

**SECTION I GENERAL AND ADMINISTRATIVE POLICIES**

*(Adopted by the BOCC September 7, 2010; Amended January 13, 2015; Amended March 15, 2022; Amended July 2, 2024)*

<b>NUMBER:</b>	<b>I.12 Guidelines for Handling Requests for Public (Open) Records</b>
<b>PURPOSE:</b>	To comply with Colorado Revised Statutes 24-72-201 et seq. regarding access to public records
<b>SCOPE:</b>	This policy applies to all documents in the custody or control of Gunnison County employees, elected officials and County boards and committees
<b>OFFICE OF PRIMARY RESPONSIBILITY:</b>	Custodian of Records and Office of the Gunnison County Attorney

**POLICY:**

It is the policy of the Board of County Commissioners (BOCC) that public records shall be open for inspection to persons of the public at reasonable times, as provided by the Colorado Open Records Act, C.R.S. 24-72-201 et seq. or by other laws. This policy is intended to provide a guideline for handling public records requests pursuant to C.R.S. 24-72-201 et seq. This policy is subject to interpretation by the Gunnison County Attorney and exceptions may be made in individual cases at the discretion of the Gunnison County Attorney.

**REQUEST FORM:**

The BOCC has determined that the use of an official request form will ensure more efficient handling of public records requests. An individual who makes a request shall be informed of the Gunnison County policy and shall be provided the official form by directing the requestor to the Gunnison County website <http://www.gunnisoncounty.org/FormCenter/County-Managers-Office-3/Public-Records-Request-Form-42> or the Office of the Gunnison County Attorney to receive a request form for completion and submission. A copy of the current approved form is attached to this policy.

**FEES:**

1. Records Available at No Charge. Requests for records which fit the following criteria may be provided free of charge:
  - a. Items that are available on the Gunnison County website: [www.gunnisoncounty.org](http://www.gunnisoncounty.org) or are otherwise readily accessible in electronic form without requiring more than one hour of staff time to compile and review.
2. Charges. In all cases where a person has the right to inspect any public record, the requestor may incur costs such as copies, printouts, staff time, or expenses to obtain such record as follows:

- a. Copy Costs: The fee shall be \$.25 per standard page, unless actual costs exceed that amount, in which case actual costs may be charged.
  - b. Staff Time: Staff time to research, redact information pursuant to statute, retrieve and distribute public records shall be charged at \$41.37 per hour, with no charge for the first full hour.
  - c. Actual Costs and Expenses: Any actual costs or expenses associated with the production of the request shall be charged to the requestor. These costs may include, but are not limited to, engineering copies, certified copies or other reproduction, color photographs, etc.
  - d. Data Storage Costs: The cost associated with production of videos, audio recordings, media, or other large files will be \$10 per data storage device, such as a flash drive.
  - e. Postage and handling costs: The requestor shall pay for all postage and handling costs associated with the request for records.
3. Cost Estimates and Deposits. An estimate of copy costs, staff time, and actual costs and expenses for providing records will be provided to the requestor if more than one hour of staff time is necessary to complete the request. After one hour of staff time is spent on a request, staff will pause work on the request until Gunnison County receives a non-refundable deposit of 50% of the estimated cost of completing the request. After receipt of the 50% deposit, staff will finish working on the request and send a final invoice to the requestor for the actual time spent and resources committed to complete the request. Upon full payment of the final invoice, staff will release the requested records.
  4. Payment. Checks, money orders or credit card payment for records requests shall be made payable to Gunnison County prior to Gunnison County releasing any record(s). Additional costs may apply for credit card transactions.
  5. Waiver of Costs and Fees. The BOCC, Department Heads and Elected Officials have the authority to waive charges for good cause.

**Inspection of Public Records:**

1. Time for Inspection of Records – Three Working Days. The custodian shall set a date and time within three (3) working days when the records will be available for inspection. If the requested records are in active use or are in storage and therefore are not available right away, this information shall be communicated to the requestor in writing if necessary. The time period for response begins after Gunnison County receives the properly submitted request during regular business hours on Gunnison County’s official Public Records Request Form. If a request requires payment, the time for inspection of records is tolled from the time a Cost Estimate is sent to the requestor until payment of the Deposit.
2. Extension of Time by Seven Working Days. The period of providing requested records for review may be extended up to seven (7) working days if the custodian determines that one of the following conditions exists, and states

such condition in writing to the requestor within the first three days that the request was received:

- a. A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period; or
- b. A broadly stated request is made that encompasses all or substantially all of a large category of records and the agency is unable to prepare or gather the records within the three-day period because:
  - 1) The agency needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
  - 2) A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document or record.

If the request is too broad, speculative or voluminous to prepare in seven (7) days, Gunnison County may request relief from the court, including attorney's fees, as provided by law.

3. In no event may a requestor remove records or add records to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines, CD/DVD's, flash drives, electronic devices or any other copy, scanning or reproduction device to copy Gunnison County records. Copies will be made at inspection or at a later time, depending upon volume.
4. Gunnison County is under no obligation to allow the public access to Gunnison County computers nor is Gunnison County obligated to provide records in electronic format.
5. Gunnison County is under no obligation to create a record in response to a request.
6. Delivery of Records. Records may be delivered by Gunnison County by providing the records in person upon inspection, electronically by email (subject to email size limitations) or cloud-based data storage services, by facsimile or by US Mail.