

97-16 Pol: Policies and Procedures for Reviewing and Copying Public Records

Revised April 14, 2020

1. Purpose. The purpose of this Policy is to provide effective, efficient and orderly service for the review and copying of public records, except as otherwise provided by law.
2. Authority. The Health District enacts this Policy under the following authority: the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended (the "CORA"); the Colorado Sunshine Law, C.R.S. § 24-6-401, *et seq.*, as amended; *Black v. Southwestern Water Conservation District*; 74 P.3d 462 (Colo. App. 2003); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986); and *Mountain Plains Investment Corp. v. Parker Jordan Metro. Dist.*, 12CAI034 (Colo. App. 2013).
3. Definitions. For purposes of this Policy, the following terms shall have the following meanings:
 - A. Correspondence. A communication that is sent to or received by one or more specifically identified individuals and that is or can be produced in written form, including without limitation communications sent via electronic mail, private courier, U.S. mail, modem or computer.
 - B. Custodian of Records. The individual who shall be responsible for compiling documents, scheduling appointments for inspection, and for responding to any such public records requests. The Health District hereby designates the Support Services Director as the Custodian of Records.
 - C. Electronic Mail ("E-mail"). An electronic message that is transmitted between 2 or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt, and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes electronic messages that are transmitted through a local, regional or global computer network.
 - D. Work Product. All advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include without limitation: notes and memoranda that relate to or serve as background information for such decisions; and preliminary drafts and discussion copies of documents that express a decision by an elected official. "Work product" also includes a request by a Health District official for the preparation of such opinion or deliberative materials. For example, if the Executive Director requests in writing that staff prepare material to assist the Health District Board in a decision-making process, the written request shall also be considered "work product."

4. Generally Available Documents.

Printed copies of many brochures, fact sheets, general information flyers, newsletters, and assessment documents are kept in stock and are readily available. The public is welcome to any of these materials free of charge.

5. Protected Records.

Certain records are protected under law from public inspection under the CORA. These records fall into the following categories:

- Personnel files;
- Ongoing investigations by law enforcement authorities;
- Victim/witness information;
- Juvenile criminal records;
- Work product;
- Correspondence sent or received from the Health District's legal counsel;
- Individual medical, mental health, sociological and scholastic achievement data (*See* Health District Policy 4-17.6, Release of Privacy Information and Case Records);
- Letters of reference;
- Trade secrets;
- Confidential commercial and financial data;
- Names, addresses, telephone numbers and personal financial information of past or present users of public utilities, facilities, or recreational or cultural services; and
- Records of sexual harassment complaints and investigations.

Records that are exempt from the CORA might still be accessible to other forms of inspection, such as subpoena.

6. Inspection.

A. General. Public records shall be open for inspection by any person at reasonable times, subject to the exceptions found in the CORA. All public records shall be inspected at the Health District's offices or at the offices of the Health District's Attorney.

B. Request Required. A request to inspect public records must be made to the Custodian of Records in writing, and must be sufficiently specific in scope to enable the Custodian to identify the information desired. The request should include the requestor's name, company name (if any), address, phone number(s) at which the requestor can be reached, the specific public record requested, and whether the requestor desires to come in to review the record or to have copies made. Requests for inspection of e-mails shall include the sender's name, the recipient's name and the approximate date and time of the transmission. If the Custodian receives a request to inspect public records that is ambiguous or lacks sufficient specificity to enable the Custodian to locate the records, the Custodian shall, within 3 working days, notify the requesting party in writing of the deficiencies in the request. Any clarified request shall be considered a new request for purposes of this Policy and the CORA.

C. Review and Response. Upon receipt of a request for inspection of public records, the Custodian of Records shall review the request and determine whether the requested records are voluminous, in active use, or otherwise not readily available. If so, the Custodian shall, within 3 business days, notify the requesting party in writing that the documents will be produced for inspection within 7 business days of the date of the request, pursuant to C.R.S. § 24-72-203(3). The notice shall state the reason(s) why the requested records are not readily available, and shall ask the requesting party to schedule an appointment for inspection of the requested records. If the records are readily available, the Custodian shall, within 3 working days of the request, contact the requesting party to schedule an appointment. Notwithstanding the foregoing, based on the case of *Citizens Progressive Alliance v. Southwestern Water Conservation District*, if it is physically impossible for the Custodian to comply with any request for public records within the time periods established by the CORA, the Custodian shall comply with the request as soon as physically possible.

D. Health District's Attorney. Any of the notices required herein may be issued by the Health District's Attorney in lieu of the Custodian of Records. By written notice, the Health District's Attorney may further require that any requesting party contact the Health District's Attorney rather than the Custodian of Records.

E. Inspection Procedures. No personal papers, briefcases, or personal files will be allowed in the area set aside for records inspection. Taking notes is allowed, as is the use of a laptop computer and/or tape-recording equipment.

Only one file will be allowed in the inspection area at one time and records are not allowed to leave the inspection area. Files pulled for public inspection should be promptly replaced as soon as the requester is finished with them. Records may not be altered in any way, no loosening of any clips or binders within the files, changing the order within the file, or removing anything from the file or adding anything that was not previously in the file. No marks, notations or other changes are permitted to the records. If copies are requested within a file, a sticky note may be used to indicate the pages to be copied. Copies may be requested subject to the fees set forth herein, Records may be retrieved only by Health District staff.

7. Fees.

A. Copies, Printouts or Photographs. Pursuant to C.R.S. § 24-72-205(5)(a), the Health District shall charge a fee not to exceed \$0.25 per standard page for any copy of a public record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record which is in a format other than a standard page. For purposes of this Policy, a black and white copy made on a single sheet of letter or legal sized white paper shall constitute a "standard page." The Health District shall not charge an individual for the first 5 copies of standard pages made in a calendar year. The Health District will attempt to accommodate copying requests as soon as possible. Payment for copies must be made in advance to the Health District. Checks may be made out to "Health District of Northern Larimer County."

B. Research and Retrieval. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time shall be free of charge; however, the Health District reserves the right to charge a fee of \$33.58 per hour for any additional staff time devoted to researching and

retrieving the requested information. Anyone submitting a request for electronically stored public records shall remit a deposit equal to 50% of the estimated costs for the search before the search is commenced.

C. Postage/Courier Fees. If the Custodian of Records transmits records by regular mail or courier service, the requesting party shall be responsible for the cost of postage or courier fees.


D. Electronic Transmission Fees. The Health District may not charge transmission fees to the requesting party for transmitting public records via e-mail, provided that the requesting party may be charged for staff time associated with research and retrieval of the requested records as provided herein.

8. Posting


The 'Policies and Procedures for Reviewing and Copying Public Records' document shall be posted on the organization's website.

REVISED, on the 27th day of July, 2004
RATIFIED, on the 9th day of December, 2005
REVISED, on the 13th day of December, 2007
REVISED, on the 25th day of August, 2015
REVISED, on the 14th day of December, 2015
REVISED, on the 14th day of April, 2020

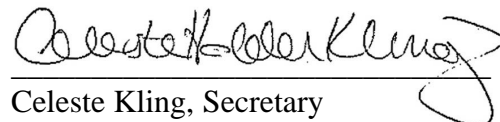
Attest:



Michael Liggett, President




Molly Gutilla, Vice President



Celeste Kling, Secretary



Joseph Prows, Treasurer



Faraz Naqvi, Liaison to PVHS Board