

RESOLUTION 408 - 2026

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA SETTING FORTH THE FEES THAT MAY BE CHARGED FOR OPEN RECORDS REQUESTS UNDER THE COLORADO OPEN RECORDS ACT AND COLORADO CRIMINAL JUSTICE RECORDS ACT AND ADOPTING A PUBLIC RECORDS POLICY

Whereas, pursuant to C.R.S. § 24-72-205(6), the Town may impose a fee in response to a request for the research and retrieval of public records provided that the fee is published by the Town;

Whereas, as of July 1, 2024, the research and retrieval fee allowed under the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.* ("CORA"), was increased to \$41.37 per hour;

Whereas, the Colorado Criminal Justice Records Act ("CCJRA"), C.R.S. § 24-72-301, *et seq.* also allows the Town to charge reasonable fees for the search, retrieval, and redaction of criminal justice records;

Whereas, the Board of Trustees desires to adopt a Public Records Policy in accordance with CORA, CCJRA, and applicable law; and

Whereas, the Board of Trustees finds that it is in the best interest of the Town and public health, safety, and welfare to increase its CORA and CCJRA fees and adopt a Public Records Policy enumerating said fees.

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

SECTION 1. The Board of Trustees of the Town of Simla hereby authorizes the Town Clerk in the Town Clerk's capacity as the custodian of records pursuant to the CORA to impose a research and retrieval fee of \$41.37 per hour, or any portion thereof, for voluminous or broadly stated requests for records as follows:

A. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time under CORA shall be free of charge;

B. The research and retrieval fee authorized by this Resolution shall be in addition to any charges imposed for the receipt of copies of any records open to inspection pursuant to the provisions of CORA;

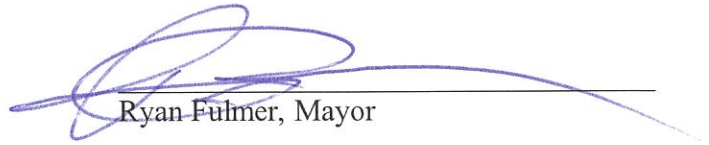
C. The Town Clerk is further authorized to require a deposit based on the estimated time to do the research necessary to comply with a voluminous or broadly stated request before any such search commences; and

D. Pursuant to C.R.S. § 24-72-205(6)(b), on July 1 of every five-year period hereafter, the Director of Research of the Legislative Council (the "Director") shall adjust the maximum

hourly fee, and this Resolution hereby authorizes the Town Clerk to revise the research and retrieval fee upon receiving notice of the adjustment from the Director.

SECTION 2. The Public Records Policy, attached hereto as **Exhibit A**, is hereby adopted, supersedes any prior policy of the Town, and is effective immediately. The Town Clerk is hereby directed to publish the attached Public Records Policy on the Town's website and to have a copy available for the public at Town Hall.

PASSED, APPROVED, and ADOPTED this 10th day of March, 2026, by the Board of Trustees of the Town of Simla, Colorado, on first and final reading, by a vote of 4 for and 0 against.


Ryan Fulmer, Mayor

ATTEST:


Megan Taunton, Town Clerk



EXHIBIT A

TOWN OF SIMLA PUBLIC RECORDS POLICY

1. PURPOSE:

The policy of the Town of Simla (the "Town") is that the decision-making process is a matter of public business and may not be conducted in secret. All public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. However, computer-generated communication systems may be used by employees for the purpose of documenting and/or sending personal or private messages, regardless of Town personnel policies prohibiting such use, or messages not intended to be viewed by the public. The Town desires to implement a policy (the "Policy") that will serve the public's right to access public records, while identifying to employees the inherent difficulties in ensuring privacy in the use of the Town's computer system for personal use.

2. AUTHORITY:

The Town enacts this Policy under the following authority: the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, *et seq.*, as amended ("CORA"); the Colorado Sunshine Law, C.R.S. §§ 24-6-401, *et seq.*, as amended; the Colorado Criminal Justice Records Act, C.R.S. §§ 24-72-301, *et seq.*, as amended ("CCJRA"); *Mountain Plains Investment Corp. v. Parker Jordan Metro, Dist.*, 312 P.3d 260 (Colo. App. 2013); *Black v. Southwestern Water Conservation Dist.*, 74 P.3d 462 (Colo. App. 2003); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986); and additional applicable case law.

3. DEFINITIONS:

For purposes of this Policy, the following terms shall have the following meanings:

A. Correspondence: A communication that is sent to or received by one or more specifically identified individuals and that is or can be produced in written form, including without limitation communications sent via electronic mail, private courier, U.S. mail, modem or computer.

B. Custodian of Records: The individual who shall be responsible for compiling documents, scheduling appointments for inspection and for responding to any such public records request.

i. The Board of Trustees hereby designates the Town Clerk as the Custodian of Records for the purpose of public records requests under CORA, except as provided herein. The physical location of the records shall not alter the designation of the Town Clerk as the official Custodian of Records for purposes of responding to public records requests under CORA.

ii. The Board of Trustees hereby designates the Municipal Court Clerk as the Custodian of Records for the purposes of public records requests under the CCJRA. The physical location of the records shall not alter the designation of the Municipal Court Clerk

as the official Custodian of Records for purposes of responding to public records requests under CCJRA.

C. **Electronic Mail ("E-mail")**: An electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes electronic messages that are transmitted through a local, regional or global computer network.

D. **Work Product**: All advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include without limitation: (a) notes and memoranda that relate to or serve as background information for such decisions; and (b) preliminary drafts and discussion copies of documents that express a decision by an elected official. "Work product" also includes a request by a Town official for the preparation of such opinion or deliberative materials. For example, if the Town Administrator requests in writing that staff prepare material to assist the Board of Trustees in a decision-making process, the written request shall also be considered "work product."

4. **PROTECTED RECORDS:**

Certain records are protected under law from public inspection under CORA. These records fall into the following categories:

- Personnel files;
- Ongoing investigations by law enforcement authorities;
- Victim/witness information;
- Social security numbers;
- Juvenile criminal records;
- Work product;
- Correspondence sent to or received from the Town's legal counsel;
- Individual medical, mental health, sociological and scholastic achievement data;
- Letters of reference;
- Trade secrets;
- Confidential commercial or financial data;
- Names, addresses, telephone numbers and personal financial information of past or present users of public utilities, facilities or recreational or cultural services;
- Records of sexual harassment complaints and investigations;
- Library records and contributions; and

- Addresses and telephone numbers of students in any public elementary or secondary school.

Records may also be protected under law from public inspection under CCJRA. Records that are exempt from CORA and CCJRA might still be accessible to other forms of inspection, such as subpoena.

5. RETENTION OF DOCUMENTS:

All public records, other than e-mail, shall be retained in accordance with the guidelines established by the Colorado State Archives. At the request of the Town Attorney, the Custodian of Records may retain certain records after the retention period expires.

6. INSPECTION:

A. General. Public records shall be open for inspection by any person at reasonable times, subject to the exceptions found in CORA and CCJRA. All public records shall be inspected at the Town Hall or the Simla Police Department.

B. Request Required. A request to inspect public records must be written and sufficiently specific in scope to enable the Custodian of Records to identify the information desired. Requests for inspection of e-mail shall include the sender's name, the recipient's name and the approximate date and time of the transmission. If the Custodian of Records receives a request to inspect public records that is ambiguous or lacks sufficient specificity to enable the Custodian of Records to locate the records, the Custodian of Records shall, within three working days, notify the requesting party in writing of the deficiencies in the request. Any clarified request shall be considered a new request for purposes of this Policy, CORA and CCJRA.

C. Review and Response. Upon receipt of a request for inspection of public records under CORA, the Custodian of Records shall review the request and determine whether the requested records are voluminous, in active use or otherwise not readily available. If so, the Custodian of Records, within three business days, shall notify the requesting party in writing that the documents will be produced for inspection within seven additional business days, pursuant to C.R.S. § 24-72-203(3). The notice shall state the reason(s) why the requested records are not readily available and shall ask the requesting party to schedule an appointment for inspection of the requested records. Notwithstanding the foregoing, based on the case of *Citizens Progressive Alliance v. Southwestern Water Conservation District*, 97 P.3d 308 (Colo. App. 2004), if it is physically impossible for the Custodian of Records to comply with a request for public records within the time periods established by CORA, the Custodian of Records shall comply with the request as soon as physically possible. Upon receipt of a request for inspection of public records under CCJRA, the applicable Custodian of Records shall review the request and respond in accordance with CCJRA.

D. Town Attorney. Any of the notices required herein may be issued by the Town Attorney in lieu of the Custodian of Records. By written notice, the Town Attorney may further require that any requesting party contact the Town Attorney rather than the Custodian of Records.

7. **FEES:**

A. Copies, Printouts, Photographs and Other Material. Pursuant to C.R.S. § 24-72-205(5)(a), the Town shall charge a fee not to exceed \$0.25 per standard page for any 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 which is in a format other than a standard page. For purposes of this Policy, a black and white copy made on a single sheet of letter or legal sized white paper shall constitute a "standard page." The Town shall charge a fee not to exceed \$1.00 per standard page for color copies. USB thumb drives shall cost \$10.00 per thumb drive. Notaries shall cost \$5.00 per notary.

B. Research and Retrieval Time. Pursuant to C.R.S. § 24-72-205(6)(a), the first hour of research and retrieval time shall be free of charge; however, the Town reserves the right to charge a fee of \$41.37 for any additional staff time, including attorney review time, devoted to researching and retrieving the requested information. Anyone submitting a request for public records shall remit a deposit equal to the estimated costs for the search and for the material (if copies of material rather than just an inspection are requested) before any such search commences. For requests under CCJRA, pursuant to C.R.S. § 24-72-306(1), the Town shall charge a fee of \$41.37 for the search, retrieval and redaction of criminal justice records.

C. Postage/Courier Fees. If the Custodian of Records transmits records by regular mail or courier service, the requesting party shall be responsible for the cost of postage or courier fees.

D. Electronic Transmission Fees. The Custodian of Records may not charge transmission fees to the requesting party for transmitting public records via e-mail, although the requesting party may be charged for staff time associated with research and retrieval of the requested records as provided herein.

E. Table of Fees for Police Records.

CCJRA		
Police Records	Fee	Additional Fee
Police/Crash Report, Location Search, Dispatch Notes	\$41.37	Additional Hours \$41.37
Certification	\$1.00 Per Report	None
Background Check/Clearance Letter	\$10.00 Per Person	None
Computer Search (Statistical Information)	\$41.37	Additional Hours \$41.37
Sex Offender List **(must reside or have prospective address in the Town of Simla limits or have children who attend school in the Town of Simla limits).	Free	None
Computer Aided Dispatch Print Out	\$1.00 per page	None
Digital Media	Fee	Additional Fee
Dispatch Audio Recordings	\$41.37	Additional Hours \$41.37
Evidence Photos	\$41.37	\$10.00 USB Thumb Drive
Surveillance & Video Recordings, body work camera	\$41.37	Additional Hours \$41.37