestor and the County may require additional clarification in order to provide the County with appropriate limiting criteria which can be used to narrow the search parameters.

County Response to Request

Elbert County will respond to requests made pursuant to the Colorado Open Records laws within three working days of the date of receipt of the records request. The Custodian of Records shall set a date and time when the records will be available for inspection.

The period of providing requested records for inspection may be extended up to ten days if the Custodian of Records determines that one of the following conditions exists and states such condition in writing to the requestor within the first three working 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:
 - i. The custodian or department 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
 - ii. 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.

If the public records requested are not in the custody or control of the Custodian of Records or the County, the Custodian of Records shall notify the requestor of this fact in writing. In such notification, the Custodian of Records shall state in detail to the best of his/her knowledge and belief the reason for the absence of the records, the location of the records, and what person then has custody or control of the records.

Reviewing Public Records

The Custodian of Records may set the location where the records may be viewed for inspection by the requestor. In no event shall a requestor remove records or add records to those provided for inspection. Should the requestor desire to obtain copies of the records, the request shall notify the Custodian of Records and copies will be made at the rates set forth in the section entitled Applicable Fees.

During the inspection of records, the Custodian of Records may request the requestor to follow certain procedures to protect the integrity of the public record. Inspection may:

- a) Be supervised by a county employee within the area where the records are stored and/or maintained;
- b) Need to review records in a designated area or schedule for a particular time of day as to not unduly disrupt the day-to-day activities of that specific office or department;
- c) Be required to submit the request in writing if the records custodian believes it is reasonable and appropriate based on the specific and unique circumstances of the request or will help us to better serve your needs for identifying the records you are requesting.

Records that are prohibited from inspection under CORA and other statute(s) shall not be made available for public inspection. The denial of inspection shall be specific and based on reasons provided under CORA as listed in C.R.S. 24-72-204.

Applicable Fees

Costs for standard photocopies will not exceed the limit set by CORA (currently \$1.25 per page) unless actual costs exceed that amount. Current amounts are as follows:

1. Copies (legal or letter) .25 per page
2. Color Copies 1.00 per page
3. Copies of Meetings (CD) 5.00 per CD
4. Copies of Meeting Minutes 1.00 per page
5. Applicable fees incurred from any third party (i.e., outside vendor).

Elbert County seeks to meet public information requests in the most economical fashion possible. When applicable, an estimated cost of the requested information may be provided when requesting a substantial number of copies or research by the Custodian is required. In the event research or retrieval of records is required, the fee for researching and retrieving requested information shall be **\$30.00 per hour** for employee time utilized, but there will be no charge for the first hour of time expended in connection with the research and retrieval of public records. The requestor may be required to pay all or a portion of the estimated cost before compilation of the information is performed.

The County may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.

A great deal of information concerning Elbert County is available on the County web site, www.elbertcounty-co.gov. This information may help formulate an open records request or may provide the information being sought.

Contact Information

Elbert County Open Records Request
303-621-3138
215 Comanche Street
PO Box 7
Kiowa, CO 80117

Business hours: 7:30 a.m. - 5:00 p.m. Monday - Thursday