



AGENDA ITEM REQUEST FORM
Communication to Board of County Commissioners

To: Chair Sandy Hollingsworth, Commissioner Web Sill, and Commissioner Linda Isenhart

From: Sarah Baciak
Name

Paralegal, County Attorney's Office
Title

Today's Date: 4/20/2022

BoCC Meeting Date: 5/3/2022

Does this item require a PUBLIC HEARING? No.

Item: Resolution adopting Gilpin County Colorado Open Records Act (CORA) Policy

Request or Issue: Approval of policy.

Recommended Action / Next Step: Approval of policy.

Financial Impact(s): Have you spoken to the Finance Director about this expense/revenue? No. N/A

Finance/HR Staff: Reviewed by Finance? N/A Reviewed by Human Resources? N/A
Is this item currently budgeted? N/A

Grant Apps: N/A

Background Information: The Colorado Open Records Act allows the public to request records from any public or governmental entity, in an effort to maintain transparency of the entity's dealings and functions to the public. Formal CORA policy is to be posted on County website to provide guidance and information to requestors and residents of Gilpin County about the CORA process.

Amount of agenda time needed: 10 mins.

Is this item time sensitive: No.

Contact for Follow Up: Sarah Baciak, Paralegal

DRAFT

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF GILPIN**

**RESOLUTION ADOPTING POLICIES RELATING TO GILPIN COUNTY COLORADO OPEN
RECORDS ACT ("CORA") REQUESTS**

WHEREAS, Gilpin County is a governmental entity which is required to comply with the Colorado Open Records Act ("CORA"), C.R.S. 24-72-201 et seq.;

WHEREAS, Section 24-72-203(1)(a), C.R.S., authorizes the adoption of policies that are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office; and

WHEREAS, the Gilpin County Board of County Commissioners has determined it is appropriate to adopt policies for the uniformity and protection of Open Records requests as shown on **Exhibit A** attached hereto.

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Gilpin, that the Gilpin County Public Records Request Policy is adopted as set forth in **Exhibit A** attached hereto and incorporated herein by reference. Nothing contained in such Policy shall be deemed to modify or otherwise imposed additional requirements upon the custodian of records than is required by C.R.S. 24-72-201 et seq. (Colorado Open Records Act).

ADOPTED this 3rd day of May, 2022, by a vote of _____ to _____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Deputy Clerk to the Board

Sandy Hollingsworth, Chair

ACKNOWLEDGMENT

STATE OF COLORADO)
) ss
COUNTY OF GILPIN)

The foregoing Resolution was acknowledged before me this _____ day of _____, 2022 by Sandy Hollingsworth, Chair, and Sharon Cate, Deputy Clerk to the Board, County of Gilpin.

My commission expires: _____

Witness my hand and official seal.

Notary Public

GILPIN COUNTY
PUBLIC RECORDS REQUEST POLICY
"Exhibit A"

Gilpin County (herein "County") public records are available to the public upon request, informally or pursuant to the Colorado Open Records Act, (C.R.S. 24-72-201, *et seq*). This policy provides guidance as to how records may be requested, and the costs associated with producing documents or providing research and information for which the County may recoup direct and indirect costs. This policy is subject to interpretation by the Gilpin County Attorney and exceptions may be made in individual cases at the discretion of the Gilpin County Attorney.

Submitting a Request:

A Request for Public Records may be submitted in person, via mail, e-mail, or facsimile. Requests for records should be directed to the following email and mailing address

Gilpin County
Attention: CORA Request
203 Eureka Street
P.O. Box 366
Central City, CO 80427
Fax: 303-582-5440
CORA@gilpincounty.org

Please fill out the Request for Records form (Attachment 1). All requests must include the following information:

- The name and preferred contact information for the requesting party;
- A description of the records sought;
- Preferred method of delivery, i.e.: email, regular mail, in person.

Time for County's Response to Your Request:

The custodian of records has a reasonable period of time, not to exceed three business days, to make the records available for inspection. The custodian will notify the applicant when additional time is required to make the records available for inspection.

For broad general requests the timeframe for completion of a request may be put on hold while the County awaits clarification from requestor. Please be as specific as possible when submitting a Request for Public Records as it will reduce the amount of County staff time required, therefore, reducing the cost for the requestor.

Please note: Any request received after 3 p.m. or any day that the agency is officially closed will be considered received on the following working day. (Gilpin County's policy)

Fees:

- If, for reasons of security, convenience, research, or data gathering, the services of a County employee are required, County will charge \$30.00 per hour of employee time, in half-hour increments, to cover the costs of researching, locating and printing documents or other materials and information. There is no charge for the first hour of time expended in connection with the research and retrieval of public records. Tasks anticipated to require more than two hours will require a deposit based on the estimated time for completion.

- The copy charge for 8 ½" x 11" and 8 ½" x 14" documents is \$0.25 per page. Copies of 11" x 17" documents and for any color documents the rate is \$0.50 per page. Copies of documents larger than 11" x 17" will be determined on a case-specific basis but will not exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page.
- Charges for extraordinary record requests will be determined on a case-specific basis, based upon the time for retrieval, compilation, and copying. The record custodian will provide a good-faith estimate of charges, and may request payment for the estimated amount prior to commencing any research or retrieval activities.
- In addition to the charges described above, the County will charge for postage when materials are mailed. No transmission fee will be charged to the record requestor for transmitting public records via electronic mail, pursuant to C.R.S. 24-72-205(1)(b).
- Requestors who have not paid the associated fee for records within ten business days of being notified that payment is due, will be required to submit a new public records request and begin the process anew.

Denial of Inspection

Access to public records may be denied in accordance with provisions of C.R.S. 24-72-204. The custodian of the records will notify the requestor in writing of the grounds for the denial. Inspection of County employee's personnel records, trade secrets, test questions, scoring keys, specific details of bona fide research projects, specialized details relative to security arrangements, investigations, physical and cyber assets of critical infrastructure are just a few examples of the types of records requests that would be denied pursuant to C.R.S. 24-72-204.

Inspection of Public Records

In the event that the records being requested cannot be copied and sent, the custodian of the requested records will contact the requestor and make arrangements for the requestor to inspect the records in person.

In order to safeguard the integrity of the County's records, the custodian of the records shall retain control of the records at all times. Inspection of all public records is subject to the supervision of the records custodian. Inspection of public records will generally be scheduled during business hours, Monday through Friday, except on days that the agency is officially closed.

Please note: Gilpin County may require that members of the public be allowed to inspect only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the County or its staff or production of original records could jeopardize the condition of the requested records.

Requestors who have not come to view the requested information within ten business days of being notified that the records are available for review will be required to submit a new public records request.

Gilpin County
Request for Information / Records
Pursuant to the Colorado Open Records Act
"Attachment 1"

Request Date: _____ Time: _____

Name of Requesting party: (PLEASE PRINT) _____

Address: _____

City / State / Zip: _____ Phone: _____

Please make available to me the following Records / Information. I further understand that once my request is processed, I am responsible for the cost involved in producing requested material.

1. _____
2. _____
3. _____
4. _____

Give a brief description of record / information requested – attach additional sheets if needed.

DO NOT Write below this line. – This section to be completed by County Staff.

Response Date: _____ Time: _____

Method of Delivery: _____ Number of Pages: _____ Amount Pd: _____

By: _____ Title: _____

Because of legally sensitive material, some requests cannot be accommodated:

Denial of Request and Basis for Denial: _____
