

## CITY OF WRAY

### ACCESS TO PUBLIC RECORDS AND ELECTRONIC COMMUNICATION SYSTEMS

Effective Date: October 15, 2003

Scope: This policy shall apply to all City records and copies of all information requested and /or released with the exception of those records covered under the Criminal Justice

Purpose: The purpose of this policy is to assure prompt and equitable services to citizens requesting access to public records, including those records created by electronic mail, in accordance with the requirements of C.R.S. 24-72-205. To establish reasonable and standardized fees for producing copies of and information from City maintained records as authorized by the Act.

Background: Wray's home rule charter states, "All public records shall be available for inspection, subject only to reasonable restrictions. Upon the payment of a reasonable fee, a copy, or if desiring a certified copy of any public record shall be furnished by the custodian thereof. A Public record, or duly certified copy, shall be prima facie evidence of its contents." C.R.S. 24-72-202(6)(a) defines public record as "all writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." Public record also includes the correspondence of elected officials, except to the extent that 1) such correspondence is a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, or 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure under C.R.S. 24-72-204(1). Additionally, C.R.S. 24-72-202 (7) defines writings to include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary material, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but does not include computer software.

The Act allows the official custodian of public records (City Clerk) to make such rules with reference to the inspection of such records and to the prevention of unnecessary interference with the regular duties of the clerk.

Policy: It shall be the policy of the City of Wray to make all records available for public inspection unless such records are protected from disclosure by state or federal statute, by court order, or unless disclosure of such records would be contrary to the public interest. Thus, records, including work products and those of the elected officials, those kept only in miniaturized or digital form, whether magnetic or optical disks, tapes, microfilm, microfiche, and electronic mail, are potentially subject to public disclosure.

All requests for public records shall be made in writing with the official custodian of public records or with the department maintaining such records. Many of these requests can be filled immediately; however, if the public records requested are in active use, in storage, or otherwise not readily available at the time the request is made, the custodian shall set a date at which time the records can be inspected that is within three (3) working days of the date the request was made. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b), but the extension period shall not exceed seven (7) days from the date the request is made. Extenuating circumstances cannot apply to a request that relates to a single, specifically identified document.

Electronic records and electronic communications: Records stored on magnetic or optical disk, on tapes, microfilm, and microfiche are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, city staff may take any measures necessary to assist the public in locating any specific public records, including but not limited to, the availability of viewing stations for microfilm and microfiche, the provision of portable disk copies or computer files, or direct electronic access via on-line bulletin boards or other means.

Please note that correspondence of any employee, which is in the form of electronic mail, may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the City of Wray.

Fees and charges: Each department having custody of the requested records will charge for any copies, printouts, or photographs requested. Each department will also charge a fee for the manipulation of data in order to generate a record in a form not used by Wray and this fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same records shall be charged the same fee.

Additionally, each department will charge a fee when the public record is the result of computer output other than work processing. The City will respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk, or printout, and not by allowing access to a computer terminal or the use of a private terminal connected the City's computer system. The exception is any public information provided by the City on the Internet. This fee will be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the cost associated with building and maintaining the information system. Such fees may be waived by the official custodian if the electronic services and products are to be used for a public purpose.

Fees and charges for reproduction of records shall be standard throughout the city for similar items. Department heads have the authority to waive such fees and charges. However, no department shall charge higher fees than the standards ones listed in this administrative regulation. Individual departments may, by administrative rule or action, establish fees for the search, retrieval, and reproduction of records which are specific to that department.

The City of Wray does not charge for:

1. Requests from members of the City Council, the City's boards and commissions, other staff.
2. Requests from other government officials.
3. Requests from students for documents needed in connection with a class research project up to research of one-half hour.

Denial of inspection: Access to public records may be denied in accordance with the provisions of the Public Records Act. Reasons for denial of access to public records should be noted in writing on the public records request form.

Retention schedules: All public records of The City of Wray, regardless of storage format, will abide by the approved Model Municipal Records Retention Schedule.

Approved by council, October 14, 2003.

  
Mayor Danny Prather

Attest

  
City Clerk Ida L. Peery, CMC

**CITY OF WRAY**

Request for Information  
Pursuant to the Colorado Open Records Act

Date of Request: \_\_\_\_\_ Time: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number (During Business Hours): \_\_\_\_\_

Description of the information desired: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(Do not Write Below This Line – This section to be completed by the City Clerk)

Response Date \_\_\_\_\_ Response Time: \_\_\_\_\_

(The receipt of this request by the City is determined by the date/time stamp on the section.)

Method of Delivery: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Research Time: \_\_\_\_\_ x \_\_\_\_\_  
hours hourly rate

Amount Paid: \_\_\_\_\_

Request completed by: \_\_\_\_\_ Title: \_\_\_\_\_

Denial of Request and Basis for Denial (If Applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approved by: \_\_\_\_\_ Title: \_\_\_\_\_

(Pursuant to the Colorado Open Records Act, the City of Wray has 3 working days in which to respond to this request.)

**CITY OF WRAY PUBLIC RECORDS  
STANDARD FEES AND CHARGES**

Photocopies	\$0.25 per page
FAX Copies sent or received	\$0.25 per page
Duplication of audio tapes	\$30.00 per tape

NOTE: A deposit, equal to the cost of duplicating one tape, is required at the time the request is made. This deposit is applicable to the total costs of duplication.

Verbatim transcripts of proceedings

Non-refundable deposit	\$125.00
Transcription	Actual fee for service
Certification	\$40.00 per hour
Document certification	\$2.00 per document

Research and retrieval

The City shall charge for actual time spent, in excess of one-half hour, based on the hourly rate of the least technically trained person capable of performing the search.

Maps 11 x 17	\$3.50 per sheet
Maps 24 x 36	\$7.00 per sheet

Individual departments may, by administrative rule or action, establish fees and charges for the search, retrieval, and reproduction of records specific to that department. A list of all such charges will be retained by the City Clerk's Office. Annually, in January, a current list of those fees should be sent to the City Clerk's Office.

Occasionally, a request for public records will involve the need to perform research. While the City has a clear obligation to provide public records and information, it cannot effectively serve as a research service for citizens without affecting its ability to provide normal and usual services. Therefore, departments may charge for research, which takes more than one-half hour to perform. The charge for this research will be the hourly rate of the least-technically-trained person required to accomplish the task.