

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. Requests made to any person other than the proper custodian will not be accepted. All forms for requests may be found on the Clerk's Office website or as outlined below, the appropriate custodian's website.
 - a. All requests for records held by the Morgan County Sheriff's Office must be made directly to the Sheriff's Office and will not be accepted by the Morgan County Clerk and Recorder.
 - b. All requests for records held by the Morgan County Communications Center must be made directly to the Morgan County Communications Center and will not be accepted by the Morgan County Clerk and Recorder.
 - c. All requests for records held by the Morgan County Ambulance Services must be made directly to the Morgan County Ambulance Services and will not be accepted by the Morgan County Clerk and Recorder.
 - d. All requests for records held by the Morgan County Coroner will be accepted by the Morgan County Clerk and Recorder and forwarded to the Morgan County Coroner as the custodian of such records for response.
 - e. All request for records held by the Morgan County Department of Human Services must be made directly to the Morgan County Department of Human Services and will not be accepted by the Morgan County Clerk and Recorder.
3. Requests may be mailed or sent via facsimile. **Requests made via electronic mail will not automatically be accepted due to the fact the County cannot guarantee that the email will be received.** 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.
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 requester to provide a more specific request. If a

requester is unable to identify the specific documents sought, the requester 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.

5. The custodian is not required by the Open Records Act to construct or create a record that does not exist. 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 requester.
6. 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 or upon receipt of deposit of the estimated costs as determined by the custodian, whichever is later.
 - b. Such three-day 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 requester 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.
7. Requests to inspect records and/or documents will not take priority over the regular work activities of County employees.
8. 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 discretion, the requester 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 custodian may waive the charge or may charge a lesser amount per page for copies.
 - e. Requesters may not avoid required fees by making multiple or serial records requests. The official custodian may, in consultation with the County Attorney, treat serial or multiple requests from the same person, entity, or group, for documents related to the same or similar subject matter as a single request for purposes of assessing fees.

9. 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 requester with an estimated of the cost of responding prior to responding and may require a deposit. If the requester wishes to proceed upon receiving an estimate, he or she must respond in writing. By responding in writing, the requester 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 and deposit to proceed will not be counted against the time period set forth above.
10. If the requester 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 requester may be charged for employee time associated with such inspection.
11. The Morgan County Public Records Request Form may be obtained by contacting Morgan Clerk and Recorder, Kevin Strauch, P.O. Box 1399, 231 Ensign Street, Fort Morgan, CO 80701 or by phone at 970-542-3521, extension 3522. You may also obtain this form by email at clerkmorganc@co.morgan.co.us or on the Clerk's Office's website at: <https://morgancounty.colorado.gov/elected-officials/clerk-and-recorder/colorado-open-records-act-cora-requests>. 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
(Please return to Morgan County Clerk and Recorder as per Procedure #11)

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: _____

Email: _____

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): _____

Signature

Date

For Official Use Only

DEPARTMENT/CUSTODIAN OF RECORDS:

Research time fee: 1st 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: _____