

## Colorado Public (Open) Records Act

### AGNC POLICY AND PROCEDURE



Approved: \_\_\_\_\_

Effective Date: \_\_\_\_\_ Questions: Executive Director – 970-665-1095

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#### Purpose

- To establish general policies and procedures for providing access to public records maintained by the Associated Governments of Northwest Colorado (AGNC).
- To establish reasonable and standardized fees for records requests.

#### Policy

- In accordance with the Colorado Public (Open) Records Act, AGNC shall make all public records open for inspection, except as otherwise specifically provided by law.
- The Act allows the custodian of public records (Executive Director) to formulate rules and regulations with reference to the inspection of public records which protect the integrity of the records and limit operations disruptions caused by access to the records.
- C.R.S. § 24-72-203 (3)(b) provides that the inspection of records not readily available shall be made available within a reasonable time which shall be presumed to be three working days and allows for a seven working day extension in extenuating circumstances for a maximum ten working day response time. For the purposes of this policy, the time period for response will not begin to run until AGNC receives the request on the office Request for Records form submitted to the appropriate custodian of the requested records. Nothing in this policy obviates AGNC's ability to petition the courts for relief as to CORA Requests.
- The fact that AGNC has limited space, personnel and time to process records requests mandates reasonable rules are observed.
- Records are held at the official AGNC office, 195 W 14<sup>th</sup> Street, Building D, Rifle, CO 81650. With the nature of a council of governments, travel is often required and will limit times that the office is occupied. For this reason, viewing of documents in person will require an appointment.
  - AGNC shall set a date and hour within three working days when the records will be available for inspection, except in the case of extenuating circumstances. If there will not be a custodian available to assist with accessing public records right away due to staffing considerations, this fact shall be communicated to the requester forthwith, in writing.
- All requests for public records must be made in writing (see Public Records Request Form) either by e-mail or U.S. Mail.
  - If the form is sent by e-mail, it is deemed received when it is viewed by the recipient
  - If the form is sent by U.S. Mail, it is deemed received when its seal is broken.
  - Notwithstanding the foregoing, requests received outside of normal business hours, on holidays, and over weekends will be deemed received no earlier than 8:00 a.m. on the next business day.

- If the request is determined not to be within the guidelines of the Open Records Act, a written statement will be issued to the requester explaining the legal basis for not making the requested records available.
- If the request is determined to be within the guidelines of the Open Records Act, a cost estimate to complete the request will be prepared by the Executive Director.
  - If the cost estimate is in excess of \$100, the total estimated amount shall be collected in advance of proceeding with the request. The requester is to be advised that this is only a deposit and that any necessary adjustment to such amount will be made at the time the request is ready for pickup. If more than three days are needed to complete the request, the requester should be notified in writing at this time.
  - Upon receiving payment, the Executive Director will proceed with the request specifying the timeframe for completion. Upon completion, an invoice will be prepared. The requester will be contacted and informed as to any adjustments to the original estimate. If paid in advance, the requester pays or is refunded any adjustment based on the actual costs incurred.
- Documents that include sensitive personnel, legal, financial, law enforcement or customer records; documents created as part of the deliberative process; certain copyrighted materials; and certain other types of public records addressed in the Act may not be subject to public disclosure. Some examples would include personnel files and attorney client communications.
- Records are maintained in accordance with AGNC's records retention schedule, which prescribes the time and/or form for which certain records are kept.

\*\*\* Please be advised that AGNC is a council of governments, but does not maintain records for the individual counties/municipalities represented. Records maintained by AGNC pertain only to the workings of AGNC, including records of only AGNC's direct responsibilities.

#### **Records Custodians**

- The Executive Director shall serve as the official custodian of all records of AGNC for purposes of response to open records requests.
- The Executive Director may coordinate with and/or forward to the Executive Administrator or to other personnel empowered with record-keeping responsibilities.

#### **Research/Data Gathering Time**

- In calculating the fee associated with any request for public records, "research/data gathering time" shall mean all time expended by AGNC staff in processing such request in excess of one hour.
  - Alternatively, AGNC may choose to utilize a third party to research, retrieve, or copy requested records. In such instances, the requester shall be charged the actual amount invoiced by the third party.

#### **Records Maintained in Electronic Format**

- Public records maintained in electronic format may be provided in either electronic or hard copy as determined by AGNC. If provided in electronic form, AGNC will take measure to ensure public access to the records, which may include, for example, providing a viewing station or providing

the records via computer disk, e-mail or website posting. AGNC is not required to convert electronic records to other electronic formats, or to manipulate data to produce a record in a form not otherwise used by AGNC. AGNC may in its sole discretion accommodate requests that public records be made available in other formats or forms.

**Closure of Request**

- A records request is deemed closed under any of the following cases:
  - After records made available for inspection have been inspected by the requester and no copies of these records are requested.
  - After records made available for inspection have been inspected by the requester and requested copies have been provided consistent with this Policy.
  - After records have been made available for inspection for ten business days and the requester has failed to make arrangements for inspection; failed to actually inspect the records after arrangements have been made; or failed to provide advance payment as required.
- A requester whose request has been closed under this Closure of Request section and who still wishes to inspect the same records must submit a new request.

**AGNC Open Records Fee Schedule**

Description	Fee
Meeting Agendas	Free online @ <a href="http://www.agnc.org">www.agnc.org</a>
Copies – includes standard sizes (8 ½ x 11” to 11 x 17”) produced from printer or copier; all others fall into “oversized documents” category. <ul style="list-style-type: none"> <li>• Black &amp; white copies</li> <li>• Color copies</li> <li>• Faxed copies (10 page maximum excluding cover page)               <ul style="list-style-type: none"> <li>○ Local</li> <li>○ Long Distance</li> </ul> </li> </ul>	\$.25 per page \$1.00 per page \$.50 per page \$1.00 per page
Oversized documents <ul style="list-style-type: none"> <li>• 24x36” copies – black &amp; white</li> <li>• 24x36” copies – color</li> </ul>	\$5.00 each \$15.00 each
Fee for research/data gathering time	No fees incurred for first hour of staff time. Fee for time spent in excess of one hour is \$30.00 per hour. *Unless a third party is used, where the actual amount invoiced by the third party shall be charged.
Audio or Video CD or DVD	\$25.00