



CRYSTAL LAKES FIRE PROTECTION DISTRICT

PUBLIC RECORDS POLICY

1. **PURPOSE:**

All public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. The District desires to implement a policy that will balance the public's right to access public records and the District's primary objective of providing emergency services within its boundaries.

2. **AUTHORITY:**

The District enacts this Policy under the following authority: the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, *et seq.*, as amended (the "CORA").

3. **CUSTODIAN OF RECORDS:**

The Board of Directors appoints the Secretary of the Board as the official Custodian of Records responsible for the maintenance, keeping, and disclosure of all records of the District. If the office of the Secretary of the Board is vacant, the President of the Board shall serve as the official Custodian of Records.

The official Custodian of Records shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this Policy.

4. **INSPECTION:**

A. General. Public records shall be open for inspection by any person at reasonable times, subject to the exceptions found in CORA and other applicable law. When determined by the Custodian of Records, public records shall be inspected at the office of the District at a day and time set by the Custodian of Records, and shall require that the Custodian of Records or delegated person be present while records are examined. Records may also be provided electronically, upon request.

B. Request Required. A request to inspect public records must be submitted in writing to the Custodian of Records on the form provided by the District, and sufficiently specific in scope to enable the Custodian of Records to identify the information desired. Requests for inspection of e-mail shall include the sender's name, the recipient's name and the approximate date and time of the transmission.

If the Custodian of Records receives a request to inspect public records that is ambiguous or lacks sufficient specificity to enable the Custodian of Records to locate the records, the Custodian of Records shall, within three (3) working days, notify the requesting party in writing of the deficiencies in the request. Any clarified request shall be considered a new request for the purposes of this Policy and CORA.

If any questions arise as to the propriety of fully complying with a records request, the Custodian of Records shall immediately forward it to the District's legal counsel. The District's legal counsel shall determine the District's obligation under applicable Federal and/or State law. If the District is permitted to make records available for inspection in whole or part, the District's legal counsel will notify the District's Custodian of Records, who will assemble the requested documents for inspection in accordance with applicable Federal or State law. If the District's legal counsel determines the District is not permitted by Federal or State law to make records available for inspection in whole or in part, legal counsel shall provide a written response to the party submitting the records request stating the legal basis upon which the records request in whole or part is being denied.

No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Custodian of Records after consultation with the District's legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth by CORA.

C. Review and Response. Upon receipt of a request for inspection of public records under CORA, the Custodian of Records shall review the request and determine what records may be responsive to the request. The initial response period is three (3) working days following the day the request is received. If a request is delivered after hours or on a non-working day, the request will be deemed received as of the first working day following its delivery. Under certain circumstances, the Custodian of Records, within three (3) working days, may notify the requesting party in writing that the documents will be produced for inspection within seven (7) additional working days, pursuant to [C.R.S. § 24-72-203\(3\)](#). The Custodian of Records shall assess the potentially responsive records and determine what, if any, of the responsive documents should be disclosed under CORA within the applicable response period.

D. General Counsel. Any of the notices required herein may be issued by the District's General Counsel in lieu of the Custodian of Records. By written notice, the District's General Counsel may further require that any requesting party contact the General Counsel rather than the Custodian of Records.

5. FEES:

A. Copies, Printouts, Photographs and Other Material. Pursuant to C.R.S. § 24-72-205(5)(a), the District shall charge a fee not to exceed twenty-five cents (\$0.25) per standard page for any copy of a public record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record which is in a format other than a standard page. For purposes of this Policy, a black and white copy made on a single sheet of letter or legal sized white paper shall constitute a "standard page."

B. Research and Retrieval Time. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time shall be free of charge; however, the District reserves the right to charge a fee of thirty-three dollars and fifty cents (\$33.50) for any additional staff time, devoted to researching and retrieving the requested information. The Custodian of Records shall contact the requestor within the initial three (3) working day response time with an estimate of fees to respond to the CORA request. Anyone submitting a request for public records shall remit a deposit equal to the estimated costs for the search and for the material (if copies of material rather than

just an inspection are requested) before any such search commences. The response time for providing records shall not commence until the deposit is received.

D. Transmission Fees. If the Custodian of Records transmits records by regular mail or courier service, the requesting party shall be responsible for the cost of postage or courier fees. The Custodian of Records may not charge transmission fees for transmitting public records via e-mail, provided that the requesting party may be charged for staff time associated with research and retrieval of the requested records or copies, if required, as provided herein.