

RESOLUTION NO. 26-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO, AMENDING THE CITY COUNCIL POLICY ON PUBLIC RECORDS**

WHEREAS, the public policy of the state and of the City of Castle Pines (the “City”) requires all public records to be open for inspection at reasonable times unless specifically excepted by law; and

WHEREAS, C.R.S. Section 24-72-201, *et seq.*, known as the Colorado Open Records Act (“CORA”), allows the official custodian of public records to formulate rules and regulations with reference to the inspection of these records which protect the integrity of the records, and limit operational disruption caused by access to the records; and

WHEREAS, in accordance with CORA, the City previously adopted the City Council Policy on Public Records (“Policy”) via Resolution 09-40; and

WHEREAS, the City Council desires to amend the Policy to update the City’s procedures regarding the payment of fees for CORA requests and the submittal of CORA requests to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. The City Council hereby adopts the amended City Council Policy on Public Records, attached hereto as **Exhibit A**, and authorizes City staff to publish such document on the City’s website. The amended City Council Policy on Public Records is effective as of February 10, 2026.

Section 3. **Effective Date.** This Resolution is effective upon adoption.

Section 4. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions hereof.

**INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO BY A VOTE OF 6
IN FAVOR, 0 AGAINST, AND 1 ABSENT THIS 10TH DAY OF FEBRUARY, 2026.**

[Signature page follows]



BY:

Tracy Engerman (Mar 11, 2026 10:58:15 MDT)

Tracy Engerman, Mayor

ATTEST:

Tobi Duffey, MMC, City Clerk

Approved as to form:

Linda Michow (Feb 11, 2026 15:42:41 MST)

Linda C. Michow, City Attorney

EXHIBIT A
AMENDED CITY COUNCIL POLICY ON PUBLIC RECORDS



Public Records Policy

Amended February 10, 2026

I. AUTHORITY:

The public policy of the state and of the City of Castle Pines ("City") requires all public records to be open for inspection at reasonable times unless specifically excepted by law. Colorado Open Records Act (CORA), C.R.S. Section 24-72-201, *et seq.*, further allows the official custodian of public records to formulate rules and regulations with reference to the inspection of these records which:

- A. Protect the integrity of the records, and
- B. Limit operational disruption caused by access to the records.

C.R.S. § 24-72-203(1)(a).

II. PURPOSE OF POLICY:

A. To set forth a policy providing the public with timely, orderly, efficient and appropriate access to public records maintained by the City of Castle Pines ("City") in compliance with the standards and requirements of CORA; and

B. To establish general procedures and reasonable and standardized fees for producing copies of and information from City-maintained records as authorized by CORA (CORA does not require the City to create a record in response to a request for information); and

C. To protect public records from alteration, abuse, wear and tear, defacement or permanent loss and misuse, and to ensure that other activities of the respective offices of records custodians not be disrupted or interrupted.

III. SCOPE:

This policy shall apply to all public records except (1) records kept and maintained by Douglas County under the custody of the Douglas County custodian of records (release of which shall be governed by Douglas County policies) and (2) criminal justice records (as defined in C.R.S. Section 24-72-302) kept and maintained by

the Sheriff's Department. Other records kept by the Sheriff's Department shall similarly not be covered by this policy, it being understood that the policies and procedures adopted by Douglas County shall govern the provision of such records.

IV. DEFINITIONS:

Definitions found in C.R.S. Section 24-72-202, as amended from time to time, shall apply unless the context clearly requires a different meaning in accordance with customary usage. Other terms used in this policy shall have the following definition:

A. **Non-Public Record** shall mean any writing made or kept by the City which does not constitute a Public Record under this policy and/or under the provisions of CORA.

B. **Non-Routine Record** shall mean any Public Record that is not a "Routine Record" or any request where the legality of compiling or releasing the document may be in question.

C. **Public Records** shall mean all writings made, maintained or kept by the City for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditures of public funds. "Public Records" does not include Work Product. However, it does include the correspondence of elected officials, with limitations, as noted in C.R.S. Section 24-72-202, *et seq.*

D. **Public Records Request Form** is the form attached hereto as **Exhibit 1** which shall be utilized for all records requests and as may be amended from time to time by the Records Custodian.

E. **Records Custodian** shall mean the City Clerk or his/her designee.

F. **Research/Retrieval Time** shall mean all time expended by City staff in processing requests for Public Records in excess of one hour as applied to the calculation of the fee associated with any request for public records.

G. **Routine Record(s)** shall mean Public Records that are commonly requested and maintained on-site at the City offices and do not involve any significant staff time for research, compilation or tabulation of any data. Voluminous requests for records which are otherwise Routine Records may be treated as a Non-Routine Records request in the discretion of the Records Custodian.

H. **Work Product** shall mean all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority.

I. **Writings** shall mean all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics, including digitally stored data (including, without limitation, electronic mail messages) but do not include computer software.

V. RESPONSIBILITIES:

A. It is the responsibility of the Records Custodian for the City to implement and oversee compliance with this policy.

B. It is the responsibility of each City employee and contractor to become familiar with the standards and requirements of this policy.

VI. GENERAL PROCEDURES:

A. **Requiring Identifying Information:** Release of Public Records shall not be conditioned upon the furnishing of information by the requester such as name, address, phone number or reason for request. If the requester is asking for information to be sent via mail, appropriate information must be provided. Likewise, if the requester is paying by method other than cash for the cost of research, copying, etc., appropriate information must be provided.

B. **Access Times:** Inspection of Public Records shall be in the City offices from 8:30 a.m. until 4:00 p.m., Monday through Thursday, except on City observed holidays.

C. No original Public Records shall ever leave the possession or control of the Records Custodian.

D. The City is allowed up to 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 or less 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 City has an additional seven business days to respond. If the additional days are necessary, the Records Custodian shall notify the requester in writing of the extenuating circumstances within the initial three-day period.

E. Any denial of a Public Records request or request for a Non-Public Record by the City shall be in writing.

F. In all cases in which a person has the right to inspect any Public Record pursuant to this policy, copies, printouts or photographs of such records may be provided to the requester if prior to reproduction, requesters pay the applicable fee in accordance with Section XI of this Policy.

- G. Whenever fees or costs are assessed pursuant to this policy, the City will accept payment in the form of cash, check or credit card.
- H. The public shall not be allowed to use its own equipment in inspecting or copying original Public Records. The necessary manual or electronic functions necessary to extract, collate, organize, retrieve, copy or otherwise manipulate the records and data necessary to produce the record or allow for its inspection shall be performed by the Records Custodian.
- I. All fees collected hereunder shall be deposited into the general fund of the City.

VII. REQUESTS FOR ROUTINE RECORDS

- A. The Records Custodian will allow inspection and/or copying and release of Routine Records. These requests may be submitted online or in writing and shall be handled in a timely and responsive manner and shall not be subject to the below procedures for Requests for Non-Routine and Non-Public Records.
- B. The Records Custodian will strive to handle Routine Records requests promptly and within the same day of request but, in no event, will such requests take longer than three business days from the date the request was received for the City to respond in writing to the requester.
- C. The cost for copying and providing the Routine Record shall be as set forth in the Castle Pines Fee Schedule. If there is a cost, the requester shall be required to approve and pay the estimated cost before the request is fulfilled. After fulfilling the request and before releasing any documents or information, the Records Custodian shall return to the requester any excess funds or charge the requester for any deficiencies in funds.

VIII. REQUESTS FOR NON-ROUTINE INFORMATION OR NON-PUBLIC RECORDS

- A. All requests for Non-Routine Records and for any Non-Public Records must be submitted online or received in writing through the office of the Records Custodian on the Public Records Request Form. If a Non-Routine Record or Non-Public Record is requested via the telephone, the requester will be notified to submit the request in writing.
- B. The Records Custodian will notify the City Manager and, if directed by the City Manager, the City Attorney, of each Non-Routine or Non-Public Records request.

D. The Records Custodian, in consultation with other City personnel and, when applicable, the City Attorney's Office, shall determine if the Non-Routine Record requested should be open for inspection within the guidelines of CORA. In addition, if, in the opinion of the Records Custodian in consultation with the relevant City personnel and City Attorney's Office, disclosure of the contents of any Non-Routine Record would do substantial injury to the public interest, be contrary to any state statute, federal statute, or any regulation issued thereunder or is prohibited by rules promulgated by the order of any court, notwithstanding the fact that said record would otherwise be available for public inspection under the provisions of CORA and this policy, the Records Custodian shall notify the requester that access to such Public Record is denied and state the grounds for the denial within three business days of the date of receipt of the request.

1. If a determination is made that the record is either not a Public Record (a Non-Public Record) or otherwise not subject to public inspection within the guidelines of CORA, the Records Custodian shall issue a written statement to the requester within three business days of the date of receipt of the request explaining the legal basis for withholding release of the requested record.

2. If the requested record is determined to be a Public Record within the guidelines of CORA but the records are not available (lost, non-existent, etc.), the Records Custodian shall notify the requester in writing within three business days of the date of receipt of the request.

3. If the request is determined to be within the guidelines of CORA and the requested Public Records are in the custody and control of the City but are in active use or in storage and not available at the time a requester asks to examine them, the Records Custodian shall inform the requester in writing of this fact and, except when extenuating circumstances exist which require the date and time be extended to a date and time not to exceed an additional seven business days, set a date and hour when the records will be available for inspection or for production and copying within three business days of the date of the request. The finding of extenuating circumstances forming the basis for the extension of time shall also be documented and provided to the requester in writing by the Records Custodian.

4. If the request is determined to be within the guidelines of CORA, the Records Custodian shall generate a cost estimate to complete the request.

- a. If there is a cost, the total estimated amount shall be collected by the Records Custodian in advance of proceeding with the request. The requester shall be advised that this is only an estimate and that necessary adjustments to such amount will be made at the time the request is ready for pickup. Upon receiving payment, the Records

Custodian shall contact work with the appropriate City personnel to fulfill the request.

b. The Records Custodian shall fulfill the request, accounting for all costs incurred in processing the request.

c. The requester shall be contacted by the Records Custodian and informed as to any adjustments to the original estimate. The requester shall pay or be refunded any adjustment based on the actual costs incurred.

IX. CLARIFICATION OR NARROWING RESULTS

Broad, general requests will likely be costlier to the requester due to the staff time required to fulfill these requests. The City may contact the requester in an attempt to clarify or narrow a request. When requesting emails, requesters are encouraged to narrow by date range or specific search terms. Searching the entire City's email system and server is very time-consuming and requires outside contractor time. The requests will be searched in the order in which they are received. While not required, requesters may want to provide phone 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. If the requester agrees to narrow their request, the City will ask the requester to resubmit their request in writing with the narrowed information and the statutory timeframe will begin again. If the requester is unwilling to narrow their request, the City will advise the requester of the estimated fees associated with the request. CORA does not require the City to create records in response to a request.

X. MULTIPLE, REPEATED, OR DUPLICATIVE SUBMISSIONS

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

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

When addressing the same or similar requests from multiple requesters, 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 requesters 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 available staff who are equipped to perform such services.

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

- a. Multiple requests from the same requester within the timespan of one to two days (e.g. 5 requests submitted within one day);
- b. Same or similar requests from the same requester sent on a daily basis;
- c. Same or similar requests from multiple requesters over a short timespan (e.g. 20 submissions of the same or similar request from different requesters within a week);
- d. Multiple requests for the same or similar documents or 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, and on Jan. 2, and on Jan. 3, and on Jan. 4, etc. versus searching January 2026).

XI FEES:

Photocopies, printouts, and other reproductions of records shall be provided at the standard fee charged by the City of Castle Pines for photocopies, printouts, and other reproductions.

- A. In the case of any request requiring more than one hour of staff time for search and retrieval or for supervision of inspection or copying, the City of Castle Pines may charge an hourly fee pursuant to Colorado Revised Statutes, Section 24-72-205(6)(b).
- B. The City may also charge for extraction of email data at a rate different than that for other types of records based on costs assessed to the City by a third-party contractor. The rate is based on the charge assessed by the City's IT contractor plus an hourly fee for time as noted in the Fee Schedule.
- C. Fees shall not be waived except with the approval of the City Manager or his or her designee.
- D. Applicable fees shall be paid by the requester prior to inspection of any Public Records and prior to receipt of or copies of any Public Records. Prior to performing any services necessary to respond a request, the City may require the requester to pay a deposit equal to the estimated fees that will be charged.

XII. EFFECTIVE DATE:

Original Policy – Adopted and effective as of April 23, 2009, amended July 23, 2024, and February 10, 2026

This amended policy shall be effective on February 10, 2026.

XIII. ADOPTION AND AMENDMENT:

This policy is hereby amended by the City Manager with approval of the City Attorney and all amendments comply with the requirements of CORA.

XIV. APPROVAL:

Michael Penny, City Manager

Date: _____

Linda Michow, City Attorney

ATTEST:

Tobi Duffey, MMC, City Clerk