



Town of Minturn  
PO Box 309 (302 Pine St)  
Minturn, CO 81645  
(970) 445-2423

## TOWN OF MINTURN – PUBLIC RECORDS REQUEST

Name \_\_\_\_\_

Date \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address \_\_\_\_\_

*It is the policy of the Town of Minturn to respond to requests for public records within 3 business days (7 business days if there are extenuating circumstances or the record volume qualifies as excessive). The Town requires requests for public information to be in writing.*

### INSTRUCTIONS:

Please indicate the record(s) you are requesting. Be as specific as possible. See the attached fee schedule for charges. If more space is needed, please use back page. Town Staff to verify appropriate charges.

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

**Signature** \_\_\_\_\_

C.R.S. §24-72-201 provides that public records are open for inspection by any person at reasonable times unless otherwise provided by the act itself or other law. "Public records" include writings made, maintained, or kept by the Town of Minturn. Certain records may not be released on grounds that they would be contrary to the public interest and include current investigations, intelligence information, personnel files, pending real estate transactions, and any medical, sociological or achievement data.

### STAFF USE ONLY

RECEIVED: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

COMPLETED: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

COMMENTS: \_\_\_\_\_

**FEE SCHEDULE**  
**Copying Charges and Miscellaneous Fees**  
 (§24-72-205 C.R.S.)

<b>Annual Budget</b>	<a href="http://www.minturn.org">www.minturn.org</a>	No cost
<b>Audited Financial Statements</b>	<a href="http://www.minturn.org">www.minturn.org</a>	No cost
<b>Electronic Records</b>	Records that are transmitted via electronic devices	No cost for record but charges for staff time to gather the record may be charged.
<b>Municipal Code</b>	<a href="http://www.minturn.org">www.minturn.org</a>	No cost
<b>Certification of Document</b>	Each copy This applies to requests from:  • Citizens/agencies for certified true copies of City documents	\$5.00
<b>Copies of Documents</b>	Letter, 11x8½ Legal, 11x17  Documents requiring outside printing will be assessed the Town's actual cost	\$.25/page \$1.25/page
<b>Liquor Code Book</b>	<a href="http://www.colorado.gov/pacific/enforcement/liquor-enforcement-laws-rules-regulations">www.colorado.gov/pacific/enforcement/liquor-enforcement-laws-rules-regulations</a>	No cost
<b>Model Traffic Code</b>	<a href="http://www.dot.state.co.us">http://www.dot.state.co.us</a>	No cost
<b>Notarization of Signature</b>		No cost
<b>Other Requests and Documents</b>		Actual cost to obtain or reproduce
<b>Staff Time</b>	When information gathering, printing or document retrieval requires staff research, labor or travel time, the hourly charge will be assessed and pro-rated in quarter hour increments after the first hour which is free	\$33.58/hr
<b>Uniform Fire, Plumbing, Building Codes, etc.</b>	<a href="http://www.constructionbook.com">www.constructionbook.com</a>	No cost

**Town of Minturn, Colorado**  
**Open Records Policy**

Adopted by Town Clerk, Jay Brunvand, on 10/13/2023

- I. AUTHORITY.** The policy of the State of Colorado and the Town of Minturn requires all public records to be open for inspection by any person at reasonable times, except as provided in the Colorado Open Records Act codified in C.R.S. § 24-72-201 et seq. ("CORA") and as otherwise provided by law. CORA grants the official custodian of any public records the authority to make such rules with reference to the inspection of such records which protect the integrity of the records and prevent unnecessary interference with the duties of the custodian and their office.
- II. PURPOSE OF POLICY.** The purpose of this Policy is to set forth general guidelines for providing the public with timely, orderly, efficient and appropriate access to public records maintained by the Town in compliance with the standards and requirements of CORA and to establish general procedures and standardized fees for producing copies and providing information from public records (CORA does not require the Town to create a record in response to a request for information). Please review this Policy in its entirety prior to submitting a request.
- III. SCOPE.** This Policy shall apply to all public records, as defined in CORA, except, criminal justice records and records kept and maintained by Eagle County under the custody of the Eagle County custodian of records (release of which shall be governed by Eagle County policies). This Policy is subject to modifications to CORA or other Colorado Revised Statutes, which shall supersede any conflicting provisions in this Policy.
- IV. DEFINITIONS.** The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply to this Policy unless the context requires a different meaning.
- a. Non-Public Record** means any writing made, maintained, or kept by the Town that does not constitute a Public Record under the provisions of CORA.
  - b. Public Records** means and includes all writings made, maintained, or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.
  - c. Public Records Request Form** means the form attached to this Policy as **Exhibit A**, which shall be utilized for all records requests, and which may be amended from time to time by the Records Custodian.
  - d. Records Custodian** means the Town Clerk or their designee who shall be the Custodian as defined by C.R.S. § 24-72-202.

- e. **Writings** means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics. "Writings" includes digitally stored data, including without limitation electronic mail messages, but does not include computer software.

**V. RESPONSIBILITIES.** It is the responsibility of the Records Custodian to implement and oversee compliance with this Policy. It is the responsibility of each Town employee and contractor to become familiar with the standards and requirements of this Policy.

**VI. GENERAL PROCEDURES.**

- a. All requests for Public Records shall be delivered to the Records Custodian in writing using the Public Records Request Form provided by the Town. If a Public Records request is made in some other form, the requestor will be instructed to submit the request in writing using the Public Records Request Form provided by the Town. The date and time of receipt of a request shall be documented by the Records Custodian.
- b. Inspection of Public Records shall be in the Town offices at 301 Boulder St. #309 in Minturn from 8:30 a.m. until 4:30 p.m., Monday through Friday, except on holidays observed by the Town.
- c. No original Public Records shall ever leave the possession or control of the Records Custodian.
- d. The Town will fulfill a Public Records request within three business days unless extenuating circumstances exist, as defined by C.R.S. §24-72-203(3)(b). If extenuating circumstances are deemed to exist, then seven business days may be added to the permitted timeframe to fulfill a Public Records request. The Records Custodian shall notify the requester in writing of extenuating circumstances within the initial three day period. Regardless of whether extenuating circumstances are deemed to exist, the period of time to fulfill a request for Public Records may be extended upon mutual agreement of the individual submitting the Public Records request and the Records Custodian.

"Extenuating circumstances" shall apply only when:

- 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 reasonably to prepare or gather the records within the three-day period; or
- A broadly stated request is made that encompasses all or substantially all of a

large category of records and the agency is unable to prepare or gather the records within the three-day period because the agency needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or

- A request involves such a large volume of records that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.

- e. In all cases in which a person has the right to inspect any Public Record pursuant to this Policy, copies, printouts or photographs of such records may be furnished to the requestor if, prior to reproduction, such requester pays the applicable fee(s) in accordance with this Policy.
- f. When fees or costs are assessed pursuant to this Policy, payment must be received by the Records Custodian prior to releasing copies of the Public Records to the requestor or permitting inspection of the Public Records.
- g. All fees collected hereunder shall be deposited into the general fund of the Town.

**VII. PROCESSING OF REQUESTS.** The Records Custodian, in consultation with other Town personnel and, when applicable, the Town Attorney's Office, shall determine if access to the requested Public Record(s) should be denied within the guidelines of CORA. The Records Custodian, in consultation with other Town personnel and, when applicable, the Town Attorney's Office, may determine that disclosure of the contents, in whole or in part, of any Public Record would be (a) contrary to the public interest, (b) contrary to any state statute, federal statute or regulation issued thereunder, or (c) prohibited by rules promulgated by the supreme court or by the order of any court.

- a. If the requested record is determined to be a Non-Public Record or is otherwise not subject to inspection within the guidelines of CORA, the Records Custodian shall issue a written statement to the requestor identifying the basis for the denial.
- b. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA but the subject record is not available (lost, non-existent, etc.), the Records Custodian shall inform the requestor in writing of this fact.
- c. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA and the subject record is in the custody and control

of the Town but is in active use or in storage and not available at the time the requester asks to inspect, the Records Custodian shall inform the requester in writing of this fact and set a date and hour when the subject record will be available for inspection.

- d. If the requested record is determined to be a Public Record subject to inspection within the guidelines of CORA and the subject record is in the custody and control of the Town, the Records Custodian shall generate a cost estimate to complete the request.
  - i. The first hour of research and retrieval time is free. After the first hour, the Records Custodian may charge a fee for the research and retrieval of Public Records, which shall not exceed \$30.00 per hour.
  - ii. If the cost estimate exceeds \$60.00, the total estimated amount shall be collected by the Records Custodian in advance of proceeding with the request. The requestor shall be advised that such amount is only a deposit and that necessary adjustments to such amount will be made at the time the request is ready for pickup.
  - iii. The Records Custodian shall contact the requestor to inform them of any adjustments to the original cost estimate.
  - iv. If the actual cost of generating the subject record exceeds the amount paid by the requestor based on the cost estimate, the requestor shall pay the difference. If the actual cost of generating the subject record is less than the amount paid by the requestor based on the cost estimate, the Records Custodian shall refund the difference.

**VIII. PRODUCTION OF RECORDS IN A DIGITAL OR ELECTRONIC FORMAT.** If a Public Record is stored in a digital format, the Records Custodian shall provide a copy of the subject record, subject to appropriate redactions, in the digital format in which it is stored, except if:

- a. releasing the record would violate terms of any copyright or licensing agreement with a third party or result in the release of a third party's proprietary information,
- b. after making reasonable inquiries, it is not technologically or practically feasible to permanently remove information permitted to be withheld, or
- c. the Records Custodian would be required to purchase software or create additional programming or functionality of its existing software to permanently remove information.

If the Records Custodian is not technologically or practically able to generate a record in a requested format, the Records Custodian shall produce the record in an alternative format and provide, in writing, a statement as to the reasons for not being able to provide the information in the requested format.

- IX. FEES.** The Town may charge for its time researching and retrieving requested Public Records. The fees for the production of Public Records are set forth in **Schedule A**. Fees shall not be waived except with the approval of the Town Manager or their designee.
- X. EFFECTIVE DATE.** This Policy shall be effective upon signature.
- XI. ADOPTION AND AMENDMENT.** This Policy shall be adopted by the Town Clerk and any amendment shall comply with the requirements of C.R.S. § 24-72-201 et seq.

  
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**Jay Brunvand, Town Clerk**

10/13/2023  
\_\_\_\_\_  
**Date**