



# ADMINISTRATIVE REGULATION (AR)

AR-00045 Open Records

Effective: 01/01/2016

## I. SCOPE:

This Administrative Regulation applies to all Loveland Fire Rescue Authority (LFRA) employees including: Regular full-time, Regular part-time, Temporary, Seasonal, Volunteer, Exempt or Non-Exempt. This regulation shall apply to all LFRA records and copies of all information requested and/or released with the exception of those records covered under the Criminal Justice Records Act.

## II. PURPOSE:

This Regulation ensures that all LFRA employees are complying with a general policy and procedures for providing access to public records maintained by LFRA in compliance with the standards and requirements of the Colorado Open Records Law, C.R.S. Section 24-72-101, et seq. (The Act).

## III. DEFINITIONS:

- Not applicable.

## IV. POLICY:

It is the policy of LFRA that public records shall be open for inspection at reasonable times in accordance with the Act. Public records include electronic mail message (Email).

### Basis For Mandate:

- Colorado Open Records Law, C.R.S. Section 24-72-101, et seq. (The Act)

## V. PROCEDURE:

LFRA is the custodian of all records that are maintained in the office of LFRA Administration. Division Chief or his/her designees are the official custodian of all records maintained within their divisions. The City of Loveland Information Technology Director is the official custodian of Email.

Except as provided in the next section "Inspection of public records shall not be permitted" of this Regulation, all public records as defined in the Act shall be open for inspection in the office of the records custodian from 9:00 a.m. to 4:00 p.m., Monday through Friday, except for designated holidays for LFRA.

### **Inspection of public records shall not be permitted:**

- If after consultation with LFRA's Attorney, it is determined that inspection would be contrary to any law, any regulation issued thereunder, or is prohibited by court order or by rules promulgated by any court of competent jurisdiction.
- Communications from LFRA's Attorney or other special legal counsel for LFRA should not be released, without conferring with LFRA's Attorney.





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- If, in the opinion of LFRA's Attorney, disclosure of the contents of any public record would cause substantial injury to the public interest, LFRA's Attorney may apply to the Larimer County District Court for an order permitting the records custodian to restrict the disclosure.
- If the public records requested are in the custody of a different records custodian or are in storage, and not available at that time for review, the applicant may request a written statement explaining the reason for the absence of the records and their current location and custodian. Upon written request of the applicant specifying exactly which documents are being requested, the custodian shall set a time for examination of the record within three working days unless extenuating circumstances exist, in which case, the custodian shall have seven working days.
- If a public record that is requested contains information, both disclosable and non-disclosable under this Regulation or the Act, the records custodian shall not release such record, except when the records custodian determines that the non-disclosable information can be redacted from the record. Otherwise, public records shall generally not be altered to permit disclosure where inspection of the public record without alteration, would be contrary to this Regulation or the Act. The records custodian is not under a duty to create any new public record in response to a request.

Questions concerning a request for information should be directed immediately to the LFRA Administration Office; who will direct the request to LFRA's Attorney and appropriate Staff and Officials.

In all cases in which a person has the right to inspect any public record pursuant to this Regulation, such records may be provided to the applicant. Prior to the reproduction and/or receipt of such record, the applicant shall pay LFRA a reasonable fee for such service. The costs of reproduction shall be approved in the LFRA Fee Schedule adopted annually by the LFRA Board.

- Employees are encouraged to fill requests electronically, when possible at no cost to the applicant.
- Periodically, situations will arise concerning the charging of fees that will require flexibility and common sense. To provide that flexibility, the Administrative Director, Division Chief or his/her designee is authorized to make decisions on situations not specifically covered by this Regulation. All decisions must be made within the general intent of this Regulation and in the best interest of LFRA.
- Brochures and pamphlets produced specifically for assistance and convenience of citizens and businesses in complying with municipal regulations are not affected by this Regulation and may be distributed free of charge.
- Copies of any books LFRA has printed that are not available on the LFRA website are available at LFRA's cost to have them printed.



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- Mailing fees may be assessed, as charged.
- A research fee, or portion thereof in 15 minute increments, may be charged on time required in excess of 15 minutes to produce the requested information.
- Requested records, which need to be retrieved from off-site storage, will be provided at the same fee charged to LFRA by the off-site storage facility.
- Requested transcripts of the LFRA Board or Commission meetings will be provided by the custodian at a fee based on the actual cost incurred by LFRA for the preparation of the transcript. LFRA may require payment of the estimated cost prior to preparation of the transcript.
- Copies of the City of Loveland Municipal Code are provided at actual reproduction cost.
- Bid Documents are published on BidNet. Requests for documentation may be transmitted electronically if possible; if not duplication fees shall be charged.

### VI. OTHER RELATED REGULATIONS & PROCEDURES:

Document Management

Effective: 01/01/2016

### VII. LFRA FIRE CHIEF SIGNATURE:



Mark Miller, Fire Chief