City of Grand Junction

Colorado Open Records Act Request Policy

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Policy Statement

The City of Grand Junction Records Department (City) administers the Colorado Open Records Act (CORA) (C.R.S. §§ 24-72-201 to 24-72-206) with regard to those records that are in the City's possession and control. This Policy statement summarizes the practices and procedures that are and have been in place in the City concerning its obligations under CORA. The statute requires the non-disclosure of certain public records based on criteria set out in C.R.S. §§ 24-72-202 and 204, while mandating public access to non-exempt public records. With various exceptions, CORA defines a "public record" as including most writings made, maintained, or kept by the City in connection with its official activities (C.R.S. § 24-72-202(6)). The City must make a good faith effort to respond to requests to inspect public records while ensuring that other confidential, excepted, or exempted writings are redacted or withheld. The City will provide electronic copies of requested public records according to the terms of the statute and the City's policies and procedures under CORA.

Definitions

Criminal justice records, as defined in C.R.S. § 24-72-302, are governed separately under the Criminal Justice Records Act (CJRA). CORA records are presumed to be public, but with a higher level of discretion afforded to the custodian, the Grand Junction Police Department's Records & Data Management Unit, as outlined in C.R.S. §§ 24-72-301 to 309.

Official custodian as defined by C.R.S. § 24-72-202(2), means and includes any officer or employee of the state, of any agency, institution, or political subdivision of the state…or of any government financed entity, who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in his or her actual personal custody and control. As provided in The City of Grand Junction Charter, § 61, the official custodian of records is the City Clerk or their designee.

Public records as defined by C.R.S. § 24-72-202(6)(a)(I), are all writings made, maintained, or kept by the state, any agency, institution, or political subdivision of the state, or by any officer or employee thereof, for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. This definition includes public records requests, which are writings maintained by a public entity in the course of official business and are subject to disclosure unless exempted under C.R.S. § 24-72-203(1)(a), and also includes correspondence of elected officials, including email, unless the communication qualifies as work product, lacks a clear connection to the official's duties, or is from a constituent whose message—by its nature or content—reasonably implies an expectation of confidentiality pursuant to C.R.S. § 24-72-202(6)(a)(II).

Staff includes all employees of the City, whether permanent, temporary, full-time, or part-time, as well as appointed or elected officials, including Board members and City Councilmembers.

Writings as defined in C.R.S. § 24-72-202(7), means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Also included are digitally stored data, including, without limitation, electronic mail messages, but does not include computer software.

Response Time

The City is allowed three working days to respond to a request. When responding to a request for public records under CORA, the City will make every effort to respond within the required response window (C.R.S. § 24-72-203(3)(b)). If the City uses the extension allowed in C.R.S. § 24-72-203, the City has an additional seven working days to respond. If the nature of the request requires more time than set out in the statute, the City will notify

the requester of the need for additional time, and the City will make a good faith, reasonable effort to process the request as promptly as is feasible in light of the size and scope of the request, and the workload capacity of City departments. In calculating the due date, the City applies the following guidelines:

• If a request is received after 5:00 p.m. on a working day, on a weekend, or on a city-recognized holiday, it is considered received the next working day.

• In calculating the due date, the day the request is received is not counted (C.R.S. § 2-4-108).

• For broad, general requests, the timeframe for fulfilling a request may be put on hold while the City attempts to clarify or narrow the request. See Clarifying or Narrowing Requests.

• For requests that require a payment, the timeframe for completion of the request is put on hold until payment is received. See Fees.

Clarifying or Narrowing Requests

Broad, general requests will likely be costlier to the requester because of the staff time required to fulfill these requests. The City may contact the requester in an attempt to clarify or narrow a request. Requesters are encouraged to narrow by date range, by specific search terms, record types, and staff names. The City does not suggest search terms or parameters and does not create new records in response to a request. While not required, requesters may want to provide phone and e-mail contact information to facilitate communication regarding the request. If the requester agrees to narrow their request, the City will ask the requester to resubmit their request in writing with the narrowed information, and the statutory timeframe will begin again.

Multiple, Repeated, or Duplicative Submissions

At the City's discretion, requests with the same or similar search terms from one requester will be consolidated, as necessary. Once consolidated, the statutorily prescribed fee will be charged for the staff time necessary to review and respond to the consolidated request. When addressing the same or similar requests from multiple requesters, the City, at its discretion, may choose to publish the requested information on a publicly available website to satisfy its responsibilities under CORA, and will direct requesters to that website. Otherwise, the City will respond to requests in the order they are received,

combine any duplicate requests as appropriate, and process them within the limits of available City staff time.

Examples of requests to which this policy is applicable include, but are not limited to:

• Requests from the same requester regarding the same topic, as reasonably determined by the custodian, made within a six-month period will be considered a part of/the same as the original request for the purpose of allocating fees and cost of production.

• Three or more requests from the same requester regarding the same topic will require a written explanation as to why the request should be fulfilled (Local adoption on June 23, 2014).

• Duplicate requests from the same requester will be closed; original submissions will remain active and be processed accordingly.

Fees

The City charges hourly fees beyond the first hour for all requests and will advise the requester of potential fees associated with the request. The City requires a deposit to begin the work necessary to produce the requested records after exceeding the first hour of review. As allowed and adjusted under C.R.S. § 24-72-205(6) and City Resolution No. 36-17, the City charges an hourly fee ($41.37 effective July 1, 2024) after the first hour for the staff time required to search for, retrieve, review, redact, assemble, and transmit the responsive records. The requester must approve the cost estimate, and if the cost estimate is over $50, a 50% deposit of the estimated cost must be collected before the City will begin work on fulfilling the records request. The timeframe for the City to complete the request will be put on hold between when the cost estimate is provided to the requester and when the required deposit is submitted. Costs associated with a request must be paid in full before the City releases the records. Charges assessed for staff time spent searching for, retrieving, reviewing, redacting, assembling, and transmitting records are non-refundable. This applies regardless of whether the search results in the identification or production of responsive records.

The City accepts credit card payments online through the open records request portal.

The City Manager may waive fees.

The first hour of no-charge time does not apply to copying or transferring records.

Copies/Printouts (black-and-white or color)

• 8 ½" x 11", 8 ½" x 14", 11" x 17" $ .25 each (C.R.S. § 24-72-205 (5)(a))
Double-sided copies are charged as two copies and are provided whenever possible.

• Large Format Copies $10 per page

USB Flash Drive $7
External media devices are prohibited from being connected to the City's network.

Outside Services (e.g., reprographics, transcription) – actual cost

City Mapping	
black & white, 24"x 36"	$ 3
color, 24"x 36"	$10
City Map, day X 36" (2000 scale)	$15
City Map Index	$15
City Map, 36" X 48" (1500 scale)	$20
City Map, 42" X 48" (1500 scale)	$30
City Map, 72" X 80" (1000 scale)	$65 (2 pages)
Zoning Map, 24" X 36"	$10
Comprehensive Map, 42" X 42"	$25
Special Mapping Requests	$10 per square foot

Digital files	
City Map CAD files – new request	$250
City Map CAD files – updated request	$50
Aerial photos	$75 per square mile
Contours	$25 per square mile

The following items are exempt from printing and copying fees:

- City Council agendas, minutes, ordinances, and resolutions.
- City personnel records for the person of interest.
- Requests from law enforcement agencies to the Fire Department.

Abandoned Requests

If the City attempts to contact a requester to clarify a CORA request or discuss the scope of a request, and the requester does not respond within 30 calendar days, the request will be considered abandoned, and the City will close the request. When a cost estimate has been

sent in response to a CORA request, and the requester does not submit payment within 30 calendar days, the request will be considered abandoned, and the City will close the request. The City will hold physical records assembled in response to a CORA request for no more than 30 calendar days after the requester has been notified that the records are available (all fees must be collected prior to inspection/release). The holding period may be shorter for records that are needed for any use. Failure to inspect or pick up the records within this timeframe will be considered an abandoned request, and the request will be closed. For the requester to receive the records for an abandoned and closed request in the future, a new request must be submitted.

Denial and Appeal

If the City denies access to a public record, it will provide a written statement explaining the legal basis for the denial, in accordance with C.R.S. § 24-72-204(4). If the requester believes the denial was made in error, they may submit a written request for reconsideration to the City Clerk.

Maintenance and Retention

In accordance with CORA and the Colorado Municipal Records Retention Schedule (General Administrative Records, Item 40.200), the City will retain documentation of all open records requests for at least two (2) years from the date the request is fulfilled.
