

ELK CREEK FIRE PROTECTION DISTRICT
Open Records Request Policy
Adopted 07/31/2024

Policy Statement

The Elk Creek Fire Protection District (the "District") has developed the following Open Records Request Policy ("Policy") in order to create a systematic method of managing open records requests. Pursuant to the Colorado Open Records Act, Sec. 24-72-200.1 *et seq.*, C.R.S. ("CORA"), public records are to be open for inspection by individuals at reasonable times, upon request, unless such disclosure would be contrary to the public interest or otherwise precluded under CORA. As a public entity, the District recognizes the importance of this state policy and the importance of creating an environment of openness with respect to its internal operations. This Policy is intended to balance the public's right to inspect the records of the District with the District's need to protect its records and prevent unnecessary interference with its regular duties in responding to such requests.

Procedures

The District Administrator is designated as the Custodian of Records ("CR"), as defined in Sec. 24-72-202(1.1), C.R.S., and will accept CORA requests on behalf of the District submitted in accordance with this Policy.

All CORA requests must be made through the District's website form. This form provides uniformity and a single source for submission and tracking.

- Requests not made through the website form will not be answered.
- The first full business day, following the date the request is received by the CR, will constitute the first business day for calculating the applicable response period, as provided below.
- The CR may forward requests to the District's legal counsel for review and assistance with developing an appropriate response.

All requests must be specific as to the records sought and the relevant dates of those records.

Requests for correspondence (such as e-mail, letters, memorandums) must identify the parties to the correspondence. For any request that is vague or broadly stated the CR may require the requestor to provide a more specific request.

Requests for records will not take priority over previously scheduled work activities or duties of the District; provided, however, that the request shall be met within the statutory three (3) business day time period unless extenuating

circumstances exist. In which case the District may utilize a time extension which will not exceed seven (7) additional business days. A finding of extenuating circumstances must be communicated in writing to the requesting party within three (3) business days of receiving the request.

The CR reserves the right to levy the current hourly rate, as permitted by CORA, for research and retrieval services of requested documents. However, the first hour of research and retrieval services shall be provided at no charge. The current authorized research and retrieval fee is set forth in Appendix A to this Policy, which Appendix A shall be updated from time to time as need to maintain consistency with CORA.

If a request is made that would require a substantial amount of time to prepare, the District will provide an estimate of fees within the initial three (3) business day response time and require payment of 100% of the estimate before proceeding with additional work on responding to the request. If the estimate is not paid within seven (7) business days after notification of the estimate from the District, the request will be considered abandoned.

The CR is not required by CORA to construct a document that does not exist or organize information in a particular way in response to a request.

Failure to follow this Policy shall be grounds to deny and/or disregard the improperly filed request.

Responding to Requests for Open Records

The District's legal counsel may assist the CR to determine if the information requested is subject to inspection under CORA. If it is determined that the records requested are not subject to inspection under CORA, the CR will inform the requestor, in writing, that the request is being denied and provide the specific statutory citation supporting the denial.

If the request is for records the District does not possess, the requestor will be informed, in writing, that the District does not possess the requested records and will be informed who does possess the records and where they can be found, if that information is known to the CR.

If the requested records contain information that is partially open to inspection and partially exempt from inspection, the District may withhold the record altogether or redact the exempted information and provide the record(s) for inspection.

Some records are available online. If so, the CR will inform the requestor of its online availability. If the requestor still wants to personally inspect and/or obtain copies of the records pursuant to this policy, the District will reasonably accommodate this request, subject to any required fees.

Once the records have been located and reviewed, the District will notify the requestor, in writing, that the records are available for inspection or disclosure,

subject to the requestor paying all fees prior to inspection or disclosure.

Release of Records

Once the requestor is notified that the records are available for inspection or disclosure, the requestor must contact the District within three (3) business days to arrange how it would like to receive the requested records. If, within three (3) business days, the requestor fails to contact the District regarding the request, the request will be considered abandoned.

Records will be available for inspection during the District's normal business hours or may be provided by e-mail.

The requestor may obtain copies of the requested records at the current rate, as permitted by CORA, or for documents in non-standard formats, the actual duplication costs. A transmittal fee may not be charged for emailing electronic records to the requestor. The current authorized copy fee is set forth in Appendix A to this Policy, which Appendix A shall be updated from time to time as need to maintain consistency with CORA.

Full payment of any incurred fees and costs must be received in advance of any inspection or disclosure of the requested records that are subject to disclosure.

Once a request is considered abandoned, the requestor must submit a new request to inspect any records and pay all applicable fees.



Greg Pixley, ECFPD Board President



Melissa Baker, ECFPD Board Treasurer

APPENDIX A

(CORA Fee Schedule)

Research and Retrieval Fee	\$41.37 per hour (first hour free)
Copy Fee	\$0.25 per page