

NEDERLAND FIRE PROTECTION DISTRICT POLICY AND PROCEDURES COLORADO OPEN RECORDS ACT (CORA)

Nederland Fire Protection District (the "District") is committed to transparency and open government. The following policy has been developed in order to implement the Colorado Open Records Act (§ 24-72-201 to 206, C.R.S.) in a uniform manner and better serve the people of the District. This policy will help the District balance the demands of the Colorado Open Records Act and the District's statutory obligations. This policy will help ensure the District complies in all respects with the Colorado Open Records Act and meets all of its statutory duties in an orderly and expeditious manner. This policy is not intended to be duplication of the Colorado Open Records Act or supersede state law.

PROCEDURE FOR HANDLING RECORDS REQUESTS

All records requests submitted to the District by mail, fax, courier, or e-mail shall be immediately provided to the Secretary to the Board of Directors and the Chief. All communications believed to contain a possible records request shall be provided to the Secretary to the Board of Directors and Chief as soon as possible to ensure a timely response. The Chief will sign all responses to Colorado Open Records Act responses except in extraordinary circumstances.

The District will accept only records requests made in writing or electronically via email or fax. Records request made via social media shall not be accepted and must be resubmitted. Records requests or requestors that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, the District shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The District can add up to a seven-working-day extension if extenuating circumstances apply, as described in § 24-72-203(3)(b), C.R.S. A request is received the day an e-mail, fax or letter containing a request is opened. The three working-day response time begins the first working day following receipt of the request. A request received after noon or any day the District is officially closed will be considered received as of the following working day.

No employee of the District may modify, redact or omit any records they are required to provide pursuant to this policy to the Secretary to the Board of Directors and or the designee handling the request. Redactions and decisions about whether a record falls under an exemption to the Colorado Open Records Act will be made by the Chief in consultation with the District's Attorney or the appropriate official or staff. Staff should never assume a document is exempt and should always consult the Chief or District's Attorney before making a final determination.

When feasible, the District will endeavor to provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records. When responsive records cannot be easily or cost-effectively provided electronically to a requestor, the District will work with the requestor to schedule a time to inspect the records in person during normal working hours.

FEES

When a substantial request is made - requiring the production of more than 10 pages of documents or more than one hour of staff or attorney time to locate or produce records - the District will charge the requestor for all copying expenses and for staff time in accordance with § 24-72-205(5)(a), C.R.S., and consistent herewith.

For requests where the District anticipates more than 10 pages will be produced and/or more than one hour of staff or attorney time will be consumed, the District will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the Secretary to the Board of Directors.

When an unsubstantial request is made – requiring the production of less than 10 pages and less than one hour of staff or attorney time, the requestor shall be charged copying costs only. Multiple requests in the same 12-month period regarding the same or similar subject matter shall be treated as one request for purposes of calculating fees.

COPYING DOCUMENTS

The District will charge \$0.25 per standard page for all documents copied or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page.

DOCUMENT RETRIEVAL AND PRODUCTION OF RECORDS – HOURLY RATE

When researching the location, supervising inspections when deemed necessary, arranging for copies when no such facilities are available on site, retrieving, or producing records consumes more than one hour of staff or attorney time, the District shall charge \$30 an hour for all non-attorney and attorney staff time. In extraordinary circumstances, the use of a third party contractor may be necessary and will be discussed with the requestor in advance.

By policy of the District, the requestor shall also be charged \$30 an hour for time spent by the District's Attorney directly related to a records request, including but not limited to, the review of documents for privilege or other exemptions to production; document redaction; creation of documents that articulate the privileged nature of the requested documents; or conducting Colorado Open Records Act-related legal research.

If, in response to a specific request, the District has performed a manipulation of data so as to generate a record in a form not used by the County, a reasonable fee may be charged to the requestor. Such fee shall not exceed the actual cost of manipulating the said data and generating the said record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.

If the public record is a result of computer output other than word processing, the fee for a copy, printout, or photograph thereof may be based on recovery of the actual incremental costs of

providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system. Such fee may be reduced or waived by the custodian if the electronic services and products are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

THE FORMAT OF RECORDS PRODUCED

The Colorado Open Records Act guarantees that “all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law” (§ 24-72-201, C.R.S.). The Colorado Open Records Act does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of the staff or personnel of the District (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the District, the Secretary to the Board of Directors or the District’s Attorney will determine the appropriate format for the records to be produced. The District may require that members of the public only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the District personnel, or its staff or production of original records could jeopardize the condition of the records.

For additional information concerning this policy, please contact the Secretary to the Board of Directors. The District reserves the right to require requestors to utilize a District provided request form for any requests considered significant. This Policy supersedes all prior District CORA policies.