

**ADMINISTRATIVE RULES GOVERNING CITY OF ARVADA
COMPLIANCE WITH THE COLORADO OPEN RECORDS ACT**

ARTICLE I

IN GENERAL

Sec. 1-1. Title.

This document shall be known and may be cited as the "Administrative Rules Governing City of Arvada Compliance With The Colorado Open Records Act," and for convenience may be referred to as "CORA Rules."

Sec. 1-2. Authority.

The Colorado Open Records Act, C.R.S. §§24-72-201 *et seq.* (as may be amended from time to time) ("the Act"), requires that all public records be open for inspection by any person at reasonable times, except as provided by law. The Act allows the official custodian of public records to adopt rules concerning the inspection of such records to protect the integrity of the records and to prevent unnecessary interference with the regular operational duties of the City's employees that may be caused by requests under the Act.

Sec. 1-3. Purposes and application.

(a) These CORA Rules are intended to establish general procedures with regard to providing the public with timely, orderly, and appropriate access to and inspection of public records maintained by the City, and to set reasonable and standardized fees for research, retrieval, review, and copying pursuant to the Act.

(b) These CORA Rules do not apply to records requested under the Colorado Criminal Justice Records Act ("CCJRA"), C.R.S. §§24-72-301 *et seq.* (as may be amended from time to time). Requests for records under CCJRA should be directed to the Arvada Police Department.

(c) The City Clerk is the official custodian of records for public records maintained by the City, excluding Municipal Court records. The City Clerk will ensure consistent application of the procedures in these CORA Rules, but may delegate certain responsibilities to department heads in order to facilitate responses to requests made under the Act.

(d) It is the desire and goal of the City to conduct business in a transparent manner within prudent and legal parameters. To that end, the public is encouraged to visit www.Arvida.org to see if the records they wish to request are already available for inspection online.

(e) These CORA Rules do not apply to Informal Routine Records Requests for public records that are not specifically submitted pursuant to the Act as determined by the Official Custodian.

Secs. 1-4--1-10. Reserved.

ARTICLE II

DEFINITIONS

Sec. 1-11. Definitions in the Act.

(a) Definitions in the Act are incorporated in these CORA Rules, unless the context clearly requires a different interpretation. In the event of a conflict between a definition set forth herein and in the Act, the definition in the Act shall prevail.

(b) Other expressly defined terms in these CORA Rules shall have the following meanings:

“Applicant” means the party requesting records.

“Informal Routine Records Request” means public records that are commonly requested and maintained on site that do not require significant staff time for research, retrieval, review, and production.

“Official Custodian” means the City Clerk or designee.

“Research/Retrieval/Review/Production Time” means the time expended by staff and/or third party contractors to gather and review records made the subject of any request.

Secs. 1-12--1-20. Reserved.

ARTICLE III

PROCEDURES

Sec. 1-21. Specificity of requests.

All requests for public records must be specific as to the records sought, including subject matter, types of records, dates covered, etc., and the City reserves the right to require any request for inspection to be made in writing. Requests for communications must identify, to the extent reasonably practicable, names or titles of parties to the

communications. For any request the Official Custodian deems to be vague or overly broad, he/she may require a more specific written request before incurring any more time or expense in preparing a formal response or making the public records available for inspection to the Applicant.

Sec. 1-22. Excessive, burdensome, or harassing requests.

In order to prevent unnecessary interference with the regular operational duties of City employees, the City places a limit of three (3) separate items per request. The City reserves the right to process multiple requests in groups of three (3). The City reserves the right not to respond to that portion of any communication that contains demeaning, harassing, or threatening language, or consists of interrogatories, editorials, or other such comments.

Sec. 1-23. Submission of written requests.

Requests for public records may be submitted by mail, facsimile, email, or hand-delivery. Requests should be made directly to the City Clerk's Office, but may be made to individual City Departments. For Applicants' convenience, the Official Custodian has a records request form that Applicants may complete in order to facilitate and expedite records requests. The form can be found at www.Arvida.org.

Sec. 1-24. Format of data.

Records will be provided in a format or medium determined by the Official Custodian. Records will not be provided in a specific format or medium requested by the Applicant unless that format or medium is the form in which the record is normally kept.

Sec. 1-25. Manipulation of data.

The City is not required to create any new public record in response to a request. Records and data need only be provided in the format in which they currently exist. In the event that the City consents to any manipulation of data, the Applicant will be charged staff time for the work.

Sec. 1-26 Duplication of records.

The City will not screen requests from the same Applicant in order to avoid duplication of records. It is the Applicant's responsibility to ensure that the requests are not duplicative. In the event duplicate records are provided, no refunds will be provided.

Sec. 1-27. "Continuing requests."

Requests made for future records that are not yet in existence or requests that a

record be made on a continuing or periodic basis will not be fulfilled.

Sec. 1-28. Possession, control, and protection of City records.

In order to protect City records, no original records may be removed from the files or taken from the site designated by the City for inspection. The City reserves the right to require supervision of the inspection and copying and will charge a standard fee for the staff time. The Official Custodian may authorize the Applicant to copy public records using the Applicant's own equipment (e.g., cell phone camera), but such authorization must be made prior to any copying. Under appropriate circumstances, to be determined by the Official Custodian, the City may, at its option, provide a computer for use by the Applicant. The City reserves the right to withdraw records being inspected, or sought to be inspected by the public, for operational purposes. The City reserves the right to charge and prosecute anyone who intentionally destroys, defaces, removes from the designated inspection site, or alters public records or property.

Sec. 1-29. Office hours for inspection of public records.

All public records shall be open for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except City observed holidays or during City facility closures. The Official Custodian may abbreviate the hours on any given day if the Official Custodian deems that the request to inspect unduly interferes with the operational duties of the City's employees or for any emergency.

Sec. 1-30. Identification of Applicant.

Responding to requests under the Act is expedited by the Applicant providing appropriate contact information. The identification of the Applicant is also relevant to whether certain information can be disclosed to that Applicant under the Act. Notwithstanding the foregoing, access to and inspection of most public records shall not be conditioned upon the Applicant providing a name, address, phone number, or reason for the request.

Sec. 1-31. Time to respond to Open Records Requests.

Pursuant to the terms of the Act, the City shall make the public records requested available within three (3) business days, unless extenuating circumstances exist, in which case, up to an additional seven (7) business days may be added. A finding of extenuating circumstances shall be made in writing by the Official Custodian, and shall be provided to the Applicant.

Sec. 1-32. Allowance or denial of inspection.

The Official Custodian shall follow the requirements, protections, and exemptions

of the Act and Colorado case law when determining whether to allow or deny any request of inspection of records, which include, but are not limited to: inspection would be contrary to state or federal law or regulation; release of the record would violate a court order; or disclosure would be contrary to public interest. The Official Custodian's decision shall be final for purposes of appeal under Colorado law.

Sec. 1-33. Redaction of non-public or exempted matters.

The Official Custodian may redact any non-public record or matters that require non-disclosure under any exemption in the Act or case law.

Sec. 1-34. Abandoned requests.

Failure to inspect the public records at the agreed upon time and place will be deemed an abandoned request. The City may return the records to their proper locations within two (2) business days, or a shorter period if needed by the City for any use. If the records are returned to another location as a result of an abandoned request, a new request must be made to inspect those records.

Secs. 1-35--1-50. Reserved.

ARTICLE IV.

FEES

Sec. 1-51. Right to inspect.

Public records that are responsive to a request, and not covered by an exemption, may be inspected at no cost if the document already exists, and it takes thirty (30) minutes or less of cumulative staff time to produce the public records; however, the City will charge a standard fee for the staff time exceeding thirty (30) minutes. Notwithstanding the foregoing, the City reserves the right to require supervision of the inspection and copying of any public records and will charge a standard fee for the staff time.

Sec. 1-52. Electronically stored data.

Due to security reasons, any requests for electronically stored data, such as emails, require initial research, retrieval, and review for exemption by City staff, which may include staff attorney time and/or a third party contractor. Fees for such time will be charged in accordance with the then current Administrative Fee Schedule.

Sec. 1-53. Fee schedule.

Fees for research, retrieval, review, and production of public records are as set forth in the Administrative Fee Schedule, which may be updated by the Official Custodian on an annual basis. No sales tax will be charged.

Sec. 1-54. Deposit and pre-pay requirements.

If the Official Custodian believes that any request may result in substantial staff time and/or copying charges, the Official Custodian may require a monetary deposit and/or prepayment before commencing action to retrieve and make available the records. If the Official Custodian estimates that the applicable fee will exceed fifty dollars (\$50), the Applicant may be required to pre-pay the estimated costs before the City commences action to retrieve and make available the records. If the final amount is greater than the estimate, the Applicant shall pay the additional amount at the time the records are made available. If the final amount is less than the estimate, the amount of overpayment shall be refunded.

Sec. 1-55. Forms of payment.

Whenever fees are assessed pursuant to these CORA Rules, the City will accept payment in the forms that are accepted at that time by the City. Except as stated herein, payment shall be made at the time the records are made available.

Secs. 1-56--1-70. Reserved.