

ORDINANCE NO. 2020-13

**AN ORDINANCE REPEALING AND REPLACING ARTICLE V
OF CHAPTER 2 ENTITLED
PUBLIC RECORDS**

WHEREAS, the Town of Blue River ("Town") is a Colorado statutory municipality subject to the requirements of the Colorado Open Records Act, Part 2, Article 72, Title 24 of the Colorado Revised Statutes ("CORA") which generally requires that most public records be available to the public; and

WHEREAS, Section 24-72-203, C.R.S. specifically requires that public records, as such term is defined, shall be open for inspection by any person at reasonable times, or as otherwise provided by law, but authorizes the official custodian of any public records to make such rules with reference to the inspection of such records as 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 or the custodian's office; and

WHEREAS, Section 24-72-205(6), C.R.S., allows for the imposition of a fee for responding to requests to research and retrieve public records only if the custodian has, prior to the date of receiving the request, either posted on the custodian's website or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval, including the amount of the current fee not to exceed \$30/hour with the first half hour free; and

WHEREAS, Article V of Chapter 2 of the Town of Blue River Municipal Code sets forth the Town's general policy and procedures for providing access to public records maintained by the Town in compliance with the standards and requirements of CORA and establishes reasonable and standardized fees for producing copies of and information from Town-maintained records as authorized by CORA; and

WHEREAS, CORA is amended from time to time such that the Town policy as set forth in Article V of Chapter 2 of the Blue River Municipal Code has become outdated; and

WHEREAS, as the Town is at all times required to comply with CORA, the Town Board of Trustees desires to amend Article V of Chapter 2 to authorize the Town Clerk to adopt and publish on the Town website a CORA Policy that complies with the requirements of CORA and that shall be amended from time to time as required to remain in compliance as and if CORA is amended.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER,
COLORADO:**

Section 1. Article V of Chapter 2 of the Blue River Municipal Code is hereby repealed in its entirety and replaced with the following:

ARTICLE V Public Records

Sec. 2-5-10. Policy.

Sec. 2-5-20. Custody; inspection.

Sec. 2-5-10. Policy.

- (a) It is the policy of the Town that public records shall be open for inspection at reasonable times in accordance with the requirements of the Colorado Open Records Act, Part 2, Article 72, Title 24 of the Colorado Revised Statutes (“CORA”), and in accordance with a Town CORA Policy to be adopted by the Town’s custodian of records.
- (b) The Town Clerk shall adopt, promulgate and publish on the Town’s website a Town CORA Policy that addresses at a minimum timeframes, fees and availability of public records for inspection in conformity with the requirements of CORA.

Sec. 2-5-20. Custody; inspection.

The Town Clerk is the custodian of all records which are maintained by the Town.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND READ at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2020.

AMENDED ON SECOND READING, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the ____ day of _____, 2020.

 _____ Mayor

ATTEST:

APPROVED AS TO FORM:

 Town Clerk

 Town Attorney

Published in the Summit County Journal _____, 2020.