

SPONSORED BY: MAYOR NOVAK & COUNCIL MEMBERS CARLOW, MARTIN & TICHY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-16
Series of 2005

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A RESOLUTION ESTABLISHING A TWENTY DOLLARS PER HOUR RESEARCH AND RETRIEVAL FEE TO BE CHARGED TO PERSONS REQUESTING CITY RECORDS.

WHEREAS, the City receives numerous requests for City records, and responding to such requests consumes significant staff resources;

WHEREAS, the City desires to establish reasonable and consistent fees for providing copies as authorized by the Colorado Open Records Act, C.R.S. § 24-72-101, *et seq.*, and to recover a portion of the cost of staff time for responding to public records requests, but only where such is applicable and is allowed by law;

WHEREAS, pursuant to Resolution CR-74, Series of 2004, the City has established a fee schedule setting forth document copying costs, but the City has not established a research and retrieval fee for staff time spent gathering the requested documents; and

WHEREAS, establishing and charging a research and retrieval fee of twenty dollars (\$20.00) per hour of staff time is permissible pursuant to C.R.S. § 24-72-203(1)(a) and the cases of *Citizens for Progressive Alliance v. Southwestern Water Conservation Dist.*, 97 P.3d 308 (Colo. App. 2004) and *Black v. Southwestern Water Conservation Dist.*, 74 P.3d 462 (Colo. App. 2003).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. A research and retrieval fee of Twenty Dollars (\$20.00) per hour shall be charged for all requests made for City records under the Colorado Open Records Act, C.R.S. § 24-72-101, *et seq.* Such fee shall be in addition to the copying costs established pursuant to City Resolution CR-74, Series of 2004.

Section 2. All other resolutions or portions thereof inconsistent or conflicting with this resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

DATED at Northglenn, Colorado, this ____ day of _____, 2005.

KATHLEEN NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

HERBERT C. PHILLIPS
City Attorney