

WIGGINS RURAL FIRE PROTECTION DISTRICT PUBLIC RECORDS POLICY

562504440. PURPOSE:

All public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. The District desires to implement a policy that will serve the public's right to access public records.

562504441. AUTHORITY:

The District enacts this Policy under the following authority: the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, *et seq.*, as amended (the "CORA"); the Colorado Sunshine Law, C.R.S. §§ 24-6-401, *et seq.*, as amended; *Mountain Plains Investment Corp. v. Parker Jordan Metro, Dist.*, 312 P.3d 260 (Colo. App. 2013); *Black v. Southwestern Water Conservation Dist.*, 74 P.3d 462 (Colo. App. 2003); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986); and additional applicable case law.

3. CUSTODIAN OF RECORDS:

The Board of Directors appoints the Secretary to the Board as the custodian of the records. If the office of the Secretary to the Board is vacant, the President of the Board shall serve as the custodian of records.

4. INSPECTION:

A. General. Public records shall be open for inspection by any person at reasonable times, subject to the exceptions found in the CORA and other applicable law. All public records shall be inspected at the offices of the District.

B. Request Required. A request to inspect public records must be submitted in writing on the form provided by the District, and sufficiently specific in scope to enable the custodian of records to identify the information desired. Requests for inspection of e-mail shall include the sender's name, the recipient's name and the approximate date and time of the transmission. If the custodian of records receives a request to inspect public records that is ambiguous or lacks sufficient specificity to enable the custodian of records to locate the records, the custodian of records shall, within three (3) working days, notify the requesting party in writing of the deficiencies in the request. Any clarified request shall be considered a new request for purposes of this Policy and the CORA.

C. Review and Response. Upon receipt of a request for inspection of public records under the CORA, the custodian of records shall review the request and determine whether the requested records are voluminous, in active use, or otherwise not readily available. If so, the custodian of records, within three (3) business days, shall notify the requesting party in writing that the documents will be produced for inspection within seven (7) additional business days, pursuant to C.R.S. § 24-72-203(3). The notice shall state the reason(s) why the requested records are not readily available and shall ask the requesting party to schedule an appointment for inspection of the requested records. Notwithstanding the foregoing, based on the case of *Citizens Progressive Alliance v. Southwestern Water Conservation District*, 97 P.3d 308 (Colo.

App. 2004), if it is physically impossible for the custodian of records to comply with a request for public records within the time periods established by CORA, the custodian of records shall comply with the request as soon as physically possible.

D. General Counsel. Any of the notices required herein may be issued by the District's General Counsel in lieu of the custodian of records. By written notice, the District's General Counsel may further require that any requesting party contact the General Counsel rather than the custodian of records.

5. FEES:

A. Copies, Printouts, Photographs and Other Material. Pursuant to C.R.S. § 24-72-205(5)(a), the District 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."

B. Research and Retrieval Time. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time shall be free of charge; however, the District reserves the right to charge a fee of thirty-three dollars and fifty-eight cents (\$33.58) for any additional staff time, including attorney review time, devoted to researching and retrieving the requested information. Anyone submitting a request for public records shall remit a deposit equal to the estimated costs for the search and for the material (if copies of material rather than just an inspection are requested) before any such search commences.

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

D. Electronic Transmission Fees. The custodian of records may not charge transmission fees to the requesting party for transmitting public records via e-mail, provided that the requesting party may be charged for staff time associated with research and retrieval of the requested records as provided herein.