



Town of Silt Open Records Policy and Procedures

1. Intent.

It is the policy of the Town of Silt ("Town") 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 Town 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 Town's custodian of records and the employees of the Town custodian's office, and for enabling timely access to public records of the Town 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 Town Clerk is the official custodian of all public records maintained by the Town, except that the Town'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 Town of Silt Police Department.

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

C. The Town's public records request form must be filed with the Town 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 Town Clerk or employees of the Town Clerk's office will not be accepted. Requests may be mailed, emailed or sent via facsimile.

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 Town 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 Town Clerk in advance of submitting the request for assistance in providing the requisite specificity.

4. Time for Response to Public Records Requests.

A. The normal time for production of documents by the Town 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 Town Clerk will constitute the date of receipt. The date on which the Town 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 than the next business day.

B. The period within which the Town Clerk must make the requested documents available for review may be extended for an additional seven working days if the Town 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 Town 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.

C. If the public records requested are not in the custody or control of the Town Clerk, the Town 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 Town Clerk's knowledge and belief the reason for the absence of the records from the Town Clerk's custody or control, the location of the records if known, 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 Town 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 Town 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 Town Clerk will require the person making the request to pay a deposit toward the Town's estimated cost of compliance with the request prior to the Town fulfilling the request. The Town 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 Town Clerk shall 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 Town 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 Town 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 Town pursuant to the public records request. The Town 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. No copy shall be released by the Town until all amounts due have been paid.

Cost for research, retrieval and related services:

B&W copies/Scanned/Faxed	\$0.25 per page (one sided, up to 11 x 17)
Colored copies	\$1.00 per page (one sided, up to 11 x 17)

Certified copies	\$1.00 additional per document
CD/DVD	\$5.00 (CD/DVD provided by town)
Notary fee	\$2.00 per document
Large format copies	Actual cost
B&W maps	Actual cost
Mylars	Actual cost
Research and retrieval fee	\$30.00 per hour per employee (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 Town 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.

The above policy and procedures are adopted pursuant to the Colorado Open Records Act.

Effective this ____ day of _____, 2014.

TOWN OF SILT

By: _____
Sheila M. McIntyre, Town Clerk, CMC