



CORA Policy

Adopted by the Florence City Council on November 4, 2024
Resolution No. 12 - 2024

TABLE OF CONTENTS

Contents

I.	Purpose.....	2
II.	Background.....	2
III.	Definitions.....	2
IV.	Procedure.....	2
	a. Records Request Submission.....	3
	b. Records Request Response.....	3
	c. Records Production.....	4
V.	Fees and Charges.....	5
	a. Deposits.....	5
	b. Production Fees.....	5
	c. Research and Retrieval Fees.....	5

I. Purpose

The purpose of this policy is to assure prompt and equitable service to individuals requesting access to City of Florence (the "City") public records in accordance with the requirements of §24-72-201 et seq., C.R.S. This policy protects the integrity of the records and ensures consistent guidelines for the requestors, while preventing unnecessary interference with the regular discharge of the duties of the custodian's office.

This policy does not apply to criminal justice records, as defined in §24-72-302, C.R.S.

II. Background

§24-72-202(6)(a), C.R.S. defines public record to include all writings made, maintained, kept, or held by a local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.

III. Definitions

Official Custodian

The City Clerk is designated as the Official Custodian (the "Custodian") responsible for the maintenance, care, and keeping of all records of the City, except as provided herein. The Custodian shall have the authority to (1) make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the Custodian; and (2) designate such agents as the Custodian shall determine appropriate to perform all acts necessary to enforce and execute the City's public records policies. Definitions found in §24-72-202, C.R.S., as amended from time to time, shall apply unless the context clearly requires a different meaning in accordance with customary usage. As used herein, "City Clerk" shall mean the appointed City Clerk or their designee.

Public Records

Include, unless exempted:

- All writings made, maintained, or kept by the City, any City Department, or any City employee.
- Correspondence of elected officials (including e-mail) is a public record unless it is work product, is unrelated to the elected official's function, is a communication from a constituent who expects it to be confidential by its content or is otherwise subject to non-disclosure under the Open Records Act §24-72-203 (the "Act").

Writings

Means all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data and electronic mail but does not include computer software.

Work product

Means materials that are deliberative or advisory in nature, prepared to help elected officials, and communicated to assist elected officials in reaching a decision within the scope of their authority.

IV. Procedure

A. Records Request Submission

All requests to inspect and/or copy any City record (a “Records Request”) shall be made in writing to the Official Custodian. All Records Requests must be as specific as possible to the records sought and the relevant dates covered by the request. For any request that is vague or broadly stated, the City Clerk may require the requestor to provide a more specific request before responding.

If not submitted to the Custodian, any City employee or Council Member that receives the Records Request shall immediately notify the requestor that the request must be submitted directly to the Custodian. Records Requests not submitted to the Custodian will not be considered.

To assist the Custodian in responding to requests in a timely and complete manner, a Records Request must be submitted on a form developed by the Custodian. If a deposit is required, the Records Request is not considered received until the deposit is paid in full.

Records Requests can be sent physically or electronically to the City Clerk, or completed on the City’s official website www.cityofflorenceco.gov.

Deposits or payments can be made in person at City Hall, on the City’s official website, or over the phone at (844) 401-8466.

Please note that Records Requests may constitute public records under the public records law and may be subject to public inspection under §24-72-203, C.R.S., and the City’s policy.

The City will make reasonable modifications and accommodations to ensure that people with disabilities have equal opportunity to obtain public records. If you are a person with a disability who requires an accommodation, please call us at (719) 784-4848, option 5.

B. Records Request Response

The City will address all Public Records requests within three (3) working days following the date of receipt if the records are readily available. An additional seven (7) working days may be added if the records are in active use or in storage and not readily available, the request is overly broad, or the request is for a large volume of records. If the additional days are necessary, the City Clerk will notify

the requestor in writing of the extenuating circumstances within the initial three working day-period. Any request received between 5:30 p.m. and midnight, or on a non-working day, will be deemed received on the following working day.

Requests for routine copies of non-restricted public records that are readily available on the City's website or from other easily accessible public sources (e.g., minutes, agendas, ordinances, resolutions, etc.) shall not be considered an open records request and shall not be required to be submitted in writing. In such cases the requestor shall initially be referred to such public sources. However, if the requestor specifically requests that the City provide the records pursuant to CORA, a Records Request will be required, and applicable fees will still apply.

No person shall be permitted to inspect or copy any records of the City if, in the opinion of the Custodian after consultation with the City's legal counsel, such inspection or copying is prohibited under CORA or contrary to the public interest or policies adopted by the City in accordance with CORA.

C. Records Production

Any public record that is stored in a digital format will be provided in a digital format and transmitted by electronic mail, unless the size prevents email transmission, in which case they shall be transmitted by another method, as agreed upon by the requestor and the Custodian.

Pursuant to §24-72-204, C.R.S., and this policy, the City will not disclose certain records if the disclosure is contrary to state or federal law or regulation or to a court order. The City will not provide certain records exempt from disclosure under CORA. Examples of such records include, but are not limited to: *trade secrets; privileged information, such as attorney-client communications and confidential commercial information; executive session records; deliberative process privileged materials; sexual harassment complaints and investigations; materials submitted by certain applicants for executive positions; medical, psychological, sociological, and scholastic achievement data; records on users of public facilities; personnel files and letters of reference; juvenile information; personally identifiable information including social security numbers, dates of birth, electronic mail addresses, and driver's license or other state identification numbers; and any other exceptions as they are established by courts or law.*

If the requestor does not respond or otherwise communicate to the Custodian regarding their request, then the City will close the request 10 days following the date of receipt.

No employees should assume a document is exempt from CORA. The City Clerk or assignee will contact the assigned liaison from the department (s) who maintain the responsive record(s) and notify them of the request. Any and all responsive records will be provided to the City Clerk or assignee in a timely fashion. No records will be provided to the requestor directly by any other department.

V. Fees and Charges

Staff time spent responding to a record request, including research, gathering, retrieving, organizing, compiling, and/or redacting data will be assessed for the records request. The City does not charge for the first hour of staff time. After the first hour, the staff time will be charged in quarter-hour increments. A time log outlining staff time spent responding to the request may be provided upon request.

A. Deposits

If the request is determined to be within the guidelines of CORA and the request will generate a fee, the City will provide a cost estimate to complete the request. The total estimated amount will be collected by the City Clerk as a deposit before proceeding with the request. The actual charge of fees will be deducted from the deposit and the City Clerk will refund any remaining amount, if applicable, to the requestor. If an amount above the deposit and initial estimate is owed, the City Clerk will collect this amount at the time of the document distribution. No records will be released until all amounts due have been paid.

B. Production Fees

The City is not required to produce a public record in a searchable or sortable format if: (1) producing the record would violate the terms of any copyright or licensing agreement or result in the release of a third party's proprietary information; (2) it is not technologically or practically feasible to permanently remove information that the City is required or allowed to withhold within the requested format; (3) it is not technologically or practically feasible to provide a copy in a searchable or sortable format, or (4) if the City would be required to purchase software or create additional programming of functionality in its existing software to remove the information.

C. Research and Retrieval Fees

When the location or existence of specific documents must be researched and the documents must be retrieved, sorted, or reviewed for applicability to the request, and such process requires more than one (1) hour of staff time, the

Custodian may charge a research and retrieval fee equivalent to the maximum amount allowed and annually adjusted by the Executive Committee of the State Legislative Council (forty-one dollars and thirty-seven cents (\$41.37) per hour as of the date of publishing).

Subsequent or duplicate requests under CORA for the same or similar materials, whether by the same requestor(s) or different requestor(s), will be charged the original fee of cost to produce, review, or redact the requested documents.

If subject to CORA, data kept by the City but generated by a third party shall be charged at the actual cost paid to the third party.

The City reserves the right to charge fees to cover the cost of transmission via postal or another carrier.

Record Format	Fees to the Requestor
Standard 8 ½ X 11 (Black & White) - Printouts, photographs, Copies, etc.	\$0.25/page
Standard 8 ½ X 11 (Colored) - Printouts, photographs, Copies, etc.	\$1.00/page
11 x 17" page (Black & White) - Printouts, photographs, Copies, etc.	\$1.00/page for larger documents or Actual cost of production
11 x 17" page (Colored) - Printouts, photographs, Copies, etc.	\$2.00/page for larger documents or Actual cost of production
CDs, USB drives, etc.	Actual cost of materials

**The fees and rates listed above are subject to §24-72-205(6)(b), C.R.S as amended.*