

RESOLUTION 2010-06-09

AMENDED ON JULY 10, 2014

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HARTSEL FIRE PROTECTION DISTRICT AUTHORIZING AND DIRECTING THE DISTRICT'S CUSTODIAN OF RECORDS TO ADOPT REGULATIONS PERTAINING TO THE PREVENTION OF UNNECESSARY INTERFERENCE WITH THE DISCHARGE OF THE CUSTODIAN'S REGULAR DUTIES.

WHEREAS the Hartsel Fire Protection District employs an administrative assistant as its only paid administrative staff; and

WHEREAS the administrative assistant also serves as the District's Custodian of Records, as that position and duties are more fully set forth in the *Colorado Open Records Act, §24-72-101, et seq., C.R.S. and*

WHEREAS the position of administrative assistant is a part time position and not a full time position; and

WHEREAS in the past 12 month period, the District has received numerous requests for copies of District records, including historic records that are maintained in storage and such requests have resulted in the Custodian expending approximately 66 hours responding to such requests; and

WHEREAS such requests have impaired the ability of the administrative assistant to fully perform her assigned duties and have unnecessarily interfered with the regular discharge of her duties; and

WHEREAS such interference is not in the best interests of the District or its statutory duty to preserve and protect the public health, welfare and safety through fire prevention/protection, rescue, and emergency medical response because it diverts necessary administrative support services from the District's mission; and

WHEREAS §24-72-203 (1) (a) C.R.S., authorizes a custodian of records to *"make such rules with reference to the inspection of such records as are reasonably necessary for...the prevention of unnecessary interference with the regular discharge of the duties of the custodian or custodian's office"*; and

WHEREAS §24-72-205 (6) (a) C.R.S. allows the District to charge "reasonable" research and retrieval fees up to \$30.00 per hour with the first hour being free of charge and

WHEREAS any records request that requires more than **1 hour** of staff time for the search, identification, location, retrieval and copying of such records is hereby deemed to be an unnecessary interference with the regular discharge of the duties of the custodian; and

Whereas a fee of **\$30 per hour** is reasonable under the circumstances to defray the actual personnel costs of identifying, locating and gathering the requested documents and information, and such hourly rate does not exceed the actual costs of such statutory compliance; **and these fees may be adjusted with inflation as necessary;** and

WHEREAS the District's custodian of records has previously adopted reasonable rules and regulations pertaining to records requests;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARTSEL FIRE PROTECTION DISTRICT THAT:

1. The District's custodian of records is hereby authorized and directed to immediately draft, adopt, and implement additional rules and regulations that assess a surcharge of **\$ 30 per hour**, chargeable in ¼ hour increments, for the identification, location, and gathering of all requested documents under *Colorado Open Records Act*, § 24-72-101 C.R.S. **And §24-72-205 (6) (a) C.R.S.** that

2. A surcharge shall be charged based upon the estimated time to identify, locate, and gather the requested records, with such estimated amount being deposited with the custodian to apply against the actual costs incurred based upon the actual time expended.

3. Such surcharge shall be applicable to all requests for records that will involve more than **1 hour** of staff time.

4. Such surcharge shall be in addition to the currently authorized charge of \$0.25 per page copying charge.

5. Such **amended** rules and regulations shall be finalized, adopted, and implemented as soon as possible but no later than **July 10, 2014**.

6. The custodian shall maintain accurate time cards and data to support and document all time expended on such requests.

7. This **Amended Resolution** shall be effective immediately upon passage and remain in full force and effect until rescinded by further action of the Board of Directors.

Amended on this 10th day of July 2014

HARTSEL FIRE PROTECTION DISTRICT

By: _____



Board Chairman



(Seal)

Board Secretary

**HARTSEL FIRE PROTECTION DISTRICT
REQUEST FOR PUBLIC DOCUMENTS**

Document Request # _____
(For office use)

Name of Requestor: _____ Phone: _____ Date: _____

Please note the following:

Office hours of the Hartsel Fire Protection District are 9am to 4pm, Monday and Tuesday or by appointment. Documents must be requested in person, during office hours. A surcharge of \$30.00 per hour will be applicable to all requests for records that involve more than 1 hour of staff time. This surcharge will be chargeable in ¼ hour increments, for the identification, location, gathering and copying of all requested documents. The surcharge will be in addition to the currently authorized charge of \$0.25 per page copying charge. A deposit of \$30.00 per request will be charged at the time of such request if it is determined that the request will take more than 1 hour to complete. At the time the request is picked up, the deposit amount will either be applied to the balance due on the request or, if less than the deposit amount is owed on the request, the difference will be refunded to the requestor.

Any single document will be provided within three working days. Multiple documents may take longer and furnishing these will not be allowed to interfere with the regular discharge of duties of Hartsel Fire Protection District employees. Any other form of record, such as photographs, tape recordings or oversized documents will be assessed to requestor at the cost to the Hartsel Fire Protection District. If the document requested is unavailable at the office of Station #1 in Hartsel, the requestor must perform his or her own research to locate the document.

Public documents will be made available according to the provisions in the Colorado Revised Statutes, Title 24, Article 72.
[Public (Open) Records]

Deposit amount of \$30.00 received on _____ By: _____

Estimated time to comply with attached request: _____.

Actual time spent on attached request: _____ @ 30.00 per hour after the 1st hour

_____ Pages @ .25 per page: _____

Total amount charged for attached request: \$ _____.

Less deposit of \$30.00. Balance owed to the District: \$ _____ / Balance owed to Requestor: \$ _____.

DOCUMENT REQUEST # _____

NAME OF REQUESTOR: _____ DATE: _____

Please list and specify the name and date of the documents requested:

1. _____
2. _____
3. _____
4. _____
5. _____

Date documents provided: _____ By: _____

Reason request denied: _____

Signature of requestor at the time documents are received

Date

Policy and Form approved: Res. 2010-06-09