

ADMINISTRATIVE REGULATION 2019-01
MAYOR JOHN SUTHERS

DATE: June 25, 2019

TOPIC: CORA Policy

LEGAL AUTHORITY:

1.0 Purpose and Scope: This Administrative Regulation sets forth the policy for the Colorado Open Record Act ("CORA") to assure reliable service to the citizens requesting the records of the City of Colorado Springs, while maintaining compliance with the Colorado Revised Statutes ("C.R.S.") § 24-72-201, *et seq.*

2.0 Terms Defined: "CORA" – The Colorado Open Records Act, C.R.S. 24-72-201, *et seq.*

3.0 Procedures:

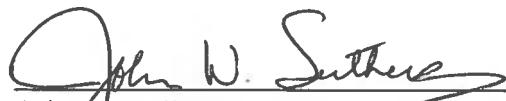
3.1. In General: Pursuant to City Charter § 3-10(b), the Mayor shall perform all executive and administrative functions of the City, including promulgation of administrative regulations. Fees and charges set by the Mayor shall be implemented by administrative regulation as set forth in City Code § 1.2.314.

3.2. Establishment of CORA Policy: The CORA Policy is established as set forth in Exhibit A, which is attached and incorporated hereto.

4.0 Miscellaneous

4.1. This Administrative Regulation shall be effective as of **July 15, 2019**, and shall remain in effect until amended or rescinded.

4.2. This Administrative Regulation shall be filed with the City Attorney and made available for public inspection on the City's website.


John W. Suthers, Mayor

APPROVED AS TO FORM:


Office of the City Attorney

COLORADO OPEN RECORDS ACT POLICY FOR THE CITY OF COLORADO SPRINGS

Purpose

In accordance with the Colorado Open Records Act ("CORA"), all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. The following policy has been developed to assure reliable service to the citizens requesting records of the City of Colorado Springs ("City"), including those records created by electronic mail, and to ensure the City complies with all aspects of the CORA in a uniform manner as set forth in Colorado Revised Statutes ("C.R.S.") 24-72-201, *et seq.*

This policy applies to all City staff, divisions and departments and solely to the records requested where the City of Colorado Springs and staff is the custodian of records. This policy does not apply to criminal justice records held by a criminal justice agency. This policy is not intended to supersede or duplicate CORA or any other state law.

Procedures

Requests can be made for records that are made, maintained or kept by the City through our website at www.coloradosprings.gov/CORA. Requests will need to be directed to the appropriate department listed on the webpage. If unsure of the department or the department is not currently listed, you may select the default CORA request link. Although the website is the City's preferred method to guarantee to the requestor a timely and accurate response, records requests will also be processed if received via mail, facsimile, email or in person addressed to the appropriate department, City Communications Office or City Attorney's Office.

Computation of Time

The City will make every reasonable effort, consistent with available resources, to respond within three business days as provided by C.R.S. § 24-72-203(3)(b). If the City finds extenuating circumstances prevent the production of public records within three (3) business days, it may invoke up to an additional seven (7) business days as provided in C.R.S. § 24-72-203(3)(b). A request is considered received by the City the day an email, fax, or letter containing the request is opened by the custodian or the custodian's representative. The three working-day response time begins the first working day following receipt of the request. A request received after 3:00 p.m. or on any day the City is not open for public business will be considered received as of 8:00 a.m. the next following business day.

Requests

The City will only accept CORA requests that are made in writing and will not accept CORA requests that are made verbally.

Requests should be as detailed as possible including date, type of record, specific subjects, names of custodians, if known, etc. If the document name is unknown, provide a brief, but specific, description of the document or information requested, noting the date of issuance and location of the document,

if known. A request which is broad, vague, or too voluminous may cause a delay in the time it takes to produce the records and could result in much higher fees for the staff time to gather and review a large number of records.

Requests for records are time stamped at the time of receipt by the City, and any responsive records to the request will be those records created prior to the time of receipt. Requests for "future" records or requests for ongoing or supplemental records will not be accepted. A request that asks for recurring records on a continuing basis will not be fulfilled.

The City may seek clarification on any CORA request that is broad, vague or ambiguous. While seeking clarification, the time to respond to a CORA request will be stayed until a sufficient clarifying response by the requester is received. The City will continue processing once clarification is made and time to respond will resume.

CORA requests are a means to receive public records. The City is not required pursuant to CORA laws to conduct research or answer questions. Please contact City Communications or the appropriate City department to determine if they will conduct research and/or answer questions.

Fees

In accordance with C.R.S. § 24-72-205(5)(a), the City will charge the requestor when a request is made that requires more than two (2) hour of staff time to locate, gather and produce records.

By filing a CORA request, the requester acknowledges that there may be charges associated with their request. The requestor will be informed of the estimated cost, and have an opportunity to withdraw or modify the request, prior to costs being incurred. Requestors must pay final costs before receipt of documents.

If more than two (2) hours of staff time is believed to be necessary to process a records request, the City will attempt to provide an estimated invoice to the requestor prior to final invoice. The City may require payment of a fifty percent (50%) deposit of the estimated invoice prior to compilation of records at the custodian's discretion. If a fifty percent (50%) deposit is requested, the City will contact the requestor to communicate this requirement and provide further details. At the completion of disclosure, the requestor will be required to pay the final actual cost of retrieval and production in excess of the fifty percent (50%). If the final actual costs of retrieval and production do not exceed the fifty percent (50%) deposit, the City will refund the remaining deposit to the requestor. Final invoices left unpaid for 30 days will result in closure of the CORA request.

The fees set below are for CORA requests. All fees must be paid by cash, check, credit card or money order and in the exact amount payable to the City. Payments must be made to the Finance Department, attention: Accounts Receivable, 30 S. Nevada Ave, Suite 201, Colorado Springs, CO 80903 (719) 385-2367.

Item	Fee
Photocopies or Printouts per C.R.S §24-72-205(5)	<ul style="list-style-type: none"> • \$0.25 per 8 ½" x 11" standard size or actual cost for documents larger than standard size • Oversized Maps / Plans - actual cost • Photographs - actual cost
Research and Retrieval/Compilation of Requested Documents	<ul style="list-style-type: none"> • \$30.00 per hour in 15 minute increments
Data Manipulation per C.R.S. §24-72-205(3)	<ul style="list-style-type: none"> • Actual cost
Off-site Records Retrieval	<ul style="list-style-type: none"> • 50% of actual cost to retrieve the records from off-site storage facility
Audiotape, Videotape or Other Magnetic Tape	<ul style="list-style-type: none"> • Actual cost to reproduce
On-site Record Inspection	<ul style="list-style-type: none"> • \$30.00 per hour for staff time
Postage	<ul style="list-style-type: none"> • Actual cost

Standard Format

City will provide responsive records in an electronic format, unless another requested format is specified. When responsive records cannot be provided in the specified format, the City will work with the requestor, provide written explanation, and will provide records in an agreed alternative format or can schedule an inspection of the records in person.

Data Manipulation / Research

The City is not required by law to construct or create a record that does not exist, nor is the City required to manipulate, analyze information in a new way, or conduct extensive research in order to respond to a request.

Records not used by the City, but manipulated for request purposes, at the custodian's discretion, shall be charged the actual cost of manipulating the data. Subsequent requests for the same or similar records may be charged a similar fee not in excess of the original fee.

Privacy

CORA is a state law that requires records made, maintained or kept by the City of Colorado Springs to be subject to release to any party upon request unless the law provides an exception to this general requirement. Citizens may be concerned about how the CORA applies to personal information or other materials that they provide to the City. Under CORA, disclosure of some information such as personal financial information, including bank account numbers and personal identifying information such as social security numbers and driver's license numbers are not allowed to be released. Additionally, a communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential is not required to be disclosed.

However, other information provided to the City by a private person may be subject to release if it is open to inspection under the CORA. You should consider the possibility that your personal information may be released under the requirements of this law when providing information to the City of Colorado Springs and modify any records you submit accordingly.

Exclusions

This Open Records Policy does not include records requests that fall under the Colorado Criminal Justice Records Act.

For information on Police Records and Requests, please visit:

<https://coloradosprings.gov/police-department/page/records-release-requests>

For Municipal Court Records please contact mcourt@springsgov.com or call (719) 385-5928.

For Colorado Springs Utilities Records please visit:

<https://www.csu.org/Pages/cora.aspx>

Records that are readily available online are not subject to the Open Records Policy.