

## EXHIBIT A



### CORA POLICIES AND PROCEDURES

#### Policy Statement

The City of Fruita (the “City”) administers the Colorado Open Records Act (“CORA”) (sections 24-72-201 to -206, C.R.S.) with regard to those records that are in the City’s possession and control. This Policy statement summarizes the practices and procedures that are and have been in place in the City with regard to its obligations under CORA. The statute requires the non-disclosure of certain public records in the City’s files based on criteria set out in sections 24-72-202 and -204, C.R.S., while mandating public access to non-exempt public records. With various exceptions, the CORA defines a “public record” as including most writings made, maintained, or kept by the City in connection with its official activities. *See* § 24-72-202(6). The City must make a good faith effort to respond to requests to inspect public records while ensuring that other confidential, excepted, or exempted writings are redacted or withheld. The City will provide electronic copies of requested public records according to the terms of the statute, the City’s rules, and the City’s policies and procedures under CORA.

#### Deadlines

The City is allowed three business days to respond to a request. When responding to a request for public records under CORA, the City will make every effort to respond within three working days as required by section 24-72-203(3)(b), C.R.S. If the City uses the extension allowed in section 24-72-203, C.R.S., the office has an *additional* seven business days to respond. If the nature of the request requires more time than set out in the statute, the City will notify the requester of the need for additional time, and the City will make a good faith, reasonable effort to process the request as promptly as is feasible in light of the size and scope of the request, the workload of the other prior requests that the City has received and is processing, and the technical capacity of the City’s IT systems to search for responsive records.

In calculating the due date, the City applies the following guidelines:

- If a request is received after 5:00 p.m., it is considered received the next business day.
- In calculating the time to respond, the day the request is received is not counted. *See* section 2-4-108, C.R.S.
- For broad, general requests, the timeframe for fulfilling a request may be put on hold while the City attempts to clarify or narrow the request. *See* Clarifying or Narrowing Requests, below.
- For requests that require a deposit or payment, the timeframe for completion of the request is put on hold until payment is received. *See* Clarifying or Narrowing Requests, below.
- Any day the office is closed does not count as a business day.

## **Clarifying or Narrowing Requests**

Broad, general requests will likely be costlier to the requestor because of the staff time required to fulfill these requests. The City may contact the requestor in an attempt to clarify or narrow a request. Requestors are encouraged to narrow by date range, email inboxes to be searched, and by specific search terms. Searching the entire City's email system and server is very time consuming, and the requests will be searched in the order in which they are received.

As set forth on the City's CORA request form, requestors should provide phone and e-mail contact information to facilitate communication regarding the request. The City does not suggest search terms or parameters and does not create new records in response to a request. Additionally, the City will respond to multiple, repeated and duplicative submissions as described below.

If the requestor agrees to narrow their request, the City will ask the requestor to re-submit their request in writing, on the City's CORA form, with the narrowed information and the statutory timeframe will begin again. If the requestor is unwilling to narrow their request, the City will advise the requestor of the potential fees associated with the request.

As indicated, CORA does not require the City to create records in response to a request.

## **Procedures for Multiple, Repeated or Duplicative Submissions**

When there are duplicative CORA requests submitted – either by one individual or by multiple requestors – that require extensive amounts of staff time and would otherwise interfere with the completion of other duties of the City, the City must appropriately manage and delegate its staff time so as to ensure that the processing of such requests does not interfere with the other duties of the City.

At the City's discretion, requests with the same or similar search terms from one requestor will be consolidated, as necessary. Each request will be handled in the order in which it is received. Once consolidated, the statutorily prescribed fee will be charged for the staff time necessary to review and respond to the consolidated request. Additionally, the timeframe within which the City will respond to these consolidated sets of voluminous or duplicative requests will depend on IT capabilities and available staff time to compile, review and respond to the requests.

When addressing the same or similar requests from multiple requestors, the City, at its discretion, may choose to publish the requested information on a publicly available website to satisfy its responsibilities under CORA, and will direct requestors to that website. Otherwise, the City will respond to the requests in the order in which they are received, will consolidate duplicative requests as necessary, and will do so utilizing the staff time allotted within position descriptions for CORA custodians within the City.

Examples of requests to which this policy is applicable include but are not limited to:

- Multiple requests from the same requestor within the timespan of one to two days

- Same or similar requests from the same requestor sent on a daily basis
- Same or similar requests from multiple requestors over a short timespan
- Multiple requests for the same or similar search terms sent as “per day” requests instead of consolidated into a specific timeframe (e.g. searching for the same search terms on Jan. 1, Jan. 2, Jan. 3, Jan. 4, etc. versus January 2021).

## **Fees**

The City charges hourly fees (beyond the first hour) for all requests and requires a deposit to begin the work necessary to produce the requested records.

As allowed under section 24-72-205(6), C.R.S., the City charges a fee of \$41.37 per hour after the first hour for the staff time required to search for, retrieve, and review the responsive records. *See* 8 CCR 1505-12, Rule 4.3. The requestor must approve the cost estimate before the City will begin work on fulfilling the records request. *See* 8 CCR 1505-12, Rule 4.4. The City requires an advance deposit of 50% of the expected cost before it will begin completing the request. The timeframe the City has to complete the request will be tolled between providing the cost estimate to the requestor and the requestor approving the cost estimate or submitting the advance deposit, whichever is applicable.

Costs associated with a request must be paid in full before the City will produce the records. The City does not accept credit cards. Payment must be made by check made out to the City of Fruita and delivered to the City Clerk’s office at the following address:

City of Fruita, City Clerk  
ATTN: CORA PAYMENT  
325 E. Aspen Ave.  
Fruita, CO 81521

## **Abusive or Harassing Requests**

Finally, while the City is required to make a reasonable, good faith effort to respond to CORA requests within the guidelines of the statute, the City is not required to respond to harassing or abusive communications.