

RESOLUTION NO. 007-2013

A RESOLUTION ADOPTING A POLICY REGARDING ACCESS TO PUBLIC RECORDS

WHEREAS, Colorado Revised Statute §24-72-103 (1) (a) states that, "all public records shall be open for inspection by any person at reasonable times", and

WHEREAS, Colorado Revised Statute §24-72-103 (1)(a) states that, "the official custodian of any public records may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office", and

WHEREAS, such policy is necessary in order to assure prompt and equitable service to the citizens of the Town of Crestone;

NOW THEREFORE, it is hereby resolved by the Board of Trustees of the Town of Crestone:

1. The Town of Crestone, Colorado Policy Regarding Access to Public Records attached hereby as Exhibit A is adopted as a policy of the Town concerning its Town public records, and all administrative personnel of the Town, Town Citizens, and other persons making inquiry or request of the Town of Crestone for public records are directed and ordered to abide by said policy. Such policy and/or its fees may be amended from time to time, by Resolution.

DONE and SIGNED this 13th day of May, 2013.


Kairina Danforth, Mayor

ATTEST:


Akia Tanara, Town Clerk

TOWN OF CRESTONE
POLICY REGARDING
ACCESS TO PUBLIC RECORDS

Effective Date: May 13, 2013

Administrative Authority: Adopted by the Town Clerk pursuant to C.R.S. 24-72-203(1) (a)

Scope: All departments within the Town of Crestone.

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as "all writings made, maintained, or kept 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." The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software."

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (Town Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the Town of Crestone to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the Town Clerk, who is the Records Custodian. In the case of a request made in person, the custodian shall either provide the records to the requestor or shall set a date, time, and on-site location where the records can be inspected. The date shall be within three (3) working days of the date the request was made. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be