



The Mesa County Libraries (MCL) Board of Trustees fully supports and complies with all federal and state laws relating to the retention, protection, and disclosure of MCL records including, but not limited to, the Colorado Open Records Act, Colorado Revised Statutes § 24-72-200.1 *et seq.* (CORA), and Colorado Library Law, C.R.S. § 24-90-101 *et seq.*

All MCL public records are open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are defined by CORA as all writings made or maintained by MCL, regardless of the format or medium of the records, subject to certain exceptions. Public records expressly include email communications. By action of the MCL Board of Trustees, the Library Director is hereby designated as the official Custodian of Records responsible for the maintenance, care, and keeping of all library records. The Custodian of Records has authority to designate such agents as appropriate to perform any acts necessary to enforce and execute the provisions of this policy. Upon receipt, requests by a citizen, entity, federal or state agency, subpoena, administrative or court order, or other legal process to inspect and/or copy any MCL record (collectively referred to as a “Records Request”) should be immediately sent to the Custodian of Records.

The following are general policies concerning the release of MCL records:

1. Every Records Request will be submitted to the Custodian of Records in writing and be specific as to the information desired.
2. If any question arises as to the propriety of fully complying with a Records Request, the Custodian of Records will immediately forward it to legal counsel.
3. Legal counsel will determine MCL’s obligations under the applicable federal and/or state laws. If MCL is permitted to comply with the Records Request in whole or in part, MCL’s legal counsel will so notify the Custodian of Records, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable federal or state laws.
4. If MCL’s legal counsel determines MCL is not permitted by federal or state law to comply with the Records Request in whole or in part, legal counsel will provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.
5. The Custodian of Records may set the time during normal office hours and the place for records to be inspected and require that the Custodian of Records or a delegated employee be present while the records are examined. Pursuant to CORA, all records must be made available for inspection within three working days, unless extenuating circumstances exist. The deadline may be extended by seven working days if extenuating circumstances exist and the requesting party is notified of the delay within the statutory period.
6. A person granted the right to inspect MCL records may also be furnished copies requested at a cost of \$.25 per page in standard size and format. The charge for providing a copy, printout, or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, in those cases where the location or existence of specific documents must be researched and the documents must be retrieved, sorted, or reviewed for applicability to the request, and such





process requires one or more hours of staff time, MCL may charge a research and retrieval fee of \$30 per hour after the first hour of time expended in connection with the research and retrieval of public records.

Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

7. Upon request for records transmission by a person seeking a copy of any public record, the Custodian of Records will transmit a copy of the record by U.S. Mail, facsimile, electronic mail, or other delivery service. No transmission fees will be charged to the records requester for transmitting public records via electronic mail. Within three working days of receiving the request or seven working days if extenuating circumstances exist, the Custodian of Records will notify the record requester that a copy of the record is available but will only be sent to the requester once the Custodian of Records 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 Custodian of Records. The Custodian of Records will include an estimate of the costs and fees that will be charged.

Charges may be waived by MCL for nominal requests, when the information is readily available, and/or if less than eight pages of copies are needed. Fee reductions will be uniformly applied in these instances.

8. When practical, the copy, printout, or photograph of the requested record will be made in the place where the record is kept, but if it is impractical to do so, the Custodian of Records may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities. If other facilities are necessary, the person making the request will pay the cost of providing requested records.

REVIEWED AND ADOPTED ON JUNE 24, 2021.

Cynthia Cyphers

Cindy Cyphers – MCPLD Board President

Elaine Barnett

Elaine Barnett – MCPLD Board Secretary

