

RESOLUTION BOCC 2015-11

**REVISING THE MESA COUNTY POLICY FOR
OPEN RECORDS REQUESTS**

PURSUANT TO THE COLORADO OPEN RECORDS ACT ("CORA")

WHEREAS some sections of the Colorado Open Records Act ("CORA") were amended by the Colorado State Legislature this year; and

WHEREAS it is deemed desirable and necessary to revise current policies and procedures for requests for public records from Mesa County;

NOW THEREFORE be it resolved by the Board of County Commissioners of Mesa County that:

1. The attached version of the Mesa County Policy for Open Records Requests made pursuant to CORA is hereby adopted.
2. Said revision shall become effective January 12, 2015.
3. County staff shall institute additional written procedures to carry out the letter and intent of this revised policy.
4. All previous Mesa County resolutions regarding requests for public records are therefore repealed as of the effective date of the new resolution.

PASSED THIS 12th day of January, 2015.

BY:



John Justman, Chair
Mesa County Board of County Commissioners

Attest:



Sheila Reiner
Mesa County Clerk and Recorder



MESA COUNTY, STATE OF COLORADO
POLICY FOR REQUESTS FOR “PUBLIC RECORDS” PURSUANT TO THE
COLORADO OPEN RECORD REQUESTS (CORA)

Revised January, 2015

The following policy is intended to give guidance to the public and Mesa County offices and departments which do not have their own department CORA policy in the appropriate handling and response to request for public records. The County strives to be open and responsive to the public’s request for public records. The Colorado Open Records Act found at Colorado Revised Statutes 24-72-200.1, *et seq.* governs how governmental entities respond to requests for records and said statute shall be consulted for any questions regarding compliance.

Request for Records methods: CORA requests to obtain or view public records are accepted by Mesa County via fax; via hard copy personally delivered or mailed to the custodian of the records; or via a central CORA email portal. No particular format for requesting records is necessary except that the request must be in writing. Users to Mesa County’s CORA email portal will be invited to use a pre-formatted Form to request their records.

County Response methods: Responsive documents will be provided to the requestor in either paper form; or electronic (.pdf) form; or on disk. The requestor can request his/her preferred delivery method and the County will strive to comply with such request, if at all possible. Due to the manner in which some documents are stored, a requested format may not always be possible, or it may increase the expense. If the preferred method of delivery of documents is not possible or would markedly increase the cost, county personnel working on the request will notify the requestor at the earliest opportunity. If no method is preferred, the custodian of the records may mail, fax, e-mail or burn to a disk the requested documents – whichever is both most practical and economical in the custodian’s reasoned opinion.

Fee: If the request requires over 1 hour of time to prepare, the requestor will be charged \$30.00 per hour thereafter other than legal review. The hourly fee of \$30.00 for the second hour and beyond will be charged in addition to the appropriate per copy cost, if applicable. For instance, paper copies are charged at the rate of \$.25 per page. If the requestor prefers an electronic version of the document and the document is available in electronic version, there shall not be a per-page charge. Only, if the requestor requested a printed document, or if a document must be printed before it can be emailed, will the page charge apply in addition to the hourly charge. However, the requestor may choose to view the documents on-site to forego or reduce this page charge.

Deposit may be required: If a requestor has submitted a request which requires extensive research and is time intensive, Mesa County will estimate the hours to review and assemble the documents and transmit said estimate to the requestor. Mesa County may likewise require a deposit or prepayment in full. With a deposit or prepayment, county resources are not spent prior to reimbursement for preparing documents for review or distribution that may not occur.

Waiver of fees and charges: Charges may be waived for nominal requests and when the information is readily available and the copies are generally less than eight (8) pages. Fees may be reduced or waived if the documents will be used for non-profit activities, journalism, and academic research. Fee reductions shall be uniformly applied in these instances.

Timeframes: CORA requires that usual and customary requests for records be complied with within three working days or less (excluding the day the request came in). However, be advised that CORA also provides for an extension for compliance when there is a finding of “extenuating circumstances.” C.R.S. 24-72-203(3).

AGENDA ITEM SHEET

C-1

Date Submitted: January 7, 2015
 Hearing Date Requested: January 12, 2015
 Submitter: Angela Barnes Phone: 970-244-1612
 Presenter: Angela Barnes
 Return originals to: Angela Barnes Location: MCAO
 Number of originals to return to submitter: 2

To: Mesa County Board of Commissioners

Title of Item: Adopt a Resolution and a new Policy for Open Records Requests pursuant to Colorado Open Records Act ("CORA")

Type of Item:

- | | | | | | |
|--------------------------------------|--|--|------------------------------------|--|--|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Finance | <input type="checkbox"/> Insurance | <input type="checkbox"/> MOU | <input checked="" type="checkbox"/> Policy/Procedure | <input type="checkbox"/> Reports/Official |
| <input type="checkbox"/> Appointment | <input type="checkbox"/> Finance/General | <input type="checkbox"/> Letter of Support | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Purchase Order | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Contract | <input type="checkbox"/> Grant | <input type="checkbox"/> Liquor License | <input type="checkbox"/> Petition | <input type="checkbox"/> Real Estate | <input type="checkbox"/> Salaries/Benefits |

IF YOU ARE REVISING OR RENEWING AN EXISTING AGREEMENT OR RESOLUTION, INDICATE MCA OR MCM NUMBER _____.
SUMMARIZE CHANGES.

Recommended Board Action: Adopt a Resolution revising the Mesa County Policy for Open Records Requests Pursuant to the Colorado Open Records Act ("CORA") and approve, effective January 12, 2015, a new Policy for Requests for "Public Records" pursuant to the Colorado Open Record Requests (CORA).

Justification or Background: The Colorado Open Records Act "CORA" was amended by the Colorado Legislature in 2014 to, among other things, increase to, but also provide a cap of, \$30.00 an hour charge for labor charges incurred in retrieving public records. This labor charge would only be incurred after the first hour - which would be free of charge. Because of the legislative changed, Mesa County took the opportunity to review its previous "Open Records" policy and believes that it would like to amend its prior policy to increase the hourly labor rate to \$30.00 an hour, but also to provide for other changes the most marked of which is to amend its policy to accept records requests via email to a central portal.

Fiscal Impact: This item is budgeted in the following account code: n/a
County: \$_____ Federal: \$_____ State: \$_____ Other: \$_____

Review:

Administration: Approved Date: (1/7/15) Denied Date: (____) Approved with Changes Date: (____)
 Briefing Date: (1/7/15)

County Attorney: Approved Date: (1/7/15) Denied Date: (____) Approved with Changes Date: (____)

Finance: Approved Date: (N/A) Denied Date: (____) Approved with Changes Date: (____)

Risk: Approved Date: (N/A) Denied Date: (____) Approved with Changes Date: (____)

****FOR ADMINISTRATION USE ONLY****

Approved Hearing Date: 1/7/15

Approved Denied Approved with Changes


 John Justman, Chair, Board of Commissioners

1-12-15
Date: