

**CITY OF RIFLE, COLORADO  
RESOLUTION NO. 15  
SERIES OF 2014**

A RESOLUTION OF THE OF THE CITY COUNCIL OF THE CITY OF  
RIFLE, COLORADO, ADOPTING A POLICY REGARDING REQUESTS  
FOR INSPECTION AND PRODUCTION OF THE PUBLIC RECORDS OF  
THE CITY OF RIFLE PURSUANT TO THE COLORADO OPEN RECORDS  
ACT.

WHEREAS, the State of Colorado has adopted the Colorado Open Records Act (the “Act”) at C.R.S. §§24-72-200.1 to 24-72-206; and

WHEREAS, as set forth in the Act, it is the public policy of the State of Colorado that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by the Act or other applicable law; and

WHEREAS, the Act establishes the grounds under which the custodian of the public records of the City of Rifle (the “City”) shall allow or deny inspection of the City’s public records and the procedures therefore; and

WHEREAS, the Act provides that the City’s custodian of public records may make rules regarding the inspection of the City’s public records as are reasonably necessary for the protection of the City’s public records and the prevention of unnecessary interference with the regular performance of duties by the City custodian of public records or the employees of the office of the City’s custodian; and

WHEREAS, the Act provides that the City’s custodian of records may charge fees for the retrieval and research of the City’s public records, including the time it takes to identify and segregate records that need not be disclosed, and for the manipulation of data and production of copies of the City’s public records pursuant to a request under the Act; and

WHEREAS, House Bill 14-1193 amended §24-72-205 of the Act to require that the City’s custodian of public records shall either post on the custodian’s website or otherwise publish a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of any current fee; and

WHEREAS, the City Council desires to adopt a written policy and rules regarding inspection of the City’s public records and the fees for production thereof, including the City’s fees for the research, retrieval, identification, and segregation of City public records which need not be disclosed pursuant to a request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO THAT:

Section 1. The “City of Rifle Open Records Policy and Procedures” as attached

hereto is hereby adopted and is to be published on the City's website and used in the City's response to open records requests submitted to the City.

Section 2. This Resolution shall take effect immediately upon its passage.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 6<sup>th</sup> day of August, 2014.

CITY OF RIFLE, COLORADO

By: \_\_\_\_\_  
Randy Winkler, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Hamilton, City Clerk

## **CITY OF RIFLE OPEN RECORDS POLICY AND PROCEDURES**

### 1. Intent.

It is the policy of the City of Rifle (the “City”) that all public records shall be open for inspection by any person at reasonable times, except as provided by the Colorado Open Records Act §24-72-201, *et seq.*, C.R.S. (the “Act”) or by other laws or court order. In the event the Act is amended, this Policy will be deemed amended to be consistent with the amended Act.

Pursuant to the Act, this Policy sets forth City rules, regulations and policies that are reasonably necessary for the protection of public records, for the prevention of unnecessary interference with the regular performance of duties by the City’s custodian of records and the employees of the City custodian’s office, and for enabling timely access to public records of the City that are subject to disclosure under the Act.

### 2. Definitions.

The definitions provided in §24-72-202, C.R.S., as amended from time to time, shall apply in and to this Policy unless the context clearly requires a different meaning.

### 3. Procedure.

A. The City Clerk is the official custodian of all public records maintained by the City, except that the City’s Police Department, through its Chief of Police and/or Records Clerk, administers criminal justice records as defined by C.R.S. §24-72-302. The maintenance, inspection and dissemination of the criminal justice records shall be in accordance with state statutes and the policy and procedures promulgated by the City of Rifle Police Department.

B. The City has determined that the use of an official public records request form prescribed by the City Clerk is necessary for the efficient handling of requests of the City Clerk made under the Act. The City’s public records request form is available from the City Clerk and shall be made available on the City’s internet website, if any.

C. The City’s public records request form must be filed with the City Clerk to initiate a request for public records under the Act. Public records requests not made on the prescribed form or made to any person other than the City Clerk or employees of the City Clerk’s office will not be accepted. Requests may be mailed or sent via facsimile.

Requests made via electronic mail will not automatically be accepted. The City Clerk, at the City Clerk's sole discretion, may accept public record request forms sent via e-mail.

D. All requests for records must be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated the City Clerk may require the party making the request to provide a more specific request.

E. If a requesting party is unable to identify the specific document(s) sought, the requesting party is encouraged to contact the City Clerk in advance of submitting the request for assistance in providing the requisite specificity.

4. Time for Response to Public Records Requests.

A. Upon the receipt of a public records request, the City Clerk shall set a date and hour when the requested public records will be available for inspection. The normal time for production of documents by the City shall be three (3) working days. Such period shall begin on the first business day after the request is received. The date that a written request is received by the City Clerk will constitute the date of receipt. The date on which the City Clerk provides confirmation and approval of receipt of an e-mailed public records request shall be constitute the date of receipt of the e-mailed request. Notwithstanding the foregoing, requests received outside of normal business hours, on holidays, and over weekends will be deemed received no earlier the next business day.

B. The period within which the City Clerk must make the requested documents available for review may be extended for an additional seven working days if the City Clerk determines that one of the extenuating circumstances described in §24-72-203(3)(b)(I) – (III) of the Act exists. A finding by the City Clerk that an extenuating circumstance exists shall be provided to the requesting party in writing within the first three working days after receipt of the party's public records request. In no event can extenuating circumstances apply to a public records request which relates to a single, specifically identified document.

C. If the public records requested are not in the custody or control of the City Clerk, the City Clerk shall immediately notify the person requesting the records of this fact. Such fact shall be communicated in writing if written communications are requested by the person making the public records request. Any such notification by the custodian shall state in detail to the best of the City Clerk's knowledge and belief the reason for the

absence of the records from the City Clerk's custody or control, the location of the records, and who has custody or control of the records.

D. If the public records requested are in active use or are in storage and, therefore, are not immediately available, this fact shall be immediately communicated by the City Clerk to the person requesting the records. Such fact shall be communicated in writing if written communications are requested by the person making the public records request.

E. When the requested documents have been compiled, the City Clerk will notify the person making the request of the completion of the request response, the availability of the records, and the cost of service, including copying charges and research and retrieval or other fees that may be applicable to the request. Records subject to nondisclosure by law or under the Act will be withheld from inspection as provided by the Act.

F. If the estimated cost of complying with the public records request is \$50.00 or more, the City Clerk will require the person making the request to pay a deposit toward the City's estimated cost of compliance with the request prior to the City fulfilling the request. The City Clerk will return any amount of the deposit in excess of the actual costs, and shall collect any amount by which the actual costs exceed the amount deposited. No copies shall be released until all amounts due have been paid.

G. The City Clerk shall notify the City Council of receipt of all public records requests and action taken thereon. The City Clerk shall also maintain a master log of all records requests under the Act.

##### 5. Schedule of Fees.

A. In all cases in which a person has the right to inspect a public record, the person may request a copy, printout, or photograph of the record. The City Clerk shall furnish a copy, printout, or photograph of the record and shall charge a fee as specified in this section. In the event production of a copy of the record exceeds the costs set forth in this section, including copies made utilizing an outside source, the party making the request will be charged the actual cost to provide the copy.

B. The City Clerk shall charge to the person making the public records request the cost of research and retrieval services in excess of one hour which are provided by the City pursuant to the public records request. The City Clerk will charge \$30.00 per hour of research and retrieval for such services exceeding one hour provided. Such research and retrieval services includes identification and segregation of documents that need not

be disclosed. Multiple requests for public records may be aggregated together for purposes of determining the applicability of research and retrieval fees.

C. The City Clerk will return any amount of the deposit made pursuant to section 4 which is in excess of the actual charge, and the City Clerk shall collect any amount by which the actual charge exceeds the amount deposited. No copy shall be released by the City until all amounts due have been paid.

**Cost for research, retrieval and related services:**

Scanning /B&W copies	\$0.25 per page (one sided, up to 11 x 17 Duplex copies are charged as two copies but are provided whenever possible.)
Colored copies	\$1.00 per page (one sided, up to 11 x 17 Duplex copies are charged as two copies but are provided whenever possible.)
Certified copies	\$1.00 additional per document
CD/DVD	\$5.00 (CD/DVD provided by City No outside media collection devices will be introduced into the City's computer system for purposes of copying records, including but not limited to external drives or disks.)
Large format copies	Actual cost
B&W maps	Actual cost
Mylars	Actual cost
Research and retrieval fee	\$30.00 per hour (for time required in excess of one hour, billed in fifteen minute increments)
Legal review	Actual cost

6. Closure of Request.

A public records request is deemed closed by the City under any of the following scenarios:

A. After records made available for inspection have been inspected by the party making the request and no copies of these records have been requested;

B. After records made available for inspection have been inspected by the party making the request and requested copies have been provided consistent with this Policy;  
or

C. After records have been made available for inspection for ten business days and the requestor has (i) failed to make arrangements for inspection; (ii) failed actually to

inspect the records after arrangements have been made; or (iii) failed to provide advance payment as required.

D. A party making a request whose request has been closed under this section and who still wishes to inspect the same records must submit a new request.