



ADMINISTRATIVE REGULATION (AR)

AR-00045 Open Records

Effective: 6/17/2025

I. SCOPE:

This Administrative Regulation ("AR") applies to all City of Loveland ("City") departments; employees, including Regular, Temporary, Volunteer; and non-employees, including Council members, and Board members, and volunteers.

This AR applies to requests submitted to the City for public records, as defined by C.R.S. §24-72-202(6) ("Public Records"). This AR mandates compliance with the Colorado Open Records Act, C.R.S. §24-72-201 *et seq.* ("CORA"). This AR does not apply to records or information covered by the Colorado Criminal Justice Records Act, C.R.S. §24-72-301 *et seq.* Criminal Justice Records include all records that are made, maintained, or kept by the City, which includes but is not limited to the Police Department or Code Enforcement, relating to the detection or investigation of crime, which may include certain Loveland Municipal Code violations; the apprehension or prosecution of accused persons or criminal offenders; criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information; or for use in the exercise of any other criminal justice functions required or authorized by law or administrative rule.

II. PURPOSE:

The City is committed to the principle of open, accessible, and well-functioning government. As such, this AR is intended to ensure efficient response to requests for Public Records, protect the integrity of the City's Public Records, and prevent unnecessary interference with the regular operational duties of City employees, all in accordance with the standards provided by CORA.

This AR sets forth procedures for providing members of the public access to Public Records and standardized fees for the time and resources used to find, review, analyze, prepare, and produce copies of such records.

III. DEFINITIONS:

IV. POLICY:

It is the City's policy that Public Records are open for inspection at reasonable times in accordance with CORA. Not all Public Records are subject to disclosure. To the extent that Public Records are not subject to disclosure, the official custodian will notify the requestor, in writing, why requested records will not be disclosed.

Basis For Mandate:

- Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* ("CORA")
- Loveland City Charter Section 4-13



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V. PROCEDURE:

The City Clerk is the official custodian for municipal records centrally maintained by the City. Department directors may be considered records custodians for records maintained by their departments and must designate at least two individuals responsible for responding to Public Record requests.

All requests for inspection or copying of Public Records should be in writing and utilize the open records request form ("Official Form") or the City's open records request web portal ("Web Portal"), both of which are on the City's website. If a request is made without the Official Form or the Web Portal, the requestor should be sent the Official Form and/or a link to the Web Portal and asked to resubmit the request using one of the two methods. Pursuant to CORA, an email or other written request will be accepted, and the City does not make fulfilling a request contingent upon receiving the Official Form or submission via the Web Portal. If the request is in writing and sufficiently clear and the employee sent the requestor the Official Form or link to the Web Portal, employees must begin processing the request.

Written requests for Public Records may be submitted via the Official Form, Web Portal, by hand delivery, mail, fax, or email during normal business hours (outlined below). All Public Record requests should be sent or referred to the City Clerk's Office to be entered into the Web Portal; exceptions include but are not limited to: requests directed to the Planning Department, Building Department, or Purchasing Department, which may directly respond to records requests within their respective purview that can be accessed and provided with no more than thirty minutes of employee time. Subject to the preceding exceptions, all City departments will refer all Public Records requests to the City Clerk's Office upon receipt. All departments shall provide the City Clerk's Office with the names of at least two individuals responsible for providing information to the City Clerk's Office for a timely response to Public Records requests. All departments must update or confirm such individuals no less than annually or when department staff changes occur.

All Public Records requests must specifically identify the records requested. If not sufficiently specific, the City Clerk's Office or the designated department contact must notify the requestor of the need for greater specificity. Overly broad, voluminous, or numerous requests that would unnecessarily interfere with the regular duties of employees or are physically impossible to respond to within the statutory timeframes will be produced as soon as practicable.

The City Clerk's Office, or an appointed representative, may seek clarification from the requestor within the legally mandated timeframe for records requests, ideally within the initial 48 hours. The City Clerk's Office will suspend the response period until the requestor provides the necessary clarification. The City Clerk's Office must send a written notification via the Web Portal, email, or USPS mail to inform the requestor that they have 21 days to submit written clarification. This notification must also indicate that if no clarification is received, on day 22, the City Clerk's Office will release any responsive records which do not require clarification in accordance with this policy and the request will be considered closed and complete. Should the requestor offer clarification after the



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21-day period, the City Clerk's Office will advise them to submit a new records request that includes the additional information/clarification.

Employees with questions regarding a Public Records request should consult the City Clerk's Office. The City Clerk's Office may consult with the City Attorney's Office and other employees as needed.

Collection of Public Records:

All employees are required to collect complete records that may be responsive to a Public Records request and disclose such records, unmodified, to the official custodian in a timely manner. All employee time collecting information must be tracked and reported to the Clerk's Office to account for time away from general responsibilities during the workday and accurately assess fees in accordance with CORA. No employee may redact, modify, or omit records they are required to provide to the official custodian during the City's response to a Public Records request.

If data or information is found in a database or other stored information system, it must be gathered and produced, preferably in original format or at least electronic format. Responsive documents must generally be uploaded to the Web Portal.

Inspection of Records:

Public Records shall be made available for inspection or pickup in the City Clerk's Office from 9:00 am to 4:00 pm, Monday through Friday, except on observed City holidays or other City closures.

If the requested Public Records are in the custody and control of the official custodian, but are in active use, in storage, or otherwise not immediately and readily available for inspection, the official custodian shall set a date and hour when the records will be available for inspection in person or a date by which the official custodian will disclose the records.

The City shall make every effort to respond to a records request within three working days. The three working-day response time begins the first working day following receipt of the request. A request received after 4:00 p.m. or any day the City is officially closed will be considered received as of the following working day. The City can issue up to a seven-working-day extension if it finds extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. When an extension is necessary, the official custodian will notify the requestor, in writing, of the need for an extension.

To the extent permitted by law, the City shall choose the format in which to provide Public Records. Employees are encouraged to fill requests electronically, when possible, to minimize costs to requestors.

Where a person has the right to inspect Public Records pursuant to CORA, applicable fees will be charged and collected before the City discloses or permits

inspection of the records (described in the “Payment of Fees” section below), unless an exception is made in accordance with this AR.

Members of the public are not allowed to use their own equipment or City equipment to inspect or copy Public Records. The manual or electronic functions necessary to extract, collate, organize, retrieve, copy, or otherwise manipulate Public Records, data needed to produce a Public Record, or allow for inspection of a Public Record, shall be performed by employees using City equipment.

Denial of Requests and Redaction:

The official custodian must consult with the City Attorney’s Office prior to denying a request for Public Records. The official custodian will make final determinations regarding what Public Records, or portions thereof, may be disclosed or withheld under CORA or other applicable law, in consultation with the City Attorney’s Office and the department from which the records are sent.

The City ***shall*** deny the inspection of Public Records contemplated by C.R.S. § 24-72-204(3)(a) unless otherwise provided by law. Examples include:

- i) Medical, mental health, sociological, and scholastic achievement data, and electronic health records, on individual persons;
- ii) Personnel files, including files reflecting personal information such as addresses, social security numbers, phone numbers, or personal email addresses of City personnel;
- iii) Letters of reference;
- iv) Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, furnished by or obtained from any person;
- v) Library and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of such contributions;
- vi) Library records disclosing the identity of a user;
- vii) Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services that are owned and operated by the state, its agencies, institutions, or political subdivisions;
- viii) Records of sexual harassment complaints and investigations; and
- ix) Personal information, such as home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, or a personal photograph, of law enforcement officers, similar agents, or participants in the address confidentiality program.

Despite the requirement that the City deny inspection of the records above, some records may be available for inspection by the person in interest, as defined by CORA. When necessary, at the discretion of the City Clerk, the City Clerk may require the

requestor to produce identification and documentation satisfactory to the City Clerk to verify the status of the requestor as a person in interest.

The City *may* deny the inspection of Public Records contemplated by C.R.S. § 24-72-204(2)(a) unless otherwise provided by law. In permitting or denying inspection of such records, the City shall act in accordance with the additional provisions of C.R.S. § 24-72-204(2). Examples include:

- i) Records of the investigations conducted by any sheriff, prosecuting attorney, or police department, any records of the intelligence information or security procedures of any sheriff, prosecuting attorney, or police department, or any investigatory files compiled for any other law enforcement purpose;
- ii) Test questions, scoring keys, and other examination data pertaining to administration of a licensing examination, examination for employment, or academic examination;
- iii) The contents of real estate appraisals made for the state, the City, or another political subdivision of the state relative to the acquisition of property or any interest in property for public use, until such time as title to the property or property interest has passed to the state, the City, or the political subdivision;
- iv) Email addresses provided by a person to the City, or an agency, institution, or political subdivision of the state for the purposes of future electronic communications to the person from the City, agency, institution, or political subdivision of the state; and
- v) Specialized details of either security arrangements or investigations or the physical and cyber assets of critical infrastructure, such as utilities owned by the City or other entities, including the specific engineering, vulnerability, detailed design information, protective measures, emergency response plans, or system operational data of such assets that would be useful to a person in planning an attack on critical infrastructure but that does not simply provide the general location of such infrastructure.

CORA is not the only law that governs the disclosure or non-disclosure of Public Records. Consequently, the City *may* deny the inspection of Public Records on bases other than CORA. Examples include:

- i) Records protected by attorney-client privilege;
- ii) Tax return information;
- iii) Retirement plan records concerning members, former members, inactive members, or benefit recipients and their dependents;
- iv) Information regarding sales tax payments by any person;
- v) Health care information protected under federal law;
- vi) Records subject to the Colorado Criminal Justice Records Act.



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If a Public Record contains both information that may be disclosed and information that may not be disclosed under CORA, or any other law, the City shall not release the Public Record unless the information that may not be disclosed can be redacted from the record. The official custodian, in consultation with the City Attorney's Office, shall make determinations regarding redaction of Public Records and apply such redactions.

Payment of Fees:

Where a person has the right to inspect Public Records pursuant to CORA, applicable fees will be charged and collected before the City discloses or permits inspection of the records. Generally, if gathering and reviewing records for a request will take more than one (1) hour, the City will provide the requestor with an estimate of the associated cost for the time it will take to gather, review, and produce the records. All employees must record processing time estimates to adequately and accurately estimate the time required to process requests. To prevent unnecessary interference with the regular operational duties of City employees, multiple requests submitted by the same person or entity within five (5) working days will be treated as one request for purposes of charging fees.

Where the time required to collect and review records for an individual request is more than one (1) hour, the City will collect half of the associated cost as a deposit and charge the remainder when the records are produced. Furthermore, at the official custodian's discretion, the City may require payment of the full estimated cost, or any portion thereof, of the Public Records request prior to preparation for disclosure. The City shall only charge amounts in accordance with CORA. Where the City has overestimated the cost of a records response and charged such an amount prior to record preparation, the City shall refund any excess amount paid. All employees responsible for finding, reviewing, analyzing, preparing, and producing copies of such records must record their total processing time to adequately assess standardized processing fees.

Brochures and pamphlets produced specifically for assistance and convenience of members of the public in complying with City laws and policies are not affected by this AR and may be distributed free of charge.

To the extent that this AR does not address a unique circumstance regarding fees for Public Records, it is the City's policy to provide the official custodian discretion to make reasonable decisions regarding fees which must enact the general intent of this AR and seek to protect the City's best interests.

The following Fee Schedule is hereby approved by this AR and must be available on the City Clerk's Office website. Fees will be assessed for Public Records requests, as follows:



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Copies (letter, legal, ledger)	\$0.15 each
Research and retrieval (charged in 15-minute increments; one free hour to each requestor every five working days)	\$41.00 per hour
Data storage device (CD/DVD/flash drive)	Actual cost
Records retrieved from off-site storage	Actual cost
Reproduction of published materials	Actual cost
Shipping	Actual cost
Maps & oversized documents	Varied

ADA Accommodation:

The City complies with the Americans with Disabilities Act ("ADA") and may, when possible, provide accommodations (such as large print) for Public Records requests.

Policy Interpretation:

City employees with questions concerning the interpretation or application of this AR should consult the City Clerk's Office and the City Attorney's Office.

Supersedes Prior Regulations:

This AR supersedes all previous policies or regulations addressing the same or similar matters. This AR may be reviewed and revised at any time in accordance with City law.

VI. OTHER RELATED REGULATIONS & PROCEDURES:

AR-00021	Mobile Device Policy	Effective: 05/01/2025
AR-00044	Document Management	Effective: 05/08/2009
AR-00046	Email Use and Retention	Effective: 01/01/2021

VII. CITY MANAGER SIGNATURE:



06.17.25

Jim Thompspon, City Manager