

**RESOLUTION 55-2019**  
**Washington County Policy Regarding Open Records Requests**

**Resolution 55-2019** The CORA Policy regarding Open Records Requests was presented to the Board for consideration on the 16<sup>th</sup> day of April for use within Washington County.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 23rd day of April 2019 by Commissioner Willeke who moved its adoption. The motion was seconded by Commissioner Wells and on roll call vote, all votes being yes, the resolution was adopted.

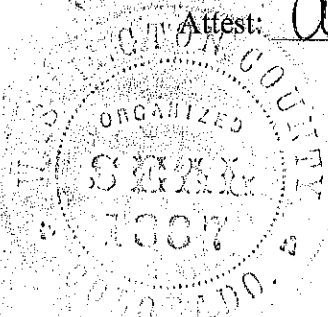
Attest:

Annie Hunt

Dea Ann Laybourn  
Chairman

Debra T. Willeke  
Commissioner

Tommy J. Wells  
Commissioner



## WASHINGTON COUNTY POLICY REGARDING OPEN RECORDS REQUESTS

**PURPOSE:** It is the policy of the Board of County Commissioners that all public records shall be open to inspection by any person at reasonable times, except as provided by the Colorado Public Records Act (the "CORA"), or as otherwise specifically provided by law. In all cases where a person has the right to inspect a public record, the person may request a copy or printout of the record.

Although public records are typically open to inspection, the CORA authorizes a custodian of records to make rules and regulations regarding the disclosure and inspection of public records as are reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office.

The purpose of this policy is to set forth general guidelines for citizens or entities requesting public records, and for County staff in responding to such requests.

**APPLICABILITY:** This policy shall apply to all County Departments and Offices. In most cases, Washington County's elected officials and department heads are the official custodians of records maintained within their respective offices and departments. Requests for public records and/or inspection of those records in most cases will be fulfilled within three working days or, when extenuating circumstances apply, within an additional seven working days as established by the CORA. The appropriate custodian will notify the requesting party when there are extenuating circumstances that prevent the County from responding to your request within three working days.

**PROCEDURES:** To request inspection or a copy of a public record, an individual should contact the Washington County office or department that is the designated custodian for that specific information. In some cases, the custodian may require that the request be in writing on a form approved and provided by the County so that the request is properly documented. Hard copies of the documents may be obtained for the nominal fee. In some cases, the County may assess an hourly retrieval fee after the first hour of research and retrieval time. In those cases, the custodian will require the payment of the estimated costs and fees at the time of the request. (A contact list of custodians is provided at the end of this document).

Open records requests may be submitted in person, by regular mail or via facsimile to the appropriate custodian. The request should describe the records sought as specifically as possible. If the record name is unknown, provide a brief, but specific, description of the information, including but not limited to dates, type of record, parties involved, etc. Broad, vague or voluminous requests may cause delays in producing the records. Requests submitted via email are discouraged because due to spam filters, inactive or incorrect email accounts, the County cannot guarantee that a particular custodian has received an electronic email request.

**REVIEWING IN PERSON:** The requesting party may review the records prior to requesting copies. If the requesting party asks to review the record, the custodian may request

that the requesting party follow certain procedures to protect the integrity of the public record. For example:

- Be supervised by a County employee within the area where the records are stored and/or maintained; or
- Need to review records in a designated area or be asked to schedule for a particular time of day in order to not unduly disrupt the day-to-day activities of that specific office or department.

In relation to the aforementioned, questions or problems arising from a request to review or produce public records should be referred to the Elected Official or Department Head who is the custodian of the specific record(s). See contact information at the end of this document.

**PROTECTED RECORDS:** Certain records are protected under law from public inspection under the CORA. These records fall into the following categories:

- Personnel files
- Ongoing investigations by law enforcement authorities
- Victim/witness information
- Social security numbers
- Juvenile criminal records
- Work product
- Correspondence sent to or received from the Town's legal counsel
- Individual medical, mental health, sociological and scholastic achievement data
- Letters of reference
- Trade secrets
- Confidential commercial or financial data
- Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, facilities, or recreational or cultural services
- Records of sexual harassment complaints and investigations
- Library records and contributions
- Addresses and telephone numbers of students in any public elementary or secondary school

Records that are exempt from the CORA might still be accessible to other forms of inspection, such as subpoena.

**COSTS AND FEES ASSOCIATED WITH A REQUEST:** It is the policy of Washington County to meet public record requests in the most economical way possible. Any

fees charged by Washington County will be consistent with the provisions of the CORA. The nature of the request and the records will dictate any potential fees or costs.

Copies, Printouts or Photographs. Pursuant to C.R.S. § 24-72-205(5)(a), Washington County 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."

Research and Retrieval Time. As stated above, if a specific request requires more than an hour of staff time for the purposes of researching records or redacting documents to remove confidential information, then a fee of \$25 per hour will be charged to the requesting party, after that first hour.

Postage/Courier Fees. If the County transmits records by regular mail or courier service, the requesting party shall be responsible for the cost of postage or courier fees.

Electronic Transmission Fees. For digital records, if a public record is stored in a sortable or searchable digital format, the custodian will provide the digital record in such a format. If the custodian cannot produce the record in either a sortable or searchable format, the custodian will notify the requestor.

In this case, the requesting party will be notified of the estimated fees and costs, and the County may require payment of the estimated fees and costs at the time of the request. Actual hourly costs will be charged, and if the estimate exceeded the actual expense of fulfilling the request, then the remainder will be refunded to the requesting party.

**CONTACT INFORMATION FOR CUSTODIANS:** The following persons may be contacted regarding records that may be available to the public. Failure to follow this policy may result in a delay in retrieval or production of documents.

**Board of County Commissioners/Commissioner Departments**

Contact: Denise Chavez

Phone: 970.345.2701

Address: 150 Ash Avenue, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Planning and Zoning Permits and records, Budget and Finance records, Inter-Governmental Agreements, Landfill records

**County Assessor**

Contact: Larry Griese

Phone: 970.345.6662

Address: 150 Ash Avenue, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Property records, Parcel maps, Taxing Authority information

**County Clerk and Recorder**

Contact: Annie Kuntz

Phone: 970.345.6565

Address: 150 Ash Avenue, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Records are available for the following Divisions: Motor Vehicle, Recording, Elections and Clerk of the Board.

**County Coroner**

Contact: Dallas Bowin

Phone: 970.554.1515

Address: 150 Ash Avenue, PO Box 505, Akron, CO 80720

Business hours: By Appointment

Custodian of these general records: Autopsy Reports

**Public Trustee**

Contact: Debi Cooper

Phone: 970.345.6601

Address: 150 Ash Avenue, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Foreclosures

**County Sheriff**

Contact: Jon Stivers (Sheriff) / Brittani Kusel (Office Manager)

Phone: 970.345.6865 Ext. 2000

Address: 26861 Highway 34, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Criminal justice records, criminal reports, sex offender lists,

**County Treasurer**

Contact: Debi Cooper

Phone: 970.345.6601

Address: 150 Ash Avenue, Akron, CO 80720

Business hours: 8:00 a.m. – 4:30 p.m. Monday – Friday

Custodian of these general records: Property tax information, taxing authority distribution, investment portfolio, tax lien/treasurer's deed, etc.