TOWN OF BASALT
Ordinance No. 14
Series of 2015

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, ADOPTING AN ADMINISTRATIVE FEE SCHEDULE FOR THE PRODUCTION OF PUBLIC RECORDS

RECITALS

WHEREAS, The Town of Basalt is authorized to establish charges for services rendered to members of the public in producing public records in accordance with the Colorado Open Records Act, C.R.S. 24-72-205, *et seq.*("CORA"); and

WHEREAS, such services may include supervising the copying, printing out, and photographing of public records, as well as the research and retrieval of public records; and

WHEREAS, Article X, Section 2-381 of the Basalt Municipal Code authorizes the Town Council to set administrative fees by ordinance, including charges for copies and materials, to ensure that the costs of services are borne by the recipients of services rather than the taxpayers at large; and

WHEREAS, the amount of revenue generated from fees should cover both the direct and indirect costs of the services provided, and should not exceed the estimated costs of providing the services for which fees are charged; and

WHEREAS, the adoption of this Ordinance is in the best interests of the Town of Basalt.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AS FOLLOWS:

Section 1. CORA FEE SCHEDULE. The Town Council hereby adds a new Fee Schedule for Production of Public Records. Unless otherwise specified by the Fines, Penalties, and Administrative Fees of Section 2-381 of the Municipal Code, established by Ordinance No. 25 Series of 2013, and Ordinance No. 17, Series of 2014 the fees set forth in Exhibit A hereto shall apply to all requests to produce public records in accordance with the Colorado Open Records Act ("CORA"), C.R.S. 24-72-205, *et seq.*,

Section 2. PAYMENT OF FEES. All requests for public records must meet the requirements of CORA. A deposit of 50% of the estimated cost of complying with the request is required. The deposit shall be credited to the final fee, and a refund made where the actual fee is less than the amount of the deposit. The Town shall notify the requesting person that a copy of the record(s) is available but will only be released or transmitted once the Town receives payment of all fees associated with the production of the record(s) as specified above.

Section 3. CHANGE IN FEE SCHEDULE. The fees established by this article shall be increased automatically at such time as the provisions of C.R.S. 24-72-205(5) are amended to increase or decrease the fees that may be charged, and the fees specified by the statute as amended shall thereafter apply.

Section 4. APPLICABILITY OF CORA. Except as specifically provided herein, the production of public records by the Town shall be governed by the applicable requirements of the Colorado Open Records Act ("CORA"), C.R.S. 24-72-101, *et seq.*

Section 5. POSTING FEE SCHEDULE. This Ordinance, upon full execution, shall be posted on the Town of Basalt web site.

Section 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

Section 7. EFFECTIVE DATE. The effective date of this ordinance shall be two weeks after the final publication of the ordinance. Approval of this ordinance constitutes the Town's Final Approval subject to the conditions contained herein.

READ OF FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON July 28 2015, by a vote of 5 to 0, July 14 2015.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on 2015, July 28.

TOWN OF BASALT, COLORADO

By: _____
Jacque Whitsitt, Mayor

ATTEST:

By _____
Pamela K. Schilling, Town Clerk

First Publication: _____
Final Publication: _____
Effective date: _____

EXHIBIT A

ARTICLE VII. FEE SCHEDULE FOR THE PRODUCTION OF PUBLIC RECORDS

Section 4-128. FEE SCHEDULE.

TYPE OF SERVICE	CHARGE	ADDITIONAL CHARGES
Open Records Request for criminal justice records- onsite standard size paper documents or scanned files(includes traffic citations, sex offender registry)	1st hour no charge; subsequent time $30 per hour.	$.25 per page
Open Records Request for non-criminal justice records- onsite standard size documents (hard copy or scanned)	$.25 per standard size copy	
Open Records Request- Documents such as plats required to be plotted	$25.00 for 24"x36" $35.00 for 36"x48"	
Open Records Request- CD Documents	$25 per CD (up to 700MB)	
Open Records Request- Printed Photographs (3.5x5 size) each	$3.00	6 or more $20.00 plus $.50 per print
Open Records Request- Printed Photographs (8x10 size) each	$7.00	6 or more $40.00 Plus $5.00 per print
Open Records Request- Digital Photos (additional pictures)	$10.00 for each additional set of 50	Digital Photos (not prorated)
Open Records Request- Audio CD	$12.00 per recording	
Open Records Request- Video Recording	$25.00 per recording	
Open Records Request- Off-site Records (covers the cost of delivery and pickup only	$75.00 PRE-PAID for one off-site box, plus the standard copy fees as listed above	$10.00 PRE-PAID for each additional box, plus the standard fees as listed above
Manual and/or Computer Research and/or Retrieval (applicable to all CORA Requests)	First hour- no charge; Additional time- $30 per hour	

Note: A single-sided piece of paper (up to 11" x 17") constitutes one page.
A double-sided piece of paper (up to 11" x 17") constitutes two pages.

ORD 14. 2015