

**GRAND JUNCTION HOUSING AUTHORITY  
POLICY AND PROCEDURE FOR  
INSPECTION AND COPYING OF GJHA RECORDS UNDER THE  
COLORADO OPEN RECORDS ACT AND RELATED FEES**

Effective: March 1, 2019

The following Policy and Procedure has been adopted by the Board of Commissioners ("Board") of the Grand Junction Housing Authority ("GJHA") pursuant to Colorado statutes, for requests made pursuant to the Colorado Open Records Act ("CORA"), which requires that public documents and records be made available upon request to members of the public unless protected by an exception.

**1. INSPECTION OF GJHA BOOKS AND RECORDS BY MEMBERS OF THE PUBLIC.**

GJHA has developed procedures to protect and maintain records and provide rules for responding to public records requests (each, a Request) as that term is defined under the Colorado Open Records Act (CORA), C.R.S. § 24-72-200.1 *et seq.* The provisions of this procedure set forth rules for the inspection of public records. These rules are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Custodian of Records (Custodian) or the Custodian's office. Every requestor submitting a CORA Request shall adhere to the following procedures.

**2. DEFINITIONS:**

- 2.1 "GJHA Personnel" includes all employees, whether permanent, temporary, full-time, or part-time; and Board members.
- 2.2 "Electronic Records" are records stored in a form that only a computer can access including, but not limited to, e-mail, word processing documents, calendars, spreadsheets, voice messages, videos, photographs, and text messages.
- 2.3 "Public Records" include, unless exempted, all writings made, maintained or kept by GJHA or, any employee in their capacity as an employee of GJHA. Correspondence of Board members (including e-mail) is a public record unless it is a work product, it is without demonstrable connection to the Board member's function, or it is a communication from a citizen who expects it to be confidential by its content or otherwise subject to non-disclosure as set forth in 24-72-204 (1) C.R.S.
- 2.4 "Records Custodian" is the Chief Executive Officer of GJHA.
- 2.5 "Writings" mean all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data and electronic mail, but does not include computer software;

**3. REQUESTS FOR RECORDS.**

3.1 A request for inspection or copying of records should be treated as a formal Open Records Request when:

- 3.1.1 A written request is submitted to GJHA (via mail or personal delivery);
- 3.1.2 A Subpoena to supply records is served on GJHA (contact General Counsel);

- 3.1.3 The request form indicates the request is for a court case (contact General Counsel);
- 3.1.4 The requested document may be confidential or privileged;
- 3.1.5 There is some other unusual circumstance; or
- 3.1.6 The person is asking for a record that does not directly apply to them, their property, or their interests.

3.2 **Exceptions:**

- 3.2.1 Citizen asks for copies of Board Agendas, Minutes, or other documentary material relative to a Board meeting or action.
- 3.2.2 Citizen asks for routine copies of a non-restricted, readily available document (e.g., a list of Board members and Officers, etc).

3.3 Each request shall be in writing and delivered via U.S. Mail or hand delivery to Open Records Request, Legal Department for Grand Junction Housing Authority, 8 Foresight Circle, Grand Junction, CO 81505. Requests sent via email will NOT be accepted.

3.4 All requests shall include the following information: (1) date, (2) requestor's name, (3) company name, if applicable, (4) address, (5) telephone number, (6) any reasonable accommodation the requestor needs, and (7) type of record(s) requested. Requests must be specific as to the information requested. An e-mail address and fax number may be provided, if requestor desires.

3.5 If a request is mailed, the date the request is received by the Custodian will be considered the "date of receipt".

4. **EXCLUSIONS.** The following records and documents may be kept confidential by GJHA:

4.1 **Attorney-Client Confidential Documents.** In order to protect the attorney/client privilege existent between GJHA and its attorneys, all attorney created documents, including, but without limitation, memos, opinion letters, and draft documents prepared at the behest of the Board or Senior Leadership Staff, are not available for the inspection or copying by any member of the public or his/her authorized agent, without the consent and authority of the Board and upon advice of the legal counsel involved.

4.2 **Personnel Confidential Documents.** Documents pertaining to the "Personnel Files" of employees of GJHA as that term is defined in C.R.S. § 24-72-403(2).

4.2.1 GJHA "personnel" includes all employees, whether permanent, temporary, full-time, or part-time; and Board Members.

4.3 **Protected health information;**

4.4 **Real Estate Appraisals.** Real Estate appraisals made for GJHA 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 GJHA; except that the contents of such appraisal shall be available to the owner of the property in accordance with applicable law.

4.5 **Applicable Law.** Any documents that are confidential under constitutional, statutory or judicially imposed requirements.

4.6 **Tenant Information.** Names, addresses, phone numbers, email addresses and any financial or other identifying information.

4.7 **Market Studies Prepared for Tax Credit Properties or Other Proposed Development.**

Questions on the disclosure of records should be directed to GJHA's General Counsel.

5. **INSPECTION, COPYING, OR PHOTOGRAPHING OF PUBLIC RECORDS.**

5.1 The official custodian of any public records may make such rules with reference to the inspection of such records as are reasonable and necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office [§ 24-72-203 (1) (a) C.R.S.].

5.2 If the public record requested is not in the custody or control of the person to whom application is made, such person shall notify the applicant of this fact. In such notification he shall state the reason for the absence of the records from his custody, their location, and what person then has custody of the record [§ 24-72-203 (2) (a) C.R.S.].

5.3 The date and hour set for the inspection of the records not readily available at the time of the request shall be within a reasonable time after the request. A reasonable time shall be presumed to be three (3) working days or less. This period may be extended if extenuating circumstances exist. In that case, GJHA will advise the requestor, in writing, within three (3) working days, that the records are not readily available and GJHA will have an additional seven (7) working days to produce the records or will make arrangements with the requestor to produce the documents as soon as is reasonable and practical.

5.4 These time periods for responding to requests shall not apply to (i) requests that do not comply with this policy, (ii) requests that are broad or burdensome such that they interfere with regular work duties, or (iii) requests for which the requestor has failed to pay the appropriate charges.

5.5 Records must be reviewed on GJHA premises and will be viewed only in the room designated by GJHA. Such inspection shall be by appointment only during normal business hours.

5.6 At the time of the review, all requestors must provide photo identification, such as driver's license or state photo ID, prior to the review. GJHA staff will retain the identification until the requestor has completed the review and may retain a copy for its records.

5.7 No records are to be re-arranged, removed from or added to the records.

5.8 All copies of records must be made by GJHA staff. The requestor must complete his/her review before any copies will be made. Upon completion of the review, the requestor must designate the pages he/she wishes to have copied with post-it notes and multiple pages must be clipped together. Copies will be made at a later date by GJHA staff or by a third-party vendor, depending upon the volume.

5.9 The requestor shall not bring and shall not use photocopies, fax machines, or any other copying, scanning or reproduction devices, including cell phones, to copy GJHA records.

- 5.10 A GJHA employee may, in the sole discretion of GJHA, be present in the room at all times during the requestor's review of the records. In, addition, GJHA employs video surveillance in all viewing rooms.
- 5.11 CORA Requests shall not take priority over the regular work activities of GJHA.
- 5.12 If a third request for the same or substantially the same records, with the sameness of the request being determined in the sole discretion of the Records Custodian, he or she will require the requestor to state in writing the reason(s) for any additional request and/or how an additional request(s) is not the same or similar to prior requests. Absent such written clarification, the Records Custodian may reject the request or may delay any response to the request unless and until the requestor complies.

## **6. GROUNDS FOR DENIAL.**

- 6.1 The Custodian of any public record shall allow any person the right of inspection of such records EXCEPT on one or more of the following grounds:
  - 6.1.1 Such inspection would be contrary to any state statute.
  - 6.1.2 Such inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law.
  - 6.1.3 Such inspection is prohibited by rules promulgated by the supreme court or by the order of any court.
  - 6.1.4 Such inspection would be contrary to the requirements of any joint rule of the Senate and the House pertaining to lobbying practices.
  - 6.1.5 State law prohibits disclosure of certain records. The list is expansive. See the General Counsel first.

## **7. COPY AND OTHER DOCUMENT FEES.**

- 7.1 GJHA will impose a reasonable charge, covering the costs for copies of any documents at the rate of \$.25 per page for the copies GJHA provides to an applicant. If the cost of reproducing a document such as a photograph, plat, or other document larger than 11 x 17, the charge to the applicant will not exceed the actual cost for copies as incurred by GJHA.
- 7.2 If a CORA request results in research being done in order to comply with the request, GJHA shall perform the first hour of time spent without charge, and thereafter, the maximum per hour charge will be no more than thirty dollars (\$30.00) per hour. This rate will be adjusted every five (5) years to reflect the cumulative changes in the Denver-Boulder Consumer Price Index.
- 7.3 Certified copies of records will be made upon written request for an additional fee of \$1.00 per page; however, an additional five (5) working days is needed to provide certified copies of records. Requestor must also pay for copying services, in accordance with paragraph 7.1 above, except as provided in § 24- 72-112, C.R.S. (Public Records Free to Servicemen).
- 7.4 If charges are expected to exceed \$25, the Custodian will provide the requestor with an estimate of the cost of responding prior to responding and may require a deposit. If the requestor wishes to proceed once receiving an estimate, he or she must respond in writing. By responding in writing, the requestor agrees to pay all fees associated with responding

to the request. The time between the date of the Custodian's estimate and the receipt by the Custodian of a written response to proceed will not be counted against the time period set forth above.

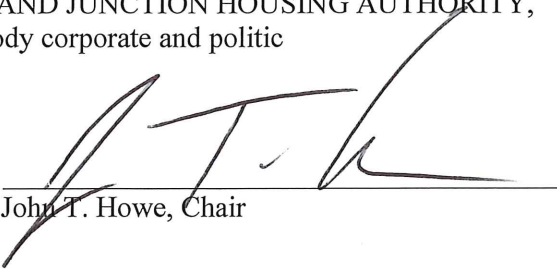
- 7.5 Payment in the form of cash, money order, certified check or cashier's check must be received prior to the requestor receiving copies. No personal checks, business checks or credit cards are accepted, and no billing of third-party vendor's services will be done by GJHA. The requestor will be notified when the copies are available for pick up.
- 7.6 GJHA will hold copies for the requestor for ten (10) business days. After that, the copies will be destroyed, and the requestor will have to pay for a new set of copies to be made.
- 7.7 If a public record is requested to be delivered digitally, and is requested to be searchable or sortable, the Custodian will first determine whether it can be provided to the requestor in the format desired. If it cannot be provided in either a searchable or sortable manner, the Custodian will still provide a copy of the record in a digital format possible. The Custodian is not required to produce a public record in a searchable or sortable format if:
  - 7.7.1 Producing the record in the requested format would violate the terms of any copyright or licensing agreement between GJHA and a third party or result in the release of a third party's proprietary information;
  - 7.7.2 After making reasonable inquiries, the Custodian determines it is not technologically or practically feasible to permanently remove information that the Custodian is required or allowed to withhold within the requested format;
  - 7.7.3 It is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
  - 7.7.4 It would require purchasing software or creating additional programming or functionality in its existing software to remove the information; or
  - 7.7.5 If the Custodian is not able to comply with a request to produce a public record digitally, he/she must produce the record in an alternate format or issue a denial pursuant to state statutory requirements and must provide a written declaration attesting to the reasons the Custodian is not able to produce the record in the requested digital format.
- 7.8 With exception to digital format requests, while not required, GJHA may, at GJHA's sole discretion, choose to manipulate or analyze information in a way not used by GJHA in order to respond to a request. For digital format requests, the Custodian shall not alter an existing public record, or remove fields of information if the content is either required or permitted to be withheld. Custodian will produce a public record in a format accessible to individuals with disabilities in accordance with Title II of the federal "Americans with Disabilities Act of 1990.
- 7.9 Subsequent to the approval of this policy, if CORA is amended to modify the maximum amount of any charges described above, the procedure will be applied consistent with the provisions of such amendments.
- 7.10 Every CORA Request must comply with this policy. GJHA is not obligated to act upon a CORA Request unless and until the Request meets the requirements of this policy.

UNDER COLORADO LAW, § 18-8-114 C.R.S., IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY MAKE A FALSE ENTRY OR ALTER ANY PUBLIC RECORD OR TO DESTROY, MUTILATE, CONCEAL, REMOVE, OR IMPAIR THE AVAILABILITY OF ANY PUBLIC RECORD. "PUBLIC RECORD" IS DEFINED AS ALL OFFICIAL BOOKS, PAPERS, OR RECORDS CREATED, RECEIVED, OR USED BY OR IN ANY GOVERNMENTAL OFFICE OR AGENCY.

8. PROCEDURE FOR HANDLING OPEN RECORDS REQUESTS.

- 8.1 Open Records requests are initiated with or referred to the Records Custodian for all departments.
- 8.2 The Custodian will work with General Counsel and other Staff to determine:
  - 8.2.1 Who is the custodian of the requested document(s);
  - 8.2.2 The status of the record (availability, etc.);
- 8.3 A copy of the request is sent to the responsible department/person;
- 8.4 The custodial department and the Records Custodian work with the General Counsel to provide the documentation (within 3 working days of the request, day and time);
- 8.5 The Records Custodian makes appointment with requester and collects fee.
- 8.6 A copy of the request is maintained and logged with General Counsel.
- 8.7 All requests for records must be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated, the Custodian may require the requestor to provide a more specific request before responding.

GRAND JUNCTION HOUSING AUTHORITY,  
a body corporate and politic

By:   
John T. Howe, Chair

ATTEST:

  
Jody M. Kole, Secretary and CEO

**ATTACHMENT A**  
**REQUEST FOR PUBLIC RECORDS**

I request that Grand Junction Housing Authority make the following public records available for my review:

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I understand that I am financially responsible for payment of all costs for producing records in an electronic format, for researching and retrieving records or for copying the requested public records, by cash, cashier's check or money order, made payable to the Grand Junction Housing Authority **BEFORE** GJHA staff will assemble or copy the records, as appropriate.

Date of Request: \_\_\_\_\_

Requester Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Requester or Company Full Address:

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Requester's Email Address: \_\_\_\_\_

Requester's Phone No.: \_\_\_\_\_

Do you need a Certified Copy: \_\_\_\_\_ Yes \_\_\_\_\_ No

How would you like to receive the responsive Records:

\_\_\_\_\_ Email \_\_\_\_\_ U.S. Mail \_\_\_\_\_ You will pick up at GJHA Main Office