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**EMERGENCY RULE:  
COLORADO OPEN RECORDS ACT (CORA) REQUESTS &  
PRIORITIZATION OF RESOURCES DURING EMERGENCY**

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**I. AUTHORITY:**

The Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* (“CORA”) authorizes the official custodian to issue rules with reference to the inspection of public records which are reasonably necessary to limit operational disruption caused by access to the records.

**II. PURPOSE OF RULE:**

- A. To establish a rule and expectations concerning the processing of CORA requests (also known as Public Information Requests (PIRs)) by the City during the current coronavirus pandemic.
- B. To provide clear direction to City staff concerning the allocation of City resources to CORA requests during this period and the prioritization of the same relative to other public duties and functions.
- C. To protect the City and its residents from potential disruption of City services during the coronavirus pandemic due to the diversion of scarce City resources and personnel from necessary operations.

**III. SCOPE:**

This Rule shall apply to all public records maintained by the City with the exception of records kept, made or maintained by the Wheat Ridge Police Department (WRPD) or the Wheat Ridge Municipal Court and requested under the Criminal Justice Records Act (“CCJRA”), C.R.S. § 24-72-301, *et seq.*

**VI. DURATION:**

This Rule shall become effective immediately upon issuance and shall remain in effect until written notice of its revocation is issued by the City Clerk.

**V. PROCEDURES:**

- A. During the effectiveness of this Rule, CORA requests shall be processed by City personnel as quickly as reasonably possible after such personnel have performed any pending or scheduled duties that are necessary to maintain City operations and services, to protect the public health or to comply with any order, declaration or directive affecting the City issued by any governmental agency or official with jurisdiction.
- B. In no event shall a City employee be required to come to City facilities when s/he is working remotely, with City authorization, solely to locate records, perform on-site research or take other action in response to a filed CORA request.
- C. As soon as practical after receiving a CORA request, the City Clerk's Office shall issue written notice to the requesting party that the current health pandemic constitutes extenuating circumstances under CORA and that the City shall accordingly process and respond to the request in not less than ten (10) working days.
- D. City staff involved in processing a CORA request shall use their best efforts to provide appropriate response to the requesting party within three (3) working days if the same can be done in compliance with Subsection A. above.

Declared and issued this 17<sup>th</sup> day of March, 2020, by:



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Steve Kirkpatrick, City Clerk



CITY OF WHEAT RIDGE  
 OFFICE OF THE CITY CLERK  
 7500 W. 29<sup>th</sup> Avenue  
 Wheat Ridge, CO 80033  
 (303) 235-2823 or (303) 235-2816

## Public Information Request

*Please list specifically what documents you want reproduced and in what form. Allow three (3) working days for a search of the records. Per the State of Colorado Open Records Act (C.R.S. 24-72-203), if the request is substantially large, an extension of seven (7) working days is permitted. You will be notified prior to the three (3) days of any extension and all estimated costs.*

<b>Requester Name:</b>		<b>Date:</b>
<b>Mailing Address:</b>		
<b>E-Mail Address:</b>		<b>Phone:</b>
<b>Detailed description of records requested:</b>		
<b>Fee Schedule:</b>		
Copies	First 10 pages free, then \$.25 each	A page is defined as one side of one page up to a paper size of 8.5" X 14"
Certified Copies	\$2.00 each	
Research & Retrieval	After first hour, \$25.00 per hour or portion thereof in 15-minute increments	
Information Transfer to Computer media	\$30.00 each	May also include Research & Retrieval fees
Council meeting video or other DVD	\$30.00 each	Videos are maintained only 6 months after the meeting minutes are approved
Budget book or other large publication	Varies	Charge is based on City's cost to produce the publication
Postage & Packaging for mailing	Varies	Actual cost will be assessed
<b>For Internal Office Use:</b>		
Date request completed:		Amount prepaid: \$ _____
Approved: _____ Denied: _____		Balance due before release: \$ _____
If denied, provide reason(s):		Total Amount paid: \$ _____

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City Clerk

## Public Information Request Policy

### **Purpose**

Transparency and full disclosure are important to the City of Wheat Ridge. The purpose of this policy is to define the policy and procedures for providing accurate records to the public in a reasonable time frame.

### **Definition of Public Record**

“Public Records” means and includes all writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121(2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. “Public Records” includes the correspondence of elected officials, except to the extent that such correspondence is:

- Work product;
- Without demonstrable connection to the exercise of functions required or authorized by law or administrative rule or does not involve the receipt or expenditure of public funds;
- 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 or a communication from the elected official in response to such a communication from a constituent; or
- Subject to nondisclosure as required in section 24-72-204(1).

### **Exempt Public Records**

If disclosure is prohibited by court order or is contrary to state or federal law or regulation.

Examples: Medical, psychological, sociological, scholastic achievement data; personnel files and letters of reference; privileged or confidential information, such as communications with attorney-client privilege or proprietary information like computer source codes; deliberative process privileged materials; sexual harassment investigation records; some election, library and museum records; records on users of public utilities and facilities; materials submitted by certain applicants for executive positions. The City Records Custodian may deny inspection to specific records if disclosure is “contrary to the public interest.”

### **Access**

The City Clerk’s Office will permit inspection and examination of non-exempt public records during regular business hours in the City Clerk’s Office, at Wheat Ridge City Hall, 7500 W. 29<sup>th</sup> Avenue, Wheat Ridge, Colorado or other locations the custodian may designate. Copies of non-exempt public records maintained in electronic form shall be furnished, if available, in the form requested and according to the procedures described in this policy. Records not available in the form requested shall be made available in the form in which they are maintained.

### **Removal**

At no time shall an original record of the City of Wheat Ridge be removed from the place at which the record is regularly maintained, except upon authorization of the City Clerk.

### **On-Site Review**

If a request to review original records is made, the City Clerk's Office shall permit such a review provided the City Clerk or his/her designee is present at any time during which original records are reviewed. Any attempt to alter, remove, or destroy any original records being reviewed will immediately terminate such person's review, and may subject that person to prosecution.

### **Records Requests**

Requests for review and/or duplication of public records are handled according to the State of Colorado Open Records Act (C.R.S. 24-72-203). Requests for public information should be delivered to the City Clerk's Office on the City of Wheat Ridge Public Information Request form. Per C.R.S. 24-72-203, the requested records will be made available within three (3) working days.

In the case of large or voluminous requests, the City is permitted an extension of seven (7) working days to compile the requested information. If such extension is required, notification will be sent to the requestor within the initial three (3) working day time frame.

The City is not obligated to create a new public record in response to a request. Data and/or records need to be provided only in the format in which they currently exist. Requests in advance for "future" records i.e. requests for information on a subsequent continuing or periodic basis are not allowed. A separate request must be made each time existing data and/or records are requested. Data will not be manipulated and provided in custom formats. A modification of an initial request is considered a new request.

The City is authorized by law to charge the requestor for the research, retrieval, and redaction costs actually incurred by the City in processing Public Information Requests. The law further authorizes the City to provide requested public records only after such costs are fully paid (C.R.S. § 24-72-205). It is therefore the City's policy, in the context of requests for a large quantity of records, to require a deposit of 50% of the cost estimate as an affirmation of the party's willingness to proceed with the records request and pay the costs thereof.

The City will not proceed with a new Open Records Request from any party unless full payment has been received for all previous Open Records Requests filed by such party. The City will require and collect one hundred percent (100%) advance deposit from any party who has made a previous request and did not come in to view the requested information after being notified of a date and time when the records were available for inspection.

### **Fees**

Fees for copying, research, retrieval, and redaction involved in Public Information Requests are assessed per C.R.S. 24-72-203.

- Copies \$\$.25 each after the first 10 copies
- Certified copies \$2.00 each
- Research & Retrieval \$25/hour after the first hour (15-minute increments)
- Information transfer to Computer Media \$30.00 each
- Video DVD or Audio CD \$30.00 each
- Postage & Packaging for Mailing Actual Cost

Fees for other types of information requests will be assessed based on the City's cost to copy or reproduce the requested item.