

**TOWN OF EMPIRE, COLORADO
RESOLUTION 25-06**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE,
COLORADO ADOPTING A CORA POLICY AND PROCEDURE, AND FEE
SCHEDULE**

WHEREAS, The Town of Empire (the “Town”) administers the Colorado Open Records Act (“CORA” or the “Act”) (sections 24-72-201 to -206, C.R.S.) regarding records in the Town’s possession and control; and

WHEREAS, the Town wishes to adopt the attached CORA Policies and Procedures outlining the Town’s practices and procedures in place regarding the Town’s obligations under CORA; and

WHEREAS, The Town wishes to adopt the fee schedule listed in the CORA Policies and Procedures, in accordance with C.R.S. § 24-72- 205 to 206.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE as follows:

Section 1. The above recitals are incorporated herein by reference.

Section 2. The CORA Policies and Procedures attached hereto is hereby approved by the Board of Trustees for the Town of Empire, Colorado.

Section 3. The Town Board of Trustees hereby sets the following fees, charges, and regulations:

- Copies - \$.50 per page.
- Certified copies - \$2.00 per page.
- Research & Retrieval - \$41.37/hour after the first hour (15-minute increments.)
- Video DVD, Audio CD, or Thumb Drive - \$20.00 each.
- Devices will be provided by the Town. No outside media collection devices will be introduced into the Town’s computer system.
- Postage & Packaging for Mailing - Actual Cost.
- Fees for other types of information requests will be assessed based on the Town’s cost to copy or reproduce the requested item.

Section 4. This Resolution shall take effect immediately upon adoption.

ADOPTED this 15th day of April 2025.

TOWN OF EMPIRE

BY:

Mayor Wendy Koch

ATTEST:

Deputy Town Clerk Liza Kunze

TOWN OF EMPIRE, COLORADO

CORA POLICIES AND PROCEDURES

Policy Statement

The Town of Empire (the “Town”) administers the Colorado Open Records Act (“CORA” or the “Act”) (sections 24-72-201 to -206, C.R.S.) regarding records in the Town’s possession and control. This Policy summarizes the practices and procedures in place regarding the Town’s obligations under CORA. The statute mandates the non-disclosure of public records, unless certain grounds for denial apply, based on criteria set out in sections 24-72-202 to -204, C.R.S. The Town will respond to records inspection requests in good faith while ensuring that confidential, excepted, or exempted writings are redacted or withheld pursuant to the Act.

It is the policy of the Town of Empire that all public records shall be open for inspection by any person at reasonable times, except as provided by the Act or other laws or court orders. In the event the Act is amended, this Policy will automatically be amended to align with the revised Act. Pursuant to the Act, this Policy outlines rules, regulations, and procedures necessary to protect public records, prevent interference with the regular duties of the Town’s custodian of records and employees, and facilitate timely access to records that are subject to disclosure under the Act.

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 C.R.S. § 23-5-121(2) or political subdivision of the state, or that are described in C.R.S. § 29-1-902 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 and 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).

“Public Records” does not include criminal justice records that are subject to the provisions of C.R.S. § 24-72-301 to -309, and work product prepared for elected officials; an exhaustive list of what records are not “public records” may be found at C.R.S. § 24-72- 202(6)(b).

Procedures

The Town Clerk serves as the official custodian of all public records maintained by the Town, except for criminal justice records and records of official actions, which are managed by the Town’s Police Department through the Chief of Police and its Records and Evidence Department and governed by C.R.S. § 24-72-301 to -309. The maintenance, inspection, and dissemination of criminal justice records and records of official actions will be governed by state statutes in accordance with policies and procedures established by the Town of Empire Police Department.

The Empire Police Department has determined that the use of an official public records request form prescribed by the Police Department is necessary and required for the efficient handling of requests of the Police Department made under the Act. The Police Department's official Public Records Inspection Request Form is available through the Town Clerk or the Police Department and shall be made available on the Town's website. Please email requests to Chief@EmpireColorado.us.

The Town has determined that the use of an official public records request form prescribed by the Town Clerk is necessary for the efficient handling of requests of the Town Clerk made under the Act. The Town's public records request form is available through the Town Clerk and shall be made available on the Town's website. Please email requests to Clerk@EmpireColorado.us.

The Town's public records request form must be completed and filed with the Town Clerk to initiate a request for public records under the Act. Public records requests not made on the prescribed form or made to any person other than the Town Clerk or employees of the Town Clerk's office will not be accepted. Requests can be made in person, by mail, or via email.

Procedures for Multiple, Repeated or Duplicative Submissions

When there are duplicative CORA requests submitted – either by one individual or by multiple requestors – that require extensive amounts of staff time and would otherwise interfere with the completion of other duties of the Town, the Town must appropriately manage and delegate its staff time so as to ensure that the processing of such requests does not interfere with the other duties of the Town.

At the Town's discretion, the following requests may be consolidated:

- Multiple requests from the same requestor while the original request is still being processed;
- Same or similar requests from the same requestor while the original request is still being processed;
- Same or similar requests from multiple requestors while the original request is still being processed;
- Multiple requests for the same or similar search terms sent as "per day" requests instead of consolidated into a specific timeframe (e.g. searching for the same search terms on Jan. 1, Jan. 2, Jan. 3, Jan. 4, etc. versus January 2021); and
- Any two or more requests as the Town Clerk finds appropriate.

The Town, at its discretion, may choose to publish the requested information on a publicly available website to satisfy its responsibilities under CORA, and will direct requestors to that website.

Clarifying or Narrowing Requests

Broadly stated requests or requests involving a large volume of records may result in higher costs for the requestor due to the significant staff time needed to fulfill them. To manage this, the Town may contact the requestor to clarify or narrow the scope of the request. Requestors are encouraged to limit their requests by specifying dates, locations, names and providing specific search terms.

As noted on the Town's CORA request form, requestors should provide phone and email contact information to facilitate communication regarding their requests. The Town will handle multiple, repeated, or duplicative submissions as outlined in the policy.

If a requestor agrees to narrow their request, the Town will ask them to re-submit the CORA form with the revised details, at which point the statutory timeframe will begin again. If the requestor is unwilling to narrow their request, the Town will inform them of the potential fees associated with fulfilling the broad request.

Please be aware that CORA does not require the Town to create new records in response to any request.

Although any request to inspect a “public record” is literally a request pursuant to CORA, it is not practical for the Town or the public to treat all requests in a formal way. Therefore, this Policy applies only to requests for a public record that is not routinely provided to the public in the day-to-day business of the Town department or office to which the request is made and that is not available to the public on the Town’s website.

Even if a request for a public record is not otherwise subject to this policy, it is subject to copy fees set forth in the Fees section of this policy, in statutes, or in departmental fee schedules.

Response Time & Deadlines

The Town is allowed three (3) business days to respond to a request. When responding to a request for public records under CORA, the Town will make every effort to respond within three working days as required by section 24-72-203(3)(b), C.R.S. If the Town uses the extension allowed in section 24-72-203, C.R.S., the office has an *additional* seven (7) business days to respond. If the nature of the request requires more time than set out in the statute, the Town will notify the requester of the need for additional time, and the Town 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, the workload of the other prior requests that the Town has received and is processing, and the technical capacity of the Town’s IT systems to search for responsive records. Requests will be processed in the order they are received.

In calculating the due date, the Town applies the following guidelines:

- The use of the official Town’s Public Records Inspection Request Form is required for the efficient handling of requests;
- If a request is received after 5:00 p.m., it is considered received the next business day;
- In calculating the time to respond, the day the request is received is not counted. *See* section 2-4- 108, C.R.S.;
- For broad, general requests, the timeframe for fulfilling a request may be put on hold while the Town attempts to clarify or narrow the request. *See* Clarifying or Narrowing Requests section;
- For requests that require a deposit or payment, the timeframe for completion of the request is put on hold until payment is received. *See* Clarifying or Narrowing Requests & Fees section; and
- Any day the office is closed does not count as a business day.

If the requested public records are not in the custody or control of the Town Clerk, the Town Clerk will notify the requestor. This notification will be provided in person, in writing, or via email. The custodian’s notification will include, to the best of the Town Clerk’s knowledge, a detailed explanation for the absence of the records, the location of the records, and the entity or individual who is believed to have custody or control of them.

Records that are exempt from disclosure under the law or the Act will be withheld from inspection in accordance with the provisions of the Act. No public record shall be made available

for inspection if such inspection would be contrary to State Statute, Federal Statute, Regulation, Supreme Court rule or Court Order.

Once the requested documents have been compiled, the Town Clerk will notify the requestor of the completion of the request, the availability of the records, and any associated costs, including copying fees, research and retrieval charges, or other applicable fees.

The Town Clerk shall maintain a master log of all records requests under the Act.

Fees

The Town is authorized by law to charge the requestor for the research, retrieval, and redaction costs actually incurred in processing public information requests, as outlined in C.R.S. § 24-72-205(1)(b). The Town Clerk's Office will not provide the requested public records or process future public record requests until all costs associated with providing the records are fully paid. In the case of requests for a large quantity of records, the Town's policy requires a deposit of 50% of the estimated costs as an affirmation of the requestor's willingness to proceed with the request and cover the associated costs, in accordance with C.R.S. § 24-72-205(6)(a).

As allowed under section 24-72-205(6), C.R.S., the Town charges a fee of \$41.37 per hour after the first hour for the staff time required to research and retrieve the public records. The timeframe the Town has to complete the request will be tolled between providing the cost estimate to the requestor and the requestor approving the cost estimate or submitting the advance deposit, full payment or whichever is applicable.

- Copies - \$.50 per page.
- Certified copies - \$2.00 per page.
- Research & Retrieval - \$41.37/hour after the first hour (15-minute increments.)
- Video DVD, Audio CD, or Thumb Drive - \$20.00 each.
- Devices will be provided by the Town. No outside media collection devices will be introduced into the Town's computer system.
- Postage & Packaging for Mailing - Actual Cost.
- Fees for other types of information requests will be assessed based on the Town's cost to copy or reproduce the requested item.

Costs associated with a request must be paid in full before the Town will produce the records. No records will be released until all amounts due have been paid. The Town does not accept credit cards in person; payments must be made by credit card through our website at EmpireColorado.us, or by check made out to the Town of Empire and delivered to the Town Clerk's office at the following address:

Town of Empire
ATTN: Town Clerk - CORA PAYMENT
30 E Park Avenue
PO Box 100
Empire CO 80438

Abusive or Harassing Requests

While the Town is required to make a reasonable, good faith effort to respond to CORA requests within the guidelines of the statute, the Town is not required to respond to harassing or abusive communications.

ADA Accessibility

The Town of Empire values full inclusion and access for all of our facilities, programs, activities and services. We are pleased to provide meaningful accommodations to comply with the Americans with Disabilities Act (ADA) and reasonably provide translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids, and services. To request special assistance, call the Town Clerk at 303-569-2978 or email us at Clerk@EmpireColorado.us. Please allow 48 hours for your requests to be met.