



OPEN RECORDS POLICY

1. BASIC PRINCIPLE

It is the policy of the Board of County Commissioners (BOCC) that all public records shall be open for inspection by any person at reasonable times, as provided by the Colorado Open Records Act § 24-72-201, *et seq.*, C.R.S. (the Act) or by other laws. In the event the Act is amended, this policy will be deemed amended to be consistent with the Act.

Though “all public records shall be open for inspection by any person at reasonable times,” the official custodian of any public records may make rules and regulations regarding the inspection of such records as are reasonably necessary. This policy is authorized as being reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his or her office or department. This policy cannot change the Act, and in the event this policy conflicts with the Act, the Act controls. Depending upon the circumstances of a request, Garfield County reserves the right to allow a custodian to establish specific rules and regulations necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or her or his office or department. This policy is subject to interpretation by the Garfield County Attorney’s Office, and exceptions may be made in individual cases at their discretion. For the complete Act, see C.R.S. § 24-72-201, *et seq.*

2. DEFINITIONS

The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply unless the context clearly requires a different meaning.

3. PROCEDURE FOR REQUESTING PUBLIC RECORDS

- A. Records Request Form. The County has determined that the use of an official Records Request Form for all records requests promotes the efficient handling of public records requests. Garfield County’s official Records Request Form can be found online at www.garfield-county.com under the Open Records tab. The completed Records Request Form shall be submitted via that same website. The Garfield County Attorney’s Office handles all open records requests. The Garfield County Attorney’s Office may accept submission of the official Records Request Form via hard copy or email, if the requestor is unable to submit the form via the website.

B. Custodian. If a requesting party can determine who the custodian of the record is, they should indicate the same on the official Records Request Form. The following are some of the custodians within Garfield County:

1. The Clerk to the Board of County Commissioners is the official custodian of all recorded records maintained by the BOCC.
2. Department heads, or their designee, are the official custodians of all records maintained within their departments. The Public Health Department and Department of Human Services records are subject to additional legal protections under state and federal law.
3. The County Attorney's Office handles all records that are distributed pursuant to a court order and or involved in an active court case.
4. Elected Officials, excluding the County Commissioners, or their designee, are the official custodians of all records maintained within their offices. Be advised that Elected Officials may develop their own policies and procedures regarding public records within their custody and control. To the extent that Garfield County has custody of any public records of an Elected Official, however, Garfield County shall, in consultation with the Elected Official, meet any requirement of the Act as it may apply to documents in Garfield County's possession.
5. The Director of Information Technology is the official custodian of emails. Be advised that pursuant to the Garfield County email retention policy, emails are retained for a period of six months.

If the records requested are not in the custody or control of the department or person that the Records Request Form identifies, the requestor shall be notified of this fact, in writing. Such notification shall state, to the best of the person's knowledge and belief, the location of the record(s) and what person or entity has custody or control of the record(s). *See* C.R.S. § 24-72-203(2)(a).

C. Available Records. A substantial amount of Garfield County's public records are available, free of charge, on the county website, www.garfield-county.com. These include, but are not limited to, budgets, agendas and minutes of the meetings of the Board of County Commissioners, parcel maps, oil and gas reports, property information, and other information.

D. Records Not Available from Garfield County Government. Records in the custody and control of the following offices and departments are exempt from this policy, and additional laws and regulations may pertain to their records:

1. GARFIELD COUNTY SHERIFF'S OFFICE:
See www.garcosheriff.com/records/. Requests for Sheriff's Office records should be made via the Records Request Form online. Criminal Justice Records are governed by the Criminal Justice Records Act, C.R.S. § 24-72-301, et seq.
2. GARFIELD COUNTY DISTRICT ATTORNEY'S OFFICE:
Contact the District Attorney's Office at 109 8th Street, Suite 308,

Glenwood Springs, CO 81601; (970) 945-8635 for information regarding their procedures for requesting records.

3. **GARFIELD COUNTY CORONER'S OFFICE:**
Contact the Garfield County Coroner at 1806 Medicine Bow Court Silt, CO 81601; (970) 665-6335 for information regarding their procedures for requesting records.
4. **DEPARTMENT OF HUMAN SERVICES:**
 - (a) Contact the Administrative Clerk/Records Coordinator for the Garfield County Department of Human Services at 195 West 14th Street, Rifle, CO 81650; (970) 625-5282 for information regarding their procedures for requesting records that are not involved in an active dependency or neglect court case.
 - (b) For records regarding an active dependency or neglect court case please fill out the CORA request form located under the Open Records tab of the Garfield County Website, www.garfield-county.com. For more information regarding see Attachment A, Colorado Rule of Juvenile Procedure (C.R.J.P.) 4.6 Protocol.

4. TIME FOR RESPONDING TO OPEN RECORDS REQUESTS

- A. Three Working Days. The Garfield County Attorney's Office shall provide any electronic records and/or set a time for inspection of any hard copies of records within three working days of receipt of the request unless an extension is warranted (see below). If the requested records are in active use or are in storage and, therefore, are not available right away, this fact shall be communicated to the requestor forthwith, in writing. *See* C.R.S. § 24-72-203(3)(a).
- B. Seven-Day Extension. The three-day time period may be extended for an additional seven working days if the Garfield County Attorney's Office determines that one of the following extenuating circumstances exists and states such condition in writing to the requestor within the first three working days of receipt of the request (C.R.S. § 24-72-203(3)(b)):
 1. 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 custodian to reasonably prepare or gather the records within the three-day period, C.R.S. § 24-72-203(3)(b)(I), or
 2. A broadly-stated request is made that encompasses all or substantially all of a large category of records, and the custodian is unable to prepare or gather the records within the three-day period because the custodian needs to devote all or substantially all of its resources to meeting an impending deadline or a period of peak demand that is either unique or not predicted to recur more frequently than once a month, C.R.S. § 24 72 203(3)(b)(II), or

3. A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities, C.R.S. § 24-72-203(3)(b)(III).

In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document. *See* C.R.S. § 24-72-203(3)(b)(III)(c).

If the request is too broad, speculative, or voluminous to prepare in ten working days (three days plus seven-day extension), Garfield County may request relief from the Court, including attorney's fees, as provided by law.

- C. Time Required for an Active Court Case. Records that are required for an active dependency or neglect court case pursuant to the C.R.J.P. 4.6 will be provided pursuant to the time frames required after a request is made on the official Records Request Form. See Attachment A. Further, records sought that are pursuant to a Subpoena Duces Tecum (SDT) that are also subject to disclosure under CORA will be responded to in the time frame outlined in the SDT.
- D. When the Time Period Begins to Run. The time-period for responding does not begin to run until Garfield County receives the request on its official Records Request Form. All records requests received outside of normal business hours, on holidays, on county closure days, and over weekends will be deemed received on the following workday.

5. FEES

- A. Multiple requests: It is the policy of Garfield County that, for the purposes of calculating estimates of time, multiple Records Request Forms received from the same requestor within a 14-day (two week) time-period will all be considered as one request.
- B. Fees: The fees charged by Garfield County are consistent with the provisions of the Act. The Fee Schedule is as follows:
 1. Pursuant to C.R.S. § 24-72-205(6) there is no charge for the first hour of time spent for the research and retrieval of records. A fee of \$41.00 per hour will be charged for each hour of time thereafter. The fee will be assessed in quarter of an hour increments and includes all time spent on a request, including time spent on research, retrieval, and redaction, if applicable.
 2. Pursuant to C.R.S. § 24-72-205(5), a fee of twenty-five cents (\$0.25) per standard page will be charged for a paper copy of a public record. There is no per-page fee charged for a record in digital or electronic format. Production within the parameters of Garfield County's email server (per one email) is free, subject to any research, retrieval, and redaction fee. If storage onto an external device is required, the requestor will be charged the cost of the device.
 3. Pursuant to C.R.S. § 24-72-205, if there are any actual costs incurred in fulfilling a specific records request, those costs will be charged to the

requestor.

- C. Notification of Fees: If any fees are anticipated, the requestor will be notified in advance of the estimated costs. Garfield County will not spend more than one hour of work on a records request without approval by the requestor and advance payment of all estimated costs associated with fulfilling the records request. Any digital public records found to be open to inspection under the Act within the initial hour will be provided to the requestor at no cost.
- D. Payment: If any fees are anticipated, the requestor will be given instructions regarding how to make payment of the estimated costs. Payment may be made by cash, credit card, or check made payable to the Garfield County Treasurer. Once payment is received, Garfield County will provide any public records found to be open to inspection under the Act to the requestor within the timeframes indicated in Section 4, above.
- E. Overpayment/Underpayment: If the actual amount of time or associated costs spent on a request are less than the estimated amount, any overpayment will be refunded to the payee. If the actual amount of time or associated costs spent on a request are expected to be more than the estimated amount, Garfield County will provide any public records found to be open to inspection under the Act that it found within the initial estimated timeframe to the requestor and will notify the requestor of the additional estimated fees. Garfield County will await payment of the additional estimated fees prior to continuing to process the request.

6. INSPECTION OF HARD COPIES OF OPEN RECORDS

If records are not available in digital format, the requestor may inspect the hard copies of the records at a time and location as determined by the Garfield County Attorney's Office. In no event may a requestor remove documents or add documents to those provided for review. The requestor shall not bring and shall not use photocopiers, fax machines or any other copy, scanning or reproduction device to copy Garfield County records. Upon completion of the review, the requestor must mark with tabs the pages he or she wishes to have copied and provide payment for the same. The requestor will be notified when the copies are available for pick-up. Garfield County will not allow citizens to access Garfield County computers.

7. DENIAL OF INSPECTION OF RECORDS

Inspection of records may be denied based on any of the grounds enumerated in the Act. *See* C.R.S. § 24-72-204. If Garfield County denies inspection of any record, the applicant may request a written statement regarding the reasons for denial, with specific reference to the applicable law. *See* C.R.S. § 24-72-204(4).

8. CLOSURE OF REQUEST

A records request is deemed closed in all of the following cases:

- A. When the records requested are sent to the requestor in a digital format, including email.
- B. When a records request is denied.

- C. For records in non-digital format:
 - 1. After records made available for inspection have been inspected by the requestor and no copies of these records are requested;
 - 2. After records made available for inspection have been inspected by the requestor and requested copies have been provided; or
 - 3. After records have been made available for inspection for ten business days and the requestor has (i) failed to make arrangements for inspection; or (ii) failed actually to inspect the records after arrangements have been made.
- D. For records requests where the requestor has been notified that a fee is due to continue to process the request, where the requestor has failed to provide payment of the estimated fee within 10 days after being sent a notice that the fee is due to continue to process the request.

A requestor whose request has been closed and who still wishes to inspect the same records must submit a new request.

Approved by the BOCC on February 18, 2025.