

## **Exhibit A**

### **Teller County**

#### **Colorado Open Records Act Compliance Policy**

- I. **General Policy:** It is the policy of Teller County to make public records available for public inspection in compliance with the Colorado Open Records Act, C.R.S. § 24-72.201, et seq. ("CORA").
- II. **Purpose:** The purpose of this policy is to assure prompt service to citizens requesting access to public records, including those records created by electronic mail, in accordance with the requirements of CORA. This policy does not apply to criminal justice records.
- III. **Scope:** This policy applies to all requests for public records made to the Board of County Commissioner and County Departments and Divisions. It shall apply to records requests made to any other County elected official only if adopted by such official. A list of the County Elected Officials who have adopted this policy will be published on the County's website.
- IV. **Definitions:** The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply herein. Of particular importance, the following terms shall have the following designated meanings:
  - a. **"Public records"** means "all writings made, maintained, or kept by the state or any agency, institution, ... or political subdivision ... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." C.R.S. § 24-72-202(6). Criminal justice records are not included in this definition.
  - b. **"Writings"** include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but does not include computer software," C.R.S. § 24-72-202(7).

#### **Policies and Procedures**

- A. **Custodian of Records.** Unless otherwise named by the Board of County Commissioners, the County Administrator (the "Administrator") or his/her designee, is the official custodian of all records centrally maintained by the County, unless otherwise prescribed by law. Department heads are the actual, physical custodians of all records maintained

within their departments. It is the responsibility of each department head to become familiar with and to educate his/her affected employees about the standards and requirements of this policy. The Information Technology (IT) Department is the official custodian of County emails. Elected Officials are the official custodians of records maintained by their offices.

The Administrator or designee may be reached at: (719) 686-7917 during normal business hours.

If such request relates to producing a media story, it should be referred to the Administrator to determine if the documents requested can be provided outside of a CORA request.

- B. **Requests.** All CORA requests must be formally submitted before processing. Requests can be filed through e-mail to the Administrator or his/her designee, or through other common communication methods as outlined on the County website.
- C. **Responses.** The County will respond to requests made pursuant to CORA within three (3) working days after the date of receipt unless extenuating circumstances apply which extends this period by up to seven (7) working days. If extenuating circumstances apply, then the custodian of the records will notify the requester, in writing, that access for inspection or delivery may be delayed pursuant to C.R.S. § 24-72-203(3)(b).
- D. **Inspection of public records.** In order to safeguard the integrity of the County's records, the custodian of the records shall retain control of the records at all times.
  - 1. Inspection of all public records will generally be scheduled during the business hours of 9:00 a.m. until 12:00 noon and 1:00 p.m. to 3:00 p.m., Monday through Friday, except on County observed holidays or closures due to inclement weather or similar circumstances.
  - 2. The County may require that members of the public be allowed to inspect only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the County or its staff or production of original records could jeopardize the condition of the requested records.
  - 3. Requestors who have not come in to review the requested records within ten (10) working days of being notified that the records are available for review will be required to submit a new public records request.

4. If fees are charged pursuant to this policy, then transmittal of the requested records shall occur only after receipt of the payment, or acceptable payment arrangements are made.
5. All fees collected shall be promptly remitted to the County Treasurer for deposit in the General Fund.

E. **Denial of Inspection.** Access to public records may be denied in accordance with the provisions of CORA. If requested by the applicant, the custodian of the records will notify the applicant in writing of the grounds for the denial.

F. **Research by Requestor.** Independent research by the requesting party is allowed at the discretion of the custodian provided that:

1. The records set to be researched do not include privileged documents or documents not otherwise subject to public disclosure as provided by law;
2. The research is supervised to avoid loss or damage to records. Staff time spent on supervision shall be subject to the research and retrieval fee provided herein;
3. The research does not unduly disrupt the day-to-day activities of the department or office; and
4. The records/documents being researched are returned to the files in the same order as when they were removed.

G. **Fees and charges:** Fees and charges for public records shall comply with CORA, including C.R.S. § 24-72-205, as follows:

1. Paper Copies.

The fees for paper copies of any public County record including copies requested pursuant to CORA, shall be as follows:

8.5" by 11"	First ten (10) pages free \$0.25 for each page after the first ten pages
11" by 17"	\$0.25 for each page
Greater than 11" by 17"	Fee not to exceed the actual cost of copy
Certified copies	\$1.00 per document
Color copies and photographs	Fee not to exceed the actual cost of copy

2. Electronic copies.

Pursuant to CORA, the custodian shall not charge a per page fee for providing records in a digital or electronic format. Every effort will be made by the custodian to furnish electronic copies of documents to avoid charging copying, printing, or disk reproduction charges. The fee for an electronic copy of any public County record, including copies requested pursuant to CORA shall be as follows:

If the record exists in electronic format	Actual cost for CD/DVD or thumb drive (if required) + research/retrieval time
If the record has to be scanned	Actual cost for CD/DVD or thumb drive (if required) + research/retrieval time
If the record has to be printed, then scanned	Paper copy fee + actual cost for CD/DVD or thumb drive (if required) + research/retrieval time

3. Research and retrieval.

The fee for research, retrieval, review, compiling records, redactions if necessary, and staff supervision of in person inspection of records, shall be as follows:

Up to 1 hour	No fee
Over 1 hour	\$30 per hour

4. Data Manipulation.

CORA does not require manipulation of data in response to a CORA request. A County records custodian may refuse any records request requiring data manipulation. If a County records custodian agrees to manipulate data, it may charge \$30 per hour for time and work to produce records, reports, maps, or products through manipulation of data for the benefit of the requestor.

5. Records stored in Digital Format.

Records custodians will comply with the provisions of C.R.S. 24-72-203(3.5) for requested public records stored in a digital format and the applicable fees for research and retrieval shall apply to any production of such records.

6. Transmission Fees.

The records custodian shall transmit a copy of the records produced in response to a CORA request by United States mail, other delivery service, facsimile, or electronic mail. No transmission fees may be charged to the record requester for transmitting public records via electronic mail. If applicable, a fee for the appropriate postage necessary to mail the requested records will be charged and collected in advance.

7. Payment terms and conditions.

- a. A records custodian may require and collect a 50% advance deposit of the estimated research, retrieval and copy fees for public records requests that will require significant staff time and resources to complete.
- b. A records custodian may require and collect 100% advance deposit of the estimated research, retrieval, and copy fees for public records requests from any person who has made a previous request and did not pay or come in to view the requested information.
- c. If advanced payment is required, the County may refrain from working on the request such a request until the advanced deposit is received.
- d. The County reserves the right to consider a request abandoned if the requestor does not respond to messages communicating a price quote or respond to requests for additional information or clarification within ten (10) business days.
- e. Records custodians may 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 purses of assessing fees.
- f. The fee schedule set forth above shall not preclude the charging of any other fees, charges, or costs as are allowed by law.
- g. If the custodian of records allows members of the public to pay for any other service or product provided by the custodian with a credit card or electronic payment, the custodian must allow the requestor of the public record to pay any fee or deposit associated with the request with a credit card or via an electronic payment. The requestor shall pay any service charge or fee imposed by the processor of a credit card or electronic payment.
- h. Fees may only be waived for good reason after consultation with the Administrator and County Attorney.