

RESOLUTION 63- 2024
A RESOLUTION APPROVING AN UPDATED OPEN RECORDS
ACT POLICY FOR WASHINGTON COUNTY

WHEREAS, the Washington County Board of County Commissioners desires to update the County's Open Records Act Policy to modify the name of Elected Officials and Department Heads, to set fee schedule, to establish a CORA request form for general requests, and the Washington County Sheriff's Office.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO, as follows:

1. The Washington County Policy Regarding Open Records Requests attached hereto as **ATTACHMENT 63A** is hereby approved.
2. The Washington County CORA Request Form attached hereto as **ATTACHMENT 63B** is hereby approved.
3. The Washington County Sheriff's Office Request for Records Form attached hereto as **ATTACHMENT 63C** is hereby approved.
4. This Resolution shall be and is hereby cross-indexed with resolutions 68-2021, 55-2019, and 77-2019 to show the action taken by the Board on this date.

The foregoing Resolution was presented at a regular meeting held of the Washington County Commissioners held on the 9th day of July 2024, by Commissioner Laybourn, who moved for its adoption. The motion was seconded by Commissioner Jefferson and on roll call vote, all votes being yes, the resolution was adopted.




Chairman

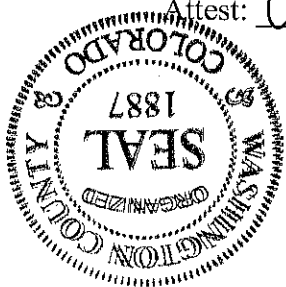


Commissioner



Commissioner

Attest:  _____



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 \$41.37 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 shall serve as official custodians and 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: Misty Peterson
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: Human Resources records, Budget and Finance records, Inter-Governmental Agreements, Landfill records, all other records not specifically designated in this policy.

Contact: Tammy Leonard
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.

County Assessor

Contact: Hali Thompson

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: Michelle Swan

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: Robbie Furrow (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: Michelle Swan

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.

Nursing Home

Contact: Libbie Schuetz

Phone: 970.345.2211

Address: 599 West Green House Drive, Akron, Colorado 80720

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

Custodian of these general records: Nursing home records.



Washington County Commissioners
150 Ash Avenue
Akron, Colorado 80720
Ph: 970-345-2701 Fax: 970.514.7710

CORA Request Form

Please provide your information.

Requestor's Name _____

Email Address _____

Phone Number/ Cell Phone Number _____

Mailing address with City, County and Zip Code _____

List information requested.

List information requested.

Be aware personally identifiable information (PII) defined by C.R.S. 24-72-302 (2) and C.R.S. 24-72-204 (VII) contained in Department records will be redacted from CORA responses. In addition basic identification information defined by C.R.S. 24-72-302 (2) (2) as "the name, place and date of birth, last-known address, social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person. C.R.S. 24-72-204 (VII) Electronic mail addresses provided by a person to an agency, institution, or political subdivision of the state for the purpose of future electronic communications to person from the agency, institution, or political subdivision" will not be included. Fees for documents requested under CORA may be imposed in accordance with the County's CPRA Policy. Any research and retrieval fees may be charged for CORA requests in accordance with the hourly rate in the County's CORA policy.

Information Requested

Method of Delivery: Mail___, Email___, or Pick Up___ (Audio and video cannot be emailed)

Your signature acknowledges that you will pay all fees associated with this records request (all payments must be received in advance of realizing the requested records) and that information requested will not be used for the direct solicitation of business for pecuniary gain.

___I have read and agree to the terms and the conditions stated above. (Check here is submitting electronically)

Signature: _____ Date: _____

SECTION BELOW TO BE COMPLETED BY THE ASSIGNED RECORDS PERSONNEL

Request Received By: _____ Date: _____ Time: _____

COMMENTS:

Request Completed By: _____ Date: _____ Time: _____

COST: \$ _____ PAID _____ CHK _____ DATE _____ UNPAID _____ MEDIA _____

ADDITIONAL TIME REQUESTED YES NO DATE _____

WASHINGTON COUNTY SHERIFF'S OFFICE
REQUEST FOR RECORDS

Depending on the nature of a request received by the Washington County Sheriff's Office ("WCSO"), responsive documents may be "public records" as defined pursuant to the Colorado Open Records Act (C.R.S. §§ 24-72-201, et seq.) ("CORA"), "criminal justice records" pursuant to the Colorado Criminal Justice Records Act ("CCJRA") and/or any other applicable statutes and shall be subject to the provisions found therein. The WCSO will provide for public inspection, records in the custody of the WCSO in accordance with above referenced statutes. The WCSO is authorizing dissemination of criminal justice records ONLY to the below requestor in accordance with C.R.S 24- 72- 304, secondary dissemination may violate this statute and will not be the responsibility of WCSO.

To request a copy of a record you MUST complete this form, which will be retained in the file of the requested record. All requests are processed as soon as possible, subject to the applicable statutory provisions of CORA and/or CCJRA.

The fee shall be as detailed below, unless actual costs exceed that amount, in which case actual costs may be changed. Actual costs include staff time. Any fees charged in this policy shall include the cost of redacting documents to excise privileged material. Fees may be waived or reduced with prior approval of the Sheriff.

PERSON REQUESTING RECORDS: _____

REPRESENTING (NAME OF FIRM/BUSINESS): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

HOME PHONE #: _____ WORK PHONE #: _____

EMAIL ADDRESS: _____ FAX #: _____

REPORT #: _____ REPORT DATE: _____

PERSON(S) INVOLVED IN RECORD: _____ DATE(S) OF BIRTH _____

INVOLVEMENT TYPE: VICTIM WITNESS SUSPECT COMPLAINANT ARRESTEE INVOLVED

CHECK INFORMATION REQUESTED

CASE REPORT: \$5.00 FOR EACH SEARCHED CASE REPORT (INCLUDES RETRIEVAL, COPYING OF THE FIRST TEN PAGES OF THE REPORT). THERE IS A FEE OF \$.25 PER EACH ADDITIONAL PAGE.

ACCIDENT REPORT : \$.25 PER PAGE

CASE PHOTOGRAPHS (IF AVAILABLE): \$2.50 EACH PHOTO OR \$15.00 PER CD.

MUGSHOT: \$5.00 PER MUGSHOT.

~~Fees for documents requested under CORA may be imposed in accordance with the County's CORA Policy. Any research and retrieval fees may be charged for CORA or CCJRA requests in accordance with the hourly rate in the County's CORA policy.~~

YOUR SIGNATURE ACKNOWLEDGES THAT YOU WILL PAY ALL SHERIFF'S FEES ASSOCIATED WITH THIS RECORDS REQUEST (ALL PAYMENTS MUST BE RECEIVED IN ADVANCE OF RELEASING THE REQUESTED RECORDS) AND THAT PER STATUTE 24-72-305.5 A RESPONSIVE CRIMINAL JUSTICE RECORD(S) WILL NOT BE USED FOR THE DIRECT SOLICITATION OF BUSINESS FOR PECUNIARY GAIN.