

RESOLUTION 491

A RESOLUTION ADOPTING A POLICY CONCERNING RESEARCH AND RETRIEVAL OF PUBLIC RECORDS, BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO

WHEREAS, the Town of Bayfield is a political subdivision as defined in C.R.S. § 24-72-202, and is therefore subject to the Public Records provisions contained in C.R.S. § 24-72-201 *et seq.*

WHEREAS, C.R.S. § 24-72-205 provides that a custodian of records may impose a fee for research requests if the custodian has posted on the custodian's website or otherwise published a written policy that specifies the applicable conditions concerning research and retrieval of public records by the custodian; and

WHEREAS, the Board of Trustees have determined that it is necessary to adopt a Policy Concerning Research and Retrieval of Public Records;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO AS FOLLOWS:

The Town of Bayfield adopts the following Policy Concerning Research and Retrieval of Public Records:


- (1) The Town shall not impose a charge for the first hour of time expended in connection with the research and retrieval of public records. After the first hour of time has been expended, the Town may charge a fee for the research and retrieval of public records that shall not exceed \$33.58 per hour.
- (2) The Town may charge a fee not to exceed twenty-five cents per standard page for a copy of a public record or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page.
- (3) Documents such as databases or spreadsheets that can be sorted or searched will be available in a similar format. The City will not provide documents in a format that requires providing software or that would violate the terms of any agreement or rights held by a third party, such as licensing agreements or copyrights.
- (4) If, in response to a specific request, the Town has performed a manipulation of data so as to generate a record in a form not used by the Town, a reasonable fee may be charged to the person making the request. Such fee shall not exceed the actual cost of manipulating the said data and generating the said record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.
- (5) If the public record is a result of computer output other than word processing, the fee for a copy, printout, or photograph thereof may be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion

of the costs associated with building and maintaining the information system. Such fee may be reduced or waived by the Town if the electronic services and products are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research.

- (6) Within the period specified in C.R.S. § 24-72-203(3), the custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the Town either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the Town. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Town shall send the record to the requester as soon as practicable but no more than three business days after receipt of, or making arrangements to receive, such payment.

The Town of Bayfield Policy Concerning Research and Retrieval of Public Records shall be posted on the Town's website and shall hereafter be the written policy that specifies the applicable conditions concerning the research and retrieval of public records.

PASSED, APPROVED, and ADOPTED this 6th day of July 2021, by the Board of Trustees of the Town of Bayfield, Colorado.



Ashleigh Tarkington, Mayor

ATTEST:



Kathleen Cathcart, Town Clerk