FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY (DDA)
COLORADO OPEN RECORDS ACT REQUEST POLICY AND FEE SCHEDULE

Records Request. To request records in the possession of the DDA, submit a detailed, written request by mail or email to:

Fort Collins DDA
Attn: Records Request
19 Old Town Square, Suite 230
Fort Collins, CO 80524
oldtownsquare@fcdda.com

Requests must include the requester's contact information, and the DDA strongly encourages requesters to provide an email address, which the DDA will use to communicate with the requester concerning response timing, fees, clarifications, and other matters related to a request. Requests should also indicate whether paper copies or electronic copies of records are desired. Note that some records may be available only in a certain format.

Specificity of Request. Requests must identify the requested records as specifically as possible. Requesters are encouraged to narrow their requests by date and subject to allow to the DDA to respond to a request efficiently and in a timely manner, and at the lowest cost to a requester. Records requests may be denied if they are not reasonably specific.

Fee Schedule. For requests requiring a paper response, there is a charge of $.25 per page or the actual costs of providing the materials, whichever is greater. If records are maintained electronically, records may be transmitted electronically via email or by other electronic means. The DDA may assess a fee of $41.37 per hour after the first hour for the staff time required to complete all tasks necessary to respond to the request, as allowed under C.R.S. § 24-72-205(6)(a). These tasks may include, but are not limited to, legal research, archival research, record retrieval, record review, record redaction, supervision of in-person inspections, and staff time as required. This fee also applies to requests requiring specialized skills to research, retrieve, review, locate, compile, or produce records, including performing any required redactions, and to the use of third-party contractors to fulfill requests. The DDA will provide the requester with an estimate of the fee amount for fulfilling a records request, and may require that a deposit in the full estimated amount be paid before beginning work on a response. If the DDA overestimates or underestimates the fee for fulfilling a request, the DDA will issue a partial refund or issue a new invoice, as necessary. Requested records will not be released until the full amount due for a request has been paid. The amount of the per-hour fee will be adjusted in accordance with C.R.S. § 24-72-205(6)(b). There may be other fees or charges associated with a records request, as set forth in C.R.S. § 24-72-205, including, but not limited to, those described in C.R.S. § 24-72-205(3). Note that fees for staff time and third-party contractors must be paid even if research reveals that there are no responsive records, or that responsive records are confidential or must be heavily redacted. No person or entity will be permitted to make an additional records request until the DDA has received payment in full for an existing records request.

Response Timing. The DDA is permitted three working days to respond to a request, pursuant to C.R.S. § 24-72-203(3)(b). The DDA may add up to a seven-working-day extension if extenuating circumstances apply, as described in C.R.S. § 24-72-203(3)(b). However, the statute and applicable case law suggests a reasonableness standard for the time necessary to prepare, gather, and make records available. With large or complex requests, the DDA may extend the timeframes for response as reasonably necessary for the protection of the records and to prevent undue interference with regular ongoing work. If the DDA determines that a request does not describe the records sought with reasonable specificity, is excessively broad, or is excessively burdensome, the DDA may require additional time to respond. In such cases, the DDA will provide the requester with an estimate for how long it will take for the DDA to fully respond to a request.

Deadlines are calculated under the following guidelines:

- Requests received after 4:00 PM, or on a day that the DDA is closed, are considered received on the next business day.
- The date that a request is received is not included in the time to respond to the request.
- If the DDA assesses a fee in connection with a records request, the timeframe for the DDA to complete its response to a request will not begin until the requester approves the DDA's fee estimate, and, if required by the DDA, pays a deposit. If the requestor does not respond to fee estimate communication emails within ten business days, or a required deposit is not paid within ten business days of the requestor confirming their intent to pay, the records request will be considered abandoned and closed with no further follow-up. A new records request will then need to be submitted.
- If the DDA requests a clarification of a records request, the deadline for responding to the request will not begin until the DDA has received a clarifying response from the requester. If the requestor does not respond to a clarification request within ten business days, the records request will be considered abandoned and closed with no further follow-up. A new records request will then need to be submitted.

Request Clarifications. If the DDA determines that a records request is insufficiently specific to allow for requested records to be located, the DDA may contact the requester for clarification. The DDA will not begin work on fulfilling the request until a response has been received by the DDA which provides the required specificity.

Certain Records Excluded. Not all records in the DDA's possession are considered public records open for inspection and copying. Records request will be evaluated and responded to in accordance with C.R.S. § 24-72-200 et seq., which sets forth the grounds upon which records can be or must be redacted or withheld from release.