CITY OF CENTENNIAL, COLORADO 12503 E. Euclid Drive #200, Centennial, Colorado 80111

ADMINISTRATIVE POLICY No. 2007-AP-1

PUBLIC RECORDS POLICY

I. AUTHORITY:

The public policy of the state and the City requires all public records to be open for inspection at reasonable times unless specifically excepted by law. Colorado Public (Open) Records Law, C.R.S. Section 24-72-201, et seq. ("CORA"). CORA further allows the official custodian of public records to formulate rules and regulations with reference to the inspection of these records which:

- A. Protect the integrity of the records, and
- B. Limit operational disruption caused by access to the records.

II. PURPOSE OF POLICY:

- A. To set forth a policy providing the public with timely, orderly, efficient and appropriate access to public records maintained by the City of Centennial ("City") in compliance with the standards and requirements of CORA; and
- B. To establish general procedures and reasonable and standardized fees for producing copies of and information from City-maintained records as authorized by CORA (CORA does not require the City to create a record in response to a request for information); and
- C. To protect public records from alteration, abuse, wear and tear, defacement or permanent loss and misuse, and to ensure that other activities of the respective offices of records custodians not be disrupted or interrupted.

III. SCOPE:

This policy shall apply to all public records except (1) records kept and maintained by Arapahoe County under the custody of the Records Coordinator, Arapahoe County Public Works, Building, Planning and Engineering (release of which shall be governed by Arapahoe County policies) and (2) criminal justice records (as defined in C.R.S. Section 24-72-301, et. seq.) kept and maintained by the Municipal Court or the Sheriff's Department. Other records kept by the

Sheriff's Department shall similarly not be covered by this policy, it being understood that the policies and procedures adopted by Arapahoe County shall govern the provision of such records.

IV. DEFINITIONS:

Definitions found in C.R.S. Section 24-72-202, as amended from time to time, shall apply unless the context clearly requires a different meaning in accordance with customary usage. Other terms used in this policy shall have the following definition:

- A. **Custodian of Records** shall mean the Deputy City Clerk or, in the case of Routine Records, the Department Records Custodian.
- B. **Department Records Custodian** shall mean that person identified on Schedule A for each department of operations within the City who shall be the official custodian for all Routine Records of the respective department.
- C. **Non-Routine Record** shall mean any Public Record that is a not a "Routine Record" or any request where the legality of compiling or releasing the document may be in question.
- D. **Non-Public Record** shall mean any writing made or kept by the City which does not constitute a Public Record under this policy and/or under the provisions of CORA.
- E. Open Records Log shall mean a log kept in electronic format by each Department by the Department Records Custodian thereof indicating (1) the date of any receipt of all requests for inspection and/or copies of Routine Records kept by the department, (2) the date of fulfillment and a description of the requested Routine Record, and (3) all requests for Non-Routine Records which are referred to the Records Custodian.
- F. **Public Records** shall mean all <u>writings</u> made, maintained or kept by the City for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditures of public funds. "Public Records" does not include Work Product. However, it does include the correspondence of elected officials, with limitations, as noted in C.R.S. Section 24-72-202, *et seq.*
- G. Public Records Request Form is the form attached hereto as Exhibit 1 which shall be utilized for all Non-Routine and Non-Public records Requests and as may be amended from time to time by the officer of the Deputy City Clerk.
- H. Research/Data Gathering Time shall mean all time expended by City staff in processing requests for Public Records in excess of one-half hour as applied to the calculation of the fee associated with any request for public records.
- I. Routine Record(s) shall mean Public Records that are commonly requested and maintained on-site at the City offices, do not involve any

significant staff time for research, compilation or tabulation of any data, and are identified as a Routine Record by City department on the attached Schedule A. Voluminous requests for records which are otherwise routine may be treated as a non-routine records request in the discretion of the Department Records Custodian.

- J. Work Product shall mean 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.
- K. **Writings** shall mean all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics, including digitally stored data (including, without limitation, electronic mail messages) but do not include computer software.

V. RESPONSIBILITIES:

- A. It is the responsibility of each Department Records Custodian to become familiar with and to educate the employees of the Department with the standards and requirements of this policy.
- B. It is the responsibility of each Department Records Custodian to maintain an accurate and updated Open Records Log.

VI. GENERAL PROCEDURES:

- A. Requiring Identifying Information: Release of Public Records shall not be conditioned upon the furnishing of information by the requester such as name, address, phone number or reason for request. The identification of the requester can affect whether certain records are Non-Routine Records or Routine Records and thus the manner in which the request shall be fulfilled. Identifying information shall never be required as a condition to fulfilling a Public Records request but the requester shall be informed that the request may be fulfilled more expeditiously if the requester provides identifying information and the information provided leads to the determination that the requested record is a Routine Record. If the requester is asking for information to be faxed or sent via mail, appropriate information must be provided. Likewise, if the requester is paying by method other than cash for the cost of research, copying, etc., appropriate information must be provided.
- B. Access Times: All Public Records shall be open for inspection in the Citizen Service Center from 8:30 a.m. until 4:30 p.m., Monday through Friday, except on City observed holidays.
- C. No original Public Records shall ever leave the possession or control of the Custodian of Records.
- D. The City will fulfill all Public Records requests within three (3) business days if the records are readily available. An additional seven (7) business days may be added if the records are in active use, in storage or otherwise not readily

available. If the additional days are necessary, the Deputy City Clerk shall notify the requester in writing of the extenuating circumstances within the initial three day period.

- E. Any denial of a Public Records request or request for a Non-Public Record shall be in writing, regardless of whether such a writing is requested.
- F. In all cases in which a person has the right to inspect any Public Record pursuant to this policy, copies, printouts or photographs of such records may be provided to the requester if prior to reproduction, requesters pay the applicable fee in accordance with Section IX of this Policy.
- G. Whenever fees or costs are assessed pursuant to this policy, the City will accept payment in the form of cash and check only.
- H. The public shall not be allowed to its own equipment in inspecting or copying Public Records. The necessary manual or electronic functions necessary to extract, collate, organize, retrieve, copy or otherwise manipulate the records and data necessary to produce the record or allow for its inspection shall be performed by the respective department personnel using the equipment of the department. The City may, at its option, provide a computer for use by the public to research and access (but not in any way alter) certain limited Public Records.
- I. All fees collected hereunder shall be transmitted to the Deputy City Clerk for bookkeeping and deposit into the general fund of the City, except for fees collected by the Public Works Department, which are to be collected and applied in accordance with the Intergovernmental Agreement between Arapahoe County and the City.

VII. REQUESTS FOR ROUTINE RECORDS

- A. The respective Department Records Custodian may allow inspection and/or copying and release of Routine Records. These requests may be made verbally or in writing and shall be handled in a timely and responsive manner and shall not be subject to the procedures for Requests for Non-Routine and Non-Public Records.
- B. The Department Records Custodian will strive to handle Routine Records requests promptly and within the same day of request but, in no event, will such requests take longer than three days to handle.
- C. The cost for copying and providing the Routine Record shall be as set forth in Schedule B. If the cost is estimated to exceed \$20, the requester shall be required to present the estimated cost before the request is fulfilled. After fulfilling the request and before releasing any documents or information, the Records Custodian shall return to the requester any excess funds or charge the requester for any deficiencies in funds. All funds received by a Department Records Custodian hereunder shall be submitted to the Deputy City Clerk's office.

D. Each time the Department Records Custodian allows inspection and/or copies and releases a Routine Record, a notation to that effect shall be made in the respective department's Open Records Log.

VIII. REQUESTS FOR NON-ROUTINE INFORMATION OR NON-PUBLIC RECORDS

A. All requests for Non-Routine Records and for any Non-Public Records must be received in writing through the office of the Deputy City Clerk on the Public Records Request Form. If a Non-Routine Record or Non-Public Record is requested via the telephone, the requester will be notified to submit the request in writing. The date and time of the request must be noted in the box at the bottom of the form.

- B. The Public Records Request Form must be promptly forwarded to the Deputy City Clerk.
- C. The Deputy City Clerk will notify the City Manager, the City Attorney and, if so directed by the City Manager or City Attorney, the Director of Media and Community Relations, of each Non-Routine or Non-Public Records request.
- D. The Deputy City Clerk, in consultation with the Department Records Custodian for the department where the requested record is available and the City Attorney's Office, shall determine if the Non-Routine Record requested should be open for inspection within the guidelines of CORA. In addition, if in the opinion of the Deputy City Clerk in consultation with the Department Records Custodian and City Attorney's Office, disclosure of the contents of any Non-Routine Record would do substantial injury to the public interest, be contrary to any state statute, federal statute, or regulation issued thereunder or is prohibited by rules promulgated by the order of any court, notwithstanding the fact that said record would otherwise be available for public inspection under the provisions of CORA and this policy, the Deputy City Clerk shall notify the requester that access to such Public Record is denied and state the grounds for the denial within three days of the date of receipt of the request.
 - 1. If a determination is made that the record is either not a Public Record (a Non-Public Record) or otherwise not subject to public inspection within the guidelines of CORA, the Deputy City Clerk's Office shall issue a written statement to the requester within three days of the date of receipt of the request explaining the legal basis for withholding release of the requested record.
 - 2. If the request record is determined to be a Public Record within the guidelines of CORA but the records are not available (lost, non-existent, etc.), the consulted Department Records Custodian shall immediately notify the Deputy City Clerk who shall notify the requester in writing within three days of the date of receipt of the request.
 - 3. If the request is determined to be within the guidelines of CORA and the requested Public Records are in the custody and control of the respective Custodian of Records but are in active use or in storage and

not available at the time a requester asks to examine them, the Deputy City Clerk shall inform the requester in writing of this fact and, except when extenuating circumstances exist which require the date and time be extended to a date and time not to exceed seven days, set a date and hour when the records will be available for inspection or for production and copying within three working days of the date of the request. The finding of extenuating circumstances forming the basis for the extension of time shall also be documented and provided to the requester in writing by the Deputy City Clerk.

- 4. If the request is determined to be within the guidelines of CORA, the department in which the record is kept or maintained shall generate a cost estimate to complete the request.
 - a. If the cost estimate is in excess of \$20, the total estimated amount shall be collected by the Deputy City Clerk in advance of proceeding with the request. The requester shall be advised that this is only a deposit and that necessary adjustments to such amount will be made at the time the request is ready for pickup. Upon receiving payment, the Deputy City Clerk shall contact the appropriate department and work with the Department Records Custodian to fulfill the request.
 - b. The Department Records Custodian shall complete the request, accounting for all costs incurred in processing the request, and deliver the documents, along with the cost summary, to the Deputy City Clerk.
 - c. The requester shall be contacted by the Deputy City Clerk and informed as to any adjustments to the original estimate. If paid in advance, the requester shall pay or be refunded any adjustment based on the actual costs incurred.

IX. FEES:

- A. Fees for production of Public Records are as set forth in Schedule B.
- B. The City may charge for Research/Data Gathering Time. Where data already exists in substantially the form requested and research or calculations do not have to be made, there will be no research or analysis charge. When manual or automated work needs to be performed on an ad hoc basis to generate the data requested, a charge needs to be applied as delineated in the Fee Schedule to fully recover the City's costs.
- C. The City also charges for extraction of email data at a rate different than that for other types of records based on costs assessed to the City by a third party contractor. The rate is based on a charge per "download" plus an hourly fee for time as noted in the Fee Schedule.
- D. Fees shall not be waived except with the approval of the City Manager or his or her designee.

X. EFFECTIVE DATE:

This policy shall be effective August 1, 2007.

XI. APPROVAL:

Jacque Wedding-Scott Acting City Manager

<u>June 4, 2007</u> Date

SCHEDULE A ROUTINE DOCUMENTS BY DEPARTMENT

Liquor Licensing

Department Records Custodian: Liquor Licensing Administrator

- Copies of applications for new licenses if request made by applicant or counsel for applicant.
- 2. Agendas and official minutes of Local Liquor Licensing Authority.
- 3. Lists of liquor licensees within the City or a defined area of the City.

Code Enforcement

Department Records Custodian: Supervisor of Code Enforcement

- 1. Copies of correspondence or notices already released and sent to an addressee or to a particular address.
- 2. Copies of an investigative file if requested by the property owner or property owner's attorney.

Building Department

Department Records Custodian: Chief Building Official

- 1. Copy of a building permit (issued since 2003) requested by permit number or permittee name.
- Copies of all building permits (issued since 2003) issued for a certain address.
- 3. Agendas and official minutes of Board of Review.

Municipal Court

Department Records Custodian: Municipal Court Administrator

None. Requests for any sheriff's investigative files shall be directed to and release determined by the Arapahoe County Sheriff's Department in accordance with Sheriff's Department policies. Release of court files shall be governed by the rules of discovery applicable to the Municipal Court.

Finance Department

Department Records Custodian: Finance Director

- Copies of adopted budgets.
- Copies of invoices approved as part of accounts payable previously approved by Council.
- 3. Sales tax records showing applicability of City sales tax to any location within the City.
- 4. Copies of official audit and financial statements accepted, approved or adopted by City Council.

Media

Department Records Custodian: Communications Director

1. Copies of press releases.

- 2. Copies of publicly issued newsletters.
- Copies of ordinances and resolutions under consideration after first reading or adopted.
- 4. Proclamations adopted by City Council
- 5. Agenda packet or Monday folder materials.
- Copies of official audit and financial statements accepted, approved or adopted by City Council.
- 7. All other materials already available to the public on the City's web site.

Legal

Department Records Custodian: City Attorney

None.

Land Use/Planning

Department Records Custodian: Land Use Services Director

- 1. Documents from files on active development cases (unless outside copying is required).
- 2. Copies of on-site development plans available in hard copy or electronically
- 3. Copies of fence permits issued by the City kept on location at the Citizens Service Center requested by permit number, permittee name or issued for a certain address.
- 4. Agendas and official minutes of Board of Review.
- 5. Agendas and official minutes of Planning and Zoning Commission and Board of Adjustment.

Citizen Liaison

None.

City Clerk's Office

Department Records Custodian: Deputy City Clerk

- 1. Single Ordinances.
- 2. Single Resolutions.
- 3. Official agendas and minutes of City Council, its committees or commissions, including Youth Commission.
- 4. Proclamations of City Council.

Human Resources

Department Records Custodian: Human Resources Manager

- Requests for information of City employee benefit practices received from other local governments.
- 2. Current employee handbook.
- 3. Current employee policy documents.
- 4. Current benefits policy documents.

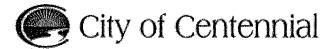
Personnel files shall be privileged and not open for public inspection except by the employee and his/her immediate supervisor.

SCHEDULE B SCHEDULE OF COPYING CHARGES AND MISCELLANEOUS FEES

(§24-72-205 C.R.S.)

Annual Budget:	Also available on City of Centennial Website	\$.25 per standard
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Audited Financial Statements	Also available on City of Centennial Website	\$.25 per standard
	·	page
CD/Tape Duplication:	Per CD/cassette	\$25.00
	·	(Cassette or CD
		provided by City)
Centennial Municipal Code:	Available through Colorado Code Publishing Company (or their web site)	
Certification of Document:	Each copy	\$5.00 for staff time
	This applies to:	
	Requests from citizens/agencies for	
	certified true copies of City documents;	
	Requests for notarial certification of	
	true copies of personal documents	A
Certification of Transcript:	Deputy City Clerk review required.	\$5.00 plus
·		\$1.00 per page for staff time
Copies of Documents:	Per 8½" X 11" page; 8½" X 15" page; or	\$.25 per standard
Copies of Documents.	Per 11" X 17" page	page
	Tol IT X II page	page
	Documents requiring outside printing will be	
	assessed the actual cost to the City	
Liquor Code Book:	Available through Colorado Department of	
	Revenue	
Model Traffic Code:	Available through the Colorado Department of	
	Transportation	
Notarization of Signature		No charge
Other Requests and Documents		Actual cost to the
	•	City to obtain or
		reproduce
Staff Time:	When information gathering, printing or	\$25.00
·	retrieval of a document requires staff research,	per hour
	labor or travel time, the hourly charge begins	
	after 30 minutes and will be assessed and pro-	
	rated in quarter hour increments.	
Uniform Fire, Plumbing, Building	Sold by:	
Codes, etc.	All community colleges	
	Barnes and Noble	
	Tattered Cover	
	International Code Council: (www.constructionbook.com)	
, and the second	(www.constructionbook.com)	<u> </u>

EXHIBIT 1 PUBLIC RECORDS REQUEST FORM (follows)



12503 East Euclid Drive, Suite 200, Centennial, Colorado 80111 (303) 734-4567

PUBLIC RECORD REQUEST

Name:		Date:		
Address:		City:		
State:	Zip Code:	Daytime Ph	Daytime Phone:	
E-mail Address:		FAX Numb	er:	
Copies Requested		Yes []	No []	
CD Requested (for m	neetings only)	Yes []	No []	
INSTRUCTIONS				
	formation desired and/or list o	each requested o	document. Please be as	
specific as possible.				
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records being in active REQUEST MAY BE	by seven (7) working days for e use, in storage or otherwise not CFAXED TO: 720-488-0 d or e-mailed requests must be find fee schedule)	readily availabl	e. Deputy City Clerk	
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		=		
	Total		\$	
Staff Use Only	,			
	Tim	e Received:		
Date Completed:	Time Completed:	Con	pleted By:	
Summary of Respon	se:			
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