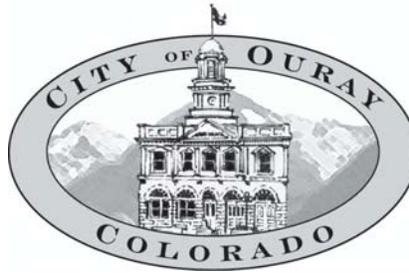


320 6th Avenue
PO Box 468
Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
www.cityofouray.com

CITY OF OURAY OPEN RECORDS REQUEST POLICY

I. PURPOSE

It is the policy of the City of Ouray (City) that all public records shall be open to inspection by any person at reasonable times, except as provided by the Colorado Public Records Act (the Act), or as otherwise specifically provided by law. In all cases where a person has the right to inspect a public record, the person may request a copy or printout of the record.

Although public records are typically open to inspection, the Act authorizes a custodian of records, the City Clerk, to make rules and regulations regarding the disclosure and inspection of public records as are reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the City Clerk or the City Clerk's office. Consequently, it is important that all requests be carefully evaluated to determine what records can be provided to the requesting party in compliance with Colorado law.

The purpose of this policy is to set forth a general guideline for use by citizens or entities requesting public records, and for use by City staff in responding to such requests. This policy is subject to interpretation by the City Attorney, and exceptions may be made in individual circumstances in its sole discretion. As Colorado law changes, this policy and process will be amended. For the complete Act, see §24-72-201 et seq., C.R.S.

II. PROCEDURE

The following procedure shall apply to all open records requests. Please review this policy in its entirety before submitting an open records request.

A. REQUESTS

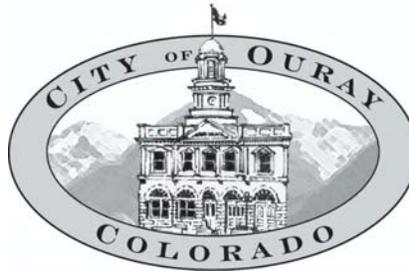
1. Form. An open records request must be in writing on forms provided by the City. If a request is made verbally, the requestor will be asked to put his/her request in writing. As a general rule, the more specific the request, the more likely the City Clerk will be able to locate available records that respond to the request, and the more likely fees will be reduced. For any request that is broad or vague, the City Clerk may require the requestor to provide a more specific request. A modification of the request is considered a new request.

The City has available an official Public Records Request form for use in making open records requests. For a copy of the form, please see the City's website at www.cityofouray.com or contact the City Clerk's Office.

2. Submission. Open records requests may be submitted in person, via regular mail, via facsimile or email to the City Clerk.

3. Transmission to City Attorney. Upon receipt of a written request for records, the City Clerk may send a copy of the request the City Attorney. The City Attorney will notify the City Clerk as to the appropriate response, and the City Clerk, or his or her designee, will compile the available records and respond to the request.

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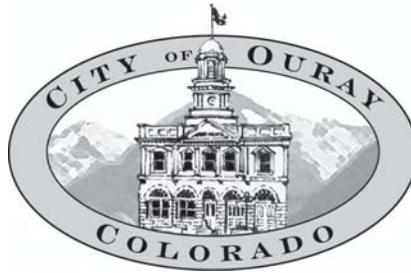
4. Location of Records. If the public records requested are not in the custody or control of the City, the City Clerk shall immediately notify the requestor of this fact, in writing. The notification shall state in detail to the best of the City's knowledge and belief the reason for the absence of the records from the City's custody or control, the location of the records and what person then has custody or control of the requested records. See § 24-72-203(2)(a), C.R.S.

B. TIMING FOR ACCESS TO OR PRODUCTION OF PUBLIC RECORDS

In all cases in which a person has the right to inspect a public record, the person may request a copy or printout of the record. Physical inspection of available records is not required, and a requestor may decide an inspection is not necessary when it knows with certainty what records it wants produced and copied. However, there may be other situations in which a requestor wants to inspect available records in advance of or in lieu of receiving copies. To assist City staff in responding to a request, a requestor should state in its request whether it wants to schedule an inspection of available records, or whether it wants copies of available records in lieu of inspection.

A. Time for Inspection or Production of Records – Three (3) Working Days. If records are available pursuant to § 24-72-201, C.R.S., the City Clerk shall set a date and time when the requested records will be available for inspection or production. The typical time for inspection or production of available records shall be three (3) working days beginning on the first working day after a request which complies with the requirements of Section II.A.1 above is received. Weekends and recognized City holidays do not count as days. If the requested records are in the custody and control of the City but are in active use, in storage, or otherwise are not readily available at the time the applicant asks to examine them or requests copies of them, the City Clerk shall immediately notify the applicant of this fact, in writing. If requested by the applicant, the City Clerk shall set a date and time at which the records will be available for inspection or production. See § 24-72-203(3)(b), C.R.S.

B. Seven Working Day Extension of Time. The three-day period of time for inspection or production of records may be extended for an additional seven (7) working days if the City Clerk determines that extenuating circumstances exist which prevent the inspection or production of available records within the initial three-day period described. The requestor shall be notified in writing of the basis for the extenuating circumstances and the resulting extension within the initial three-day period. An extension of time is not available for a request that relates to a single, specifically identified document. See § 24-72-203(3)(b), C.R.S.



Extenuating circumstances shall be found to exist when:

- A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the City Clerk reasonably to prepare or gather the records within the three-day period; or
- A broadly stated request is made that encompasses all or substantially all of a large category of records and the City is unable to prepare or gather the records within the three-day period because the City or the staff member preparing the response needs to devote all or substantially all of its resources to meeting an independent deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
- A request involves such a large volume of records that the City Clerk cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the City Clerk's obligations to perform his or her other public service responsibilities.

If a request is too broad, speculative or voluminous to respond to within ten (10) working days (initial three days plus seven-day extension), the City may request relief from the Court, including attorney's fees as provided for by law.

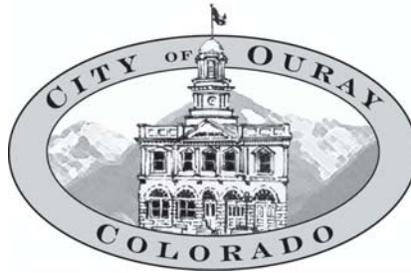
C. Inspection and Copying Of Records

1. Inspection. If the requestor wishes to inspect available records in advance of or in lieu of receiving copies of such records, such inspection shall be by appointment only during normal business hours (Monday – Friday, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.) at City Hall. In certain circumstances, and depending on the nature of the request, inspection may be supervised by a City employee and the requestor may be charged for employee time associated with such supervision, as set forth in the Schedule of Fees. The original records shall not be removed from the City's offices.

2. Copies of Records. In the event the requestor requests copies of available records in lieu of an inspection, such records will be made available within the timeframe set forth in Section II.B., above. In the event the requestor conducts an inspection and requests copies of available records at the time of such inspection, the requestor must mark with tabs or clips the pages that he or she wants copied. Copies may be made at a later date and time, based on volume and staff availability. In such case, the requestor will be notified when the copies are available for pick-up. Copies of available records may be mailed upon request at an additional fee.

3. No Outside Copiers or other Devices. The requestor may take notes and may bring a laptop or portable computer device to take notes while inspecting/reviewing

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available documents. However, the requestor shall not bring and shall not use outside photocopiers, scanners, fax machines, smart phones, cameras or other copy, scanning or reproduction devices to copy City records.

D. Fees for Inspection and Copying of Records

A substantial amount of public records related to the City are available for review free of charge on the City website. These records include, but are not limited to budgets, agendas, minutes of meetings of the City Council and other City bodies, maps, and other information.

Where a person or entity wants to inspect and/or request copies of available records, the following fee schedule shall apply. Please note that the City is not obligated to provide copies of records in electronic format.

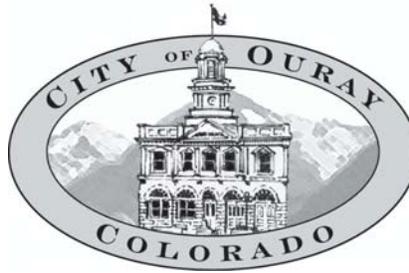
1. Manipulation of Data. Please note that City is not obligated to manipulate data in response to a request in order to generate a record in a form not used by the City. However, if the City elects to do so in response to a specific request, the City Clerk may charge the requestor a reasonable hourly fee associated with the request. The fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request.

2. Shipping/Postage. Upon request, and after receipt of payment in full for the requested records, the City Clerk may ship or mail copies of the available records to the requestor. In such case, the requestor will be required to prepay the cost of the shipping or mailing and any associated staff time incurred in preparing the records for shipping.

3. Notice of Fees. The requestor will be notified in advance of the types of fees associated with the request. If a request involves voluminous research or records, the requestor may want to request an estimate of the full cost to produce the records. The City will not commence work to assemble a response to a request without prior written approval from the requestor. For requests involving voluminous research or records, a deposit of 50% of the estimated cost of the work may be collected by the City Clerk before work will start.

4. Payment. The City cannot bill for fees relating to open records requests. Full payment for the applicable fees outlined above, including shipping/postage, must be remitted to the City before copies of the available records will be released to the requestor.

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E. DENIAL OF INSPECTION OF RECORDS

A denial of inspection must be specific and can only be based on reasons set forth in the Colorado Open Records Act. If inspection of public records is denied, the requestor may request a written statement of the grounds for the denial. The statement shall cite the law or regulation which is the basis for the denial and shall be furnished forthwith to the requestor.

Confidential information may be redacted from records. If confidential information is redacted, the requestor will be notified of that basis for redaction.

F. CLOSED REQUEST

An open records request will be deemed closed under any of the following circumstances:

1. Following Inspection. After records made available for inspection have been inspected by the requestor and no copies of the records are requested.

2. Copies Provided. After records made available for inspection have been inspected by the requestor and copies of the records have been provided consistent with this Policy.

3. Failure to Inspect or Pay. In the event a requestor does not make arrangements for review of documents within ten (10) days after being contacted by the City for such purpose, fails to appear for a scheduled review, fails to prepay a deposit for the cost of research or records or fails to pay the total of all costs within ten (10) working days of notification of the availability of records.

4. Request Closed. A person whose request has been closed under this Section F and who still wishes to inspect the same records must submit a new request.