



**COLORADO OPEN RECORDS ACT
"CORA"
POLICY AND PROCEDURES
C.R.S. SECTION 24-72-200.1 *et seq.***

The Town of Firestone ("Town") is committed to transparency and open government. This policy establishes procedures for the handling, processing, and disclosure of public records in compliance with the Colorado Open Records Act (CORA), § 24-72-200.1 *et seq.*, C.R.S. This policy ensures that public records are accessible to the public while protecting those public records that are not disclosable in accordance with the law. This policy and its procedures apply to all public records created or maintained by the Town, including the Town's employees who are responsible for the collection, storage, and release of such records.

ARTICLE I - GENERAL

Sec. 1-1. Title.

This document shall be known as the "Town of Firestone Colorado Open Records Act ("CORA") Policy and Procedures."

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, which are reasonably necessary 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. This Policy is intended to establish 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 impose fees for the research, retrieval, review, segregation, copying and conveyance of public records. as established by the Act.
- b. This Policy does not apply to records subject to 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 CCJRA records should be directed, as applicable, to the Town of Firestone Police Department or the Town of Firestone Municipal Court.
- c. The Town Clerk shall strive to ensure the consistent application of the procedures in this Policy and provide guidance to all Town employees regarding the application of the Policy.
- 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 to determine if the records they wish to request are already available for inspection online.

ARTICLE II - DEFINITIONS

Sec. 1-11. CORA

- a. The definitions in the Act are incorporated in this Policy 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:
 - i. "Requestor" means the party requesting records.
 - ii. "Official Custodian" means the Town Clerk or designee.
 - iii. "Research and Retrieval Time" means the time expended by staff to research, retrieve, review, segregate, and prepare for inspection records, which are the subject of any request.
 - iv. "Public Record" means and includes all writings made, maintained or kept by the Town, which includes for example, emails, reports, contracts, memoranda, meeting minutes, and other written or electronic materials, regardless of physical form

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 names and titles of applicable departments/personnel. All requests shall be made in writing on a form provided by the Office of the Town Clerk and available on the Town's web page.

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

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). Further, the Town reserves the right to combine separate requests from any Requestor for multiple documents regarding the same topic or event within a three-day period into a single request, with the required response time starting upon receipt of the last request on the third day. The Town reserves the right to not respond to any portion of a communication that contains threatening language or consists of interrogatories, editorials, or other such requests which do not constitute a public record (C.R.S. 24-72-202(6)(a)(I))

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 Requestor. Records available in an electronic format shall, if sought by the Requestor, be provided electronically at no cost to the Requestor. Requestors who submit electronic requests for records available on the Town's website shall receive a link to the location of the record. If the Requestor desires copies of the records, they shall be provided upon the Requestor's payment of all copying and mailing costs. Records provided electronically to the Requestor via the Town's NextRequest platform will be published for public viewing on NextRequest and available until the records are purged according to the Colorado Municipal Records Retention Schedule.

Sec. 1-24. Manipulation of data.

The Act does not require the Town to create a public record in response to a request. Records and data need only be provided in their current format.

Sec. 1-25 Duplication of records.

The Town will not screen requests from Requestors in order to avoid duplication of records previously provided to the Requestor. It is the Requestor'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 Requestor to copy public records using the Requestor's own equipment (e.g., cell phone camera), but such authorization must be made prior to any copying. Under appropriate circumstances, as 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 9:00 a.m. and 4:30 p.m., Monday through Friday, except holidays and Town facility closures. The Official Custodian may abbreviate the hours on any given day if the request to inspect public records unduly interferes with the Office of the Town Clerk's operational duties.

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 after submittal of a request, 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 Requestor.

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

The Official Custodian shall adhere to the requirements and procedures of the Act and applicable Colorado 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 the public interest. The Official Custodian's decision shall 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. Any research and retrieval fee paid by the Requestor 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 subject to being withheld as a matter of law 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, in accordance with law, a research and retrieval fee of \$41.37 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 \$41.37 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 of providing a copy in a format other than a standard page.

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

If the Official Custodian reasonably determines that fulfillment of any request may result in more than one hour of staff time to research, retrieve, segregate, and prepare the records, the Official Custodian shall require a monetary deposit before commencing work to research and retrieve and prepare the records. The Requestor 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 Requestor 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 this Policy and Procedures, 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.

Approval:



Town Clerk

03/31/2025

Date



Town Manager

1/8/25

Date