Colorado Open Records Requests
Bent County, Colorado

Procedures for Making and Responding to Requests for Information to Bent County Under the Colorado Open Records Act (CORA)

1) These procedures apply to all requests, submitted pursuant to C.R.S. 24-72-201 *et seq*., to inspect public records in the custody or control of Bent County. Those requests must be submitted in accordance with the policy of Bent County.

2) All requests to inspect public records must be submitted in writing to the official custodian (the official custodian is the County Clerk's Office). Request made to any person other than the proper custodian will not be accepted.

3) Requests may be mailed or sent via facsimile. **Requests made via electronic mail will not automatically be accepted.** The **custodian**, *at the custodian's sole prerogative*, may accept requests sent via e-mail upon request. If a request is sent via e-mail to anyone other than the custodian, it will not be considered as received by the County and the statutory time for response to the requests will not begin until a confirmation has been sent by the custodian.

Note: *The reason for this rule is, due to spam filters and inactive or incorrect e-mail accounts, the County cannot guarantee that the custodian has received an electronic mail request.*

4) All requests for records **must** be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated the custodian may require the requestor to provide a more specific request.

5) If a requestor is unable to identify the specific documents sought, the requestor is encouraged to contact the County at 719-456-2223 in advance of submitting a request for assistance in providing the requisite specificity.

6) The custodian is not required by the Open Records Act to construct or create a record that does not exist.

7) Time for response to records requests shall be as follows:

a. The normal time for production shall be three working days, beginning on the first business day after the request is received.
b. Such period may be extended upon determination by the custodian that extenuating circumstances exist. Such period of extension shall not normally exceed **seven** working days. The requestor shall be notified of the extension with the three-day period.
c. Time periods will be calculated without including the date on which the custodian receives any request.

8) Requests to inspect records documents will not take priority over the regular work activities of County employees.

9) Charges for copies of requested records shall be as follows:
a. The normal cost for requested documents shall be $.25 per standard page or, for documents in non-standard formats, the actual duplication costs.
b. At the custodian's prerogative, in lieu of the fee set forth in paragraph 9.a, the requestor may be charged a reasonable retrieval fee based on the *actual* cost of responding, including employee time, or gathering, preparing, and copying requested documents. **This research and retrieval fee shall not exceed forty-one dollars and thirty-seven cents ($41.37) per hour as posted on the County's website or otherwise published in the County's written policy.** There shall not be a charge for the first hour of time expended in connection with the research and retrieval of the public records. **The hourly rate will automatically increase every five-year period to be equal with the rate adopted and established by the director of research of the legislative council appointed pursuant to section C.R.S.§ 24-72-205(6)(b).
c. If records are readily available, the Board of County Commissioners, or their designee, may waive the charge or may charge a lessor amount per page for copies.

10) If charges are expected to exceed $.25, or if a retrieval fee based on the actual cost of responding is to be charged, the custodian will provide the requestor with an estimated of the cost of responding prior to responding and may require a deposit. If the requestor wishes to proceed once receiving an estimate, he or she must respond in writing. By responding in writing, the requestor agrees to pay all fees associated with responding to the request. The time between the date of the custodian's estimate and the receipt by the custodian of a written request to proceed will not be counted against the time period set forth above.

11) If the requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during ordinary working hours. Such inspection must be supervised by a County representative and the requestor may be charged for employee time associated with such inspection.

Bent County Public Records Request Form

The following request is made under the Colorado Open Records Act:

Date: _____

a.m. _____ p.m. _____

Name: _____

Company Represented: _____

Address: _____

City: _____State_____ Zip: _____

Phone Number:_____ Fax: _____ Cell Number:_____

Name of document(s) requested: _____

_____

_____

If the document name is unknown, provide brief, but specific description of document or information requested (note of issuance and location of document, if known).

_____

_____

_____

If the records are available pursuant to C.R.S. 24-72-201 et seq., the records shall be made available for viewing within three working days. The date of receipt is not included in calculating the response date. If extenuating circumstances exist so that the Custodian cannot reasonably gather the records within the three-day period, the Custodian may extend the period by up to seven working days. The requestor shall be notified of the extension within the three-day period.

Public records shall be viewed at the Bent County Courthouse, Las Animas, Colorado 81054, on regular business days at rearranged times. After viewing the document(s), photocopies may be requested **for $.25 per standard page, the requestor may be charged a retrieval fee based on the actual cost of responding to the request.** Charges must be paid for at the time the request for photocopies are made, and must be picked up in person.

_____ _____

Signature Date

For Official Use Only

Time spent by staff in assembling the records request: _____

Estimated cost of assembly: $_____

Records requests received by:

_____ Date: _____

Submit the form to Bent County Clerk's office. Fax: 719-456-0375

Email: lynda.moss@bentcounty.net