

MPCD Policy Book



MOTIVATING LANDOWNERS TO PURSUE, COMMIT, AND DELIVER ON-THE-GROUND CONSERVATION PRACTICES

MIDDLE PARK CONSERVATION DISTRICT

PO BOX 265 106 S. 2ND ST.

KREMMLING, CO 80459

OFFICE: 970.724.3456 CELL: 970.531.0127

www.middleparkcd.com middleparkcd@gmail.com

Open Records (CORA) Policy

The Middle Park Conservation District (herein referred to as “District”) is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (“CORA”) (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner.

*This policy will help ensure the District complies in all respects with CORA and meets all constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or supersede state law.

This policy applies solely to records requests where the District is the custodian of records pursuant to CORA. Other state agencies may have different CORA policies.

District Procedure for Handling Records Requests

The District will only accept records requests from the requestor and that are made in writing or electronically via e-mail. 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 issue up to a seven-working-day extension if it finds extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. A request is received by the District the day an e-mail, fax or letter containing a request from the requestor is opened. The three working-day response time begins the first working day following receipt of the request. A request received after 5 p.m. 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, or his or her designee handling the request. Decisions about the applicability of CORA to particular writings will be made by an attorney.

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 (see “The format of records produced” below). 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. The District Manager can be reached by email (middleparkcd@gmail.com) or phone (970-724-3456, ext 4) to schedule an appointment or make a request if the office is closed.

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District staff should never assume a document is exempt from CORA and should always consult attorneys before making a final determination.

These provisions shall not apply to records requests received and handled by employees as part of their work for client agencies or officials when the custodian of records is not the District.

Fees for Document Retrieval, Review, Copies and Release of Records

When a substantial request is made — requiring the production of more than 25 pages of documents or the use of more than one hour of staff time to locate or produce records — the District will charge the requestor for all copying expenses and reasonable, actual costs associated with staff time in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the number of pages produced in response to a records request exceeds 25 pages, the District will charge \$0.25 per page for all documents photocopied. When researching, retrieving, reviewing or producing records consumes more than one hour of staff time, the District will charge \$20 an hour for all staff time after the first hour associated with researching, retrieving, reviewing and producing records for a requestor. The District also may charge an hourly rate not to exceed \$30 an hour (after the first hour) when specialized document production or specialized skills are required to research, retrieve, review, locate, compile or produce records pursuant to a records request, including the use of third-party contractors. Any costs charged to a requestor shall not exceed the actual cost of producing the records, in accordance with § 24-72-205(5)(a), C.R.S., and applicable law.

For requests where the District anticipates more than 25 pages will be produced and/or more than one hour of staff 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 District of Legal Counsel.

The Format of Records Produced

The Colorado Open Records Act guarantees that all public records must be open for inspection by any person at reasonable times, except as provided in CORA or as otherwise specifically provided by law (§ 24-72-201, C.R.S.). CORA 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 District employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the District, the District will determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at the District's discretion; this may or may not mean records are provided in their native format.

The District may require that members of the public or press 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 or its staff or the production of original records could jeopardize the condition of the records.