

# Colorado Open Records Act Requests

## Morgan County, Colorado

### Procedures for Making and Responding to Requests for Information to Morgan County Under the Colorado Open Records Act (CORA)

- 1) These procedures apply to all requests, submitted pursuant to C.R.S. 24-72-201 *et seq.*, to inspect public records in the custody or control of Morgan County. Those requests must be submitted in accordance with the policy of Morgan County.
- 2) All requests to inspect public records must be submitted in writing to the official custodian. Request made to any person other than the proper custodian will not be accepted.
- 3) Requests may be mailed or sent via facsimile. **Requests made via electronic mail will not automatically be accepted.** The **custodian, at the custodian's sole prerogative**, may accept requests sent via e-mail upon request. If a request is sent via e-mail to anyone other than the custodian, it will not be considered as received by the County and the statutory time for response to the requests will not begin until a confirmation has been sent by the custodian.

*Note: The reason for this rule is, due to spam filters and inactive or incorrect e-mail accounts, the County cannot guarantee that the custodian has received an electronic mail request.*

- 4) All requests for records **must** be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated the custodian may require the requestor to provide a more specific request.
- 5) If a requestor is unable to identify the specific documents sought, the requestor is encouraged to contact the County at 970-542-3500, extension 1410 in advance of submitting a request for assistance in providing the requisite specificity.
- 6) The custodian is not required by the Open Records Act to construct or create a record that does not exist.
- 7) For digital records, if a public record is stored in a sortable or searchable digital format, the custodian will provide the digital record in such a format. If the custodian cannot produce the record in either a sortable or searchable format, the custodian will notify the requestor.
- 8) Time for response to records requests shall be as follows:
  - a. The normal time for production shall be three working days, beginning on the first business day after the request is received.
  - b. Such period may be extended upon determination by the custodian that extenuating circumstances exist. Such period of extension shall not normally

exceed **seven** working days. The requestor shall be notified of the extension within the three-day period.

- c. Time periods will be calculated without including the date on which the custodian receives any request.
- 9) Requests to inspect records and/or documents will not take priority over the regular work activities of County employees.
- 10) Charges for copies of requested records shall be as follows:
  - a. The normal cost for requested documents shall be \$.25 per standard page or, for documents in non-standard formats, the actual duplication costs.
  - b. At the custodian's prerogative, in lieu of the fee set forth in paragraph 9.a, the requestor may be charged a reasonable retrieval fee based on the *actual* cost of responding, including employee time, or gathering, preparing, and copying requested documents.
  - c. A fee can be imposed for the research and retrieval of public records with the first hour free and each hour after charged at the rate of not to exceed \$33.58 per hour C.R.S. 24-72-205(6)(a)
  - d. If records are readily available, the Board of County Commissioners, or their designee, may waive the charge or may charge a lesser amount per page for copies.
- 11) If charges are expected to exceed \$.25, or if a retrieval fee based on the actual cost of responding is to be charged, the custodian will provide the requestor with an estimated of the cost of responding prior to responding and may require a deposit. If the requestor wishes to proceed upon receiving an estimate, he or she must respond in writing. By responding in writing, the requestor agrees to pay all fees associated with responding to the request. The time between the date of the custodian's estimate and the receipt by the custodian of a written request to proceed will not be counted against the time period set forth above.
- 12) If the requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during ordinary working hours. Such inspection must be supervised by a County representative and the requestor may be charged for employee time associated with such inspection.
- 13) The Morgan County Public Records Request Form may be obtained by contacting Morgan Clerk and Recorder, Susan L. Bailey, P.O. Box 1399, 231Ensign Street, Fort Morgan, CO 80701 or by phone at 970-542-3521, extension 3522. This form shall be completed and returned as indicated and will then be forwarded to the custodian of such records requested.

## Morgan County Open Records Request Form

The following request is made under the Colorado Open Records Act:

Date: \_\_\_\_\_

Time: \_\_\_\_\_ a.m./p.m.

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

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Name of document(s) requested: \_\_\_\_\_

If the document name is unknown, provide brief, but specific description of document or information requested (note of issuance and location of document, if known): \_\_\_\_\_

If the records are readily available pursuant to C.R.S. § 24-72-200.1, *et seq.*, the records shall be produced within 3 working days (date of request is not included in calculating the response date). If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the 3-day period, the Custodian may extend the period by up to 7 additional working days. The requestor shall be notified of the extension within the 3-day period. Records shall be viewed at 231 Ensign Street, Fort Morgan, Colorado, on regular business days by appointment. After inspection, photocopies may be requested for **\$0.25 per standard page**. Charges must be paid for at the time the request for photocopies are made, and must be picked up in person.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### For Official Use Only

DEPARTMENT/CUSTODIAN OF RECORDS:

Research time fee: 1<sup>st</sup> hour free, every hour after \$33.58 per hour (C.R.S. 24-72-205(6))

Time spent by staff in assembling the records request. \_\_\_\_\_

Cost of research and assembly of request. \$ \_\_\_\_\_

Research Records requests received by:

\_\_\_\_\_  
County Clerk & Recorder

\_\_\_\_\_  
Date

REQUEST FORWARDED TO: \_\_\_\_\_

REQUEST COMPLETED: \_\_\_\_\_