



245 W. Fourth, PO Box 35, Wray, Colorado 80758
970.332.4431 · www.cityofwray.org

James DePue, City Manager
Emily J. Ellis, City Clerk/Treasurer
Alvin R. Wall, City Attorney

RESOLUTION NO. 32-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WRAY, COLORADO, APPROVING AN AMENDED POLICY PERTAINING TO REQUESTS UNDER THE COLORADO OPEN RECORDS ACT

WHEREAS, as the official custodian of City records, the City Clerk may promulgate policies regarding access to public records, as authorized by § C.R.S. 24-72-203(1)(a); and

WHEREAS, the City's policy concerning access to public records was last updated in 2003; and

WHEREAS, both Colorado law and municipal practices concerning open records have evolved since that time; and

WHEREAS, it is in the best interests of both the citizens of Wray and the City of Wray, as custodian of public records, to have in place an up-to-date, clear open records policy; and

WHEREAS, the City Council accordingly wishes formally adopt an updated Open Records Policy for the City, which shall replace and supersede all prior City policies concerning open records.

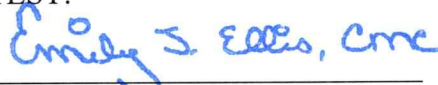
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE WRAY CITY COUNCIL OF THE CITY OF WRAY THAT:

Section 1: The Wray City Council hereby adopts the updated City of Wray Policy Governing Access to Public Records, attached hereto as Exhibit A

Section 2: This resolution shall take effect immediately upon adoption.

INTRODUCED, PASSED, APPROVED AND ADPOTED THIS 10th DAY OF OCTOBER 2023.

ATTEST:



City Clerk: Emily J. Ellis



Mayor: Chad Deyle



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**REQUEST FOR INFORMATION
PURSUANT TO THE COLORADO OPEN RECORDS ACT**

INSTRUCTIONS: Complete this page before printing and signing, then submit form by:
MAIL: to Emily Ellis, City Clerk, PO Box 35, Wray, CO 80758; or
EMAIL: to eellis@cityofwray.org; or
IN PERSON: at City Hall, 245 W 4th Street, Wray, CO 80758.

Questions ? Please call Emily Ellis, City Clerk at 970-332-4431.

PLEASE PRINT

Name: _____ Date of Request: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email Address: _____

Indicate the information you desire and/or list each requested document. Please be as specific as possible. Allow three (3) working days (after receipt of request) for a search of the records.

SIGNATURE: _____ Date: _____

CITY OF WRAY POLICY GOVERNING ACCESS TO PUBLIC RECORDS

Under the Colorado Open Records Act, CRS § 24-72-201 (the "Act"), public records made, maintained or kept by the City, regardless of the format or medium, are open for inspection by the public at reasonable times.¹ Certain records are specifically exempted from inspection by the Act or other Colorado law and all records are subject to the following rules adopted by the City to maintain the integrity of the City's records, account for costs to the City of complying with requests, and prevent unnecessary interference with City operations. Reasonable requirements, consistent with these rules and the Act, may be established by the custodian of records with respect to requests as necessary and appropriate.

A. Submission of Records Requests

1. Requests must be submitted in writing on the form provided by the City clearly indicating that the request seeks public records under the Act. Any request shall clearly indicate the name and contact information, including email address, if any, of the person requesting records
2. Requests must be submitted to the City Clerk, who is the official custodian of City records (other than criminal justice records).
3. Requests must be made with sufficient specificity to permit the efficient identification, collection, and evaluation of records. For example, to the extent available, specific requests should include information such as the record's name or title, location(s), date(s), author(s), recipient(s), specific subject matter, or category of records. Requests that are not sufficiently specific may be denied or deemed invalid. The City may deem a request abandoned if requests are not clarified to include such information.
4. Requests (or portions of requests) that seek records that are not yet in existence, that seek disclosure on a continuing or periodic basis, that are not City records, or that consist of interrogatories, editorials, or other similar comments will not be fulfilled and will not receive a response.
5. The City may reject any request where the request or any communication relating to the request includes demeaning, harassing, or threatening language or abusive conduct. The City may prohibit an individual or entity from submitting requests where that person or entity has previously submitted requests that have included such language or conduct or that have been deemed abandoned as provided in this policy.

6. The City will deem a request as abandoned if, after ten business days, the requestor has not reviewed records made available for inspection, retrieved records copied by the City in response to the request, or submitted payment for the identification, collection, evaluation, and copying of records. At such time, any original record will be returned to its normal place and any copies will be destroyed.

B. Responses to Records Requests

1. Upon receipt of a complete and properly submitted records request, the City will strive to provide a response within three business days, excluding holidays and the day on which the request is received. Requests filed after the close of business will be considered received on the following day. Record requests shall not take priority over the previously scheduled work activities of the City. If the City cannot respond to the request within three business days, the requestor will be notified and provided with an estimated timeframe for when the response will be provided.
2. The City may respond to a records request by: (a) providing the requested records; (b) making the requested records available for inspection; (c) denying the request; (d) responding that there are no records responsive to the request; (e) requesting clarification or narrowing the request; (f) providing a cost estimate to respond to the request and requesting a deposit in accordance with this policy; (g) any combination of these; or (h) any other appropriate response.
3. City shall have no duty to recreate or reconstruct any mailbox or hard drive in order to respond to a request for documents.
4. The City is not required to create a document or collect documents from other entities in order to respond to a request for information. For example, a person denied access to certain records because of the attorney client privilege requests a "log," listing all such privileged records. Such a log is not a record the City maintains, and the City has no obligation to create such a record. Nonetheless, the City may choose to create such a record and may charge the requestor associated actual costs.

C. Inspection and Copying of Records

1. The City shall retain control of the records at all times. Inspection is subject to the supervision of the appropriate records custodian.

2. Records are generally available for inspection by appointment from 9:00 a.m. until 4:00 p.m., Monday through Friday, except during any holiday observed by the City or according to different hours of operation established by respective City departments.
3. The City will not allow requestors to access City computers that are not ordinarily available for use by the general public.
4. The City may charge reasonable fees for the production of record(s), including without limitation the cost of copying or reproduction and time spent by City (through its employees or any third-parties) to identify, collect, evaluate, redact, format, and reproduce records, prepare responses and privilege logs, or otherwise respond to the request.
 - a. A fee will be charged for the reproduction of paper records. The fee shall be as stated in the City's Schedule of Fees. If a commercial copy service is necessary to produce copies in the City's discretion, the requestor is responsible for paying the actual cost for such service
 - b. When the response to a request, in the aggregate, takes longer than one hour, the City will charge a research and retrieval fee as stated in the City's Schedule of Fees for time spent by any employee or third-party to review, evaluate, identify, collect, evaluate, redact, format, and reproduce records, to prepare responses, or to otherwise respond to a request (except for third-parties retained to assist with responding to requests for electronically stored information).
 - c. Unless waived by the City, the requestor must pay the actual cost of any media and third-party service required to respond to requests (including the identification, collection, duplication, and evaluation of records as well as production) for electronically stored information and hard copy records (no external hard drive, compact disc, thumb drive or other media provided by the requestor will be accepted, unless approved by the records custodian). Nothing in this Policy requires the City to take action beyond what is required by the Act or other law.
 - d. The requestor must pay the actual costs of transmission of any records (except when transmitted by e-mail).

5. Payment of Fees & Costs:

- a. The City will accept payment in the form of cash, check or credit card. Other electronic payments may be accepted at the City's discretion.
- b. Where fees and costs may apply, the City will not take further steps after notifying the requestor of the estimate of fees and costs until the payment of such fees and costs has been agreed to and, where appropriate, paid as provided in this policy. Any timeline for the City to respond to a request will be tolled pending such payment.
- c. The City will not proceed with a new request for a requestor who has not paid all costs associated with a previous request.
- d. Before processing a request, the City may require an advance deposit of (in any combination, as appropriate): (a) up to 50% of the estimated fees and cost where that the City anticipates more than two hours of time will be required; (b) 100% of the estimated fees and cost where the requestor previously failed to pay fees and costs associated with a request or abandoned a request; or (c) 100% of the estimated costs of media and third- party services required to respond to requests for electronically stored information.
- e. The actual costs, as mentioned in this policy, must be paid before the requestor is provided access to records or copies under this policy.

6. Exceptions: No fees or costs will apply to requests from the following persons or entities, except as provided: (a) members of the City Council, the City's boards and commissions, and City staff (excluding election materials requested by incumbent officials running for office) and (b) other governmental entities. Standard fees and costs will apply to media required for requests and if the request requires more than one hour of time or more than 25 copies.



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**RESPONSE TO REQUEST FOR INFORMATION
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Date of Request: _____ Date Request Received: _____

Name of Requestor: _____

Response Date: _____ Response Time: _____

Method of Delivery: _____

Number of Pages: _____ Research Time: _____ x _____
(hours) (hourly rate)

Request Completed by: _____ Title: _____

Denial of Request and Basis of Denial (If Applicable):

Denial Approved by: _____ Title: _____