

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2014 - 16

A RESOLUTION ADOPTING AMENDMENTS TO THE NEDERLAND POLICY REGARDING ACCESS TO PUBLIC RECORDS AND THE 2014 FEE SCHEDULE

WHEREAS, pursuant to C.R.S. § 31-15-201, the general administrative powers of the Town of Nederland (“Town”) are vested in the Town Board of Trustees (“Board”); and

WHEREAS, on October 19, 2010, by Resolution 2010 – 23, the Board adopted the Policy Regarding Access to Public Records and Adopting Fees in Association Therewith; and

WHEREAS, on December 3, 2013, by Resolution 2013 – 18, the Board adopted the 2014 Fee Schedule; and

WHEREAS, by the adoption of House Bill 14-1193, the state legislature amended the Colorado Open Records Act to authorize the collection of research and retrieval fees upon the adoption and posting of a policy setting forth the conditions of the same, within certain parameters; and

WHEREAS, the Board now desires to amend the Policy Regarding Access to Public Records to comply with said House Bill; and

WHEREAS, the Board also desires to amend the 2014 Fee Schedule to mirror the amendments made to the Public Records Policy and to update and amend certain other fees collected by the Town as set forth in the Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

Section 1. The amended Policy Regarding Access to Public Records, dated July 18, 2014, attached hereto and incorporated herein by this reference, is hereby approved and adopted.

Section 2. The amended 2014 Fee Schedule, dated August 1, 2014, attached hereto and incorporated herein by this reference, is hereby approved and adopted.

Section 3. This Resolution shall take effect immediately upon adoption.

RESOLVED, APPROVED and ADOPTED this 5th day of August, 2014.

TOWN OF NEDERLAND

ATTEST:


Michele Martin, Town Clerk

By: 
Joe Gierlach, Mayor



TOWN OF NEDERLAND

POLICY REGARDING ACCESS TO PUBLIC RECORDS

Effective Date: October 19, 2010, amended August 5, 2014

Administrative Authority: Drafted by the Town Clerk and Adopted by the Board of Trustees pursuant to C.R.S. 24-72-203(1)(a)

Scope: All departments within the Town of Nederland.

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as “all writings made, maintained, or kept by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software.”

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (the Town Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the Town of Nederland to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the Town Clerk, who is the Records Custodian. In the case of a request made in person, the custodian shall

either provide the records to the requestor or shall set a date, time, and on-site location where the records can be inspected. The date shall be within three (3) working days of the date the request was made. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are required to be in writing and made on the form provided by the Town Clerk.

Requests for routine copies of non-restricted, readily available documents (e.g. minutes, agendas, ordinances, resolutions, etc.) shall not be considered an open records request, and shall not be required to be submitted in writing. However, applicable fees will still apply.

Electronic records and electronic communications: Records stored on magnetic or optical disk, on tapes, or other non-paper media are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, the custodian may, but need not, take any measures necessary, in the custodian's opinion, to assist the public in copying or inspecting any specific public record(s); including but not limited to: providing portable disk copies or computer files, referring the requestor to the Town's web site, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian.

Please note that requests received by email may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the Town of Nederland.

Fees and charges: The custodian will charge for any copies, printouts, photographs, or electronic data requested. Requests expected to have a total charge of \$10.00 or more must be accompanied by a non-refundable deposit of one-half the estimated amount from Town residents; or 100% of the estimated amount from non-residents. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

No fee shall be charged for the first ten standard sized pages, per requester, per calendar year. (Standard sized page will be considered 8 ½ x 11). Each standard page after that will be charged at 25 cents per page. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below. The Town is **not** required by law to manipulate data found within existing Town records to create a requested form of record that does not otherwise exist. If the records custodian chooses to manipulate requested data, she or he may charge a fee for such service, which shall not exceed the actual cost of manipulating said data. Persons making a subsequent request for the same data shall be charged the same manipulation fee.

Additionally, the custodian will charge a fee for providing copies of electronically stored public records. The Town will respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk,

or printout. The records may be provided to the requestor by email if practical. The fee will be based on recovery of the actual incremental costs of providing the electronic services and products together with a portion of the costs associated with building and maintaining the information system.

Data kept by the Town of Nederland but generated by a third party shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the Town for similar items. The Town Administrator and Town Clerk have the authority to waive such fees and charges, in their sole discretion, when the requesting party is a non-profit organization or a person whose household income is seventy percent (70%) or less of the most-currently published Boulder County Area Median Income (AMI). The Clerk and Administrator may require reasonable documentation of eligibility for such fee waiver. The following schedule of fees and charges represents a reasonable approximation of the Town's actual costs of producing the relevant records.

**TOWN OF NEDERLAND PUBLIC RECORDS
STANDARD FEES AND CHARGES**

Photocopies or printouts	B&W \$0.25 cents per standard page or actual cost for documents larger than standard size and maps (the first ten <u>standard</u> B&W pages per requester per calendar year are free), COLOR \$1.50 per page.
FAX documents	25 cents per page plus applicable actual long distance charges
Document certification	\$5.00 per document (in addition to the per page copy charge)
Duplication of audio tapes or CDs (this includes transfer of audio files to CD)	\$20.00 per item
Publications produced by the Town of Nederland	Price varies, will be established based on production cost
<u>Verbatim transcripts of proceedings</u> (when not prepared as a matter of routine business)	
Transcriptions of proceedings that are 15 minutes or less	\$30.00 per document

Transcriptions of proceedings that are longer than 15 minutes \$2.00 per minute

Transcriptions prepared by third party transcribers Actual cost incurred.

Research, Retrieval and Data Manipulation Fees

When done by non-management support staff	\$20.00 per hour
When done by management or legal staff	\$30.00 per hour When done by legal staff
	\$150.00 per hour

The Town of Nederland does not charge for:

1. Requests from members of the Town Board of Trustees, the Town’s boards, committees, commissions or staff when the information requested is for the purpose of Town business. Exception: The Town will charge for election materials requested by incumbent officials who are running for office to ensure equal treatment of all candidates.
2. Requests from other federal, state, or local government entities or governmental professional associations.
3. Requests from students enrolled in accredited schools and colleges located in the Boulder County Valley for documents needed in connection with a specific class research project satisfactorily identified to the records custodian.

Denial of inspection: Access to records may be denied in accordance with the provisions of federal or state law. Reasons for denial of access to records will be noted in writing on the public records request form and provided to the requestor.

Retention schedules: All public records, regardless of storage format, will be administered in accordance with approved retention schedules. The Town of Nederland has adopted the Model Records Retention Schedule as approved and updated by Colorado State Archives. This schedule is available at <http://www.colorado.gov/dpa/doit/archives/rm/municipalrmm/>

Signed under the authority of the Town Clerk:

Michele Martin, Town Clerk



TOWN OF NEDERLAND

PUBLIC RECORDS REQUEST

PLEASE PRINT

Name: _____

Date of Request: _____

Address: _____

Town: _____ State: _____ Zip: _____

Phone: Day _____ Evening _____

Email: _____

INSTRUCTIONS

1. Indicate the information you desire and/or list each requested document. Please be as specific as possible. Allow three (3) working days for a search of the records. Per the State of Colorado Open Records Act (C.R.S. 24-72-203), if the request is substantially large or is maintained off-site, an extension of seven (7) working days is permitted. You will be notified within three (3) days of any extension and all estimated costs.

2. Please select the format in which you prefer to receive materials. NOTE: the delivered format is ultimately within the sole discretion of the Records Custodian:

- View only, no copies requested. **Appropriate personnel will be scheduled to accompany you during viewing.**
- Hard copies/printouts
- CD*
- email*

*not all documents are available electronically. Data manipulation fees may apply.

3. Please select the method you prefer for notification when the records are available:

- U.S. First Class mail
- I will pick up the records. Please notify me of the records' availability by (circle one):
 - Mail
 - Phone
 - Email
- Please email me the records, if records are available electronically. If records are not available by email, please specify an alternate method: _____

I agree to pay the charges incurred in processing this request pursuant to the schedule of fees and charges currently in place, including, if necessary, any amounts exceeding the estimates set forth above. This request will be considered received when this form is complete and the deposit is paid. If no deposit is required, the request shall be considered received upon receipt by the Records Custodian.

Signature of Requestor

Date of Request

Time of Request

=====
For Staff Use Only

Received by: _____ Date/Time: _____

Estimated charges: _____

Hard Copy: Copies @ 25 cents per page _____

CD Copies @ \$20.00 each _____

Other: _____

Retrieval and Research: _____ hours X \$ _____ per hour = \$ _____

Total \$ _____

Deposit required: \$ _____

For Town Residents, one half of the estimated total, if in excess of \$10.00

For non-Town Residents, 100% of the estimated total, if in excess of \$10.00

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Request completed by: _____ Date: _____

Method of delivery: _____

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Request denied by: _____ Date: _____

Reason(s) for denial:

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

BUSINESS AND RELATED FEES	AMENDED 8/5/14
Business License	\$75.00
Annual Renewal	\$50.00
Business License Non Profit	\$0.00
Annual Renewal	\$0.00
Peddler's and solicitors license and permit	
1 day	\$25.00
2 days consecutively	\$50.00
30 days consecutively	\$100.00
Annual license	
full-time residents	\$150.00
non-residents	\$250.00
Rental Property License (Home Inspection Required upon initial and every 5 years)	\$75.00
Bi-Annual Renewal	\$50.00
Sexually oriented Business application	\$1,000.00
Sidewalk display permit	\$50.00
Sidewalk display permit renewal	\$25.00
MISCELLANEOUS FEES, PERMITS AND LICENSES	
Blasting Permit	\$65.00
Disposal Permit	\$25.00
Police Services \$/Hour	\$55.00
Dog License (annual renewal)	\$5.00
Dog License (dog at large)	\$10.00
Fingerprints	\$10.00
Breath Tests	\$10.00
Kennel License	
non-commercial	\$50.00
commercial	\$100.00
each additional dog over 10	\$5.00
Horse Permit	\$20.00
Returned check charges	\$25.00
County Lien Recording Fee	\$50.00
Wedding Application	\$50.00
	\$75 each
False Alarm Service Charge (after the second warning per calendar year)	occurrence
DOCUMENT/RECORD RETRIEVAL	
Research, Retrieval and Data Manipulation Fees	
when done by non-management support staff	\$20.00
when done by management or legal staff	\$45.00 \$30
—when done by legal staff	\$150.00
Document charges/Photo Copies/FAXES (B&W)	\$0.25
Document charges/Photo Copies/FAXES (COLOR)	\$1.50
Document certification (per document charge in addition to per page copy charge)	\$5.00
Duplication of audio tapes or CDs (includes audio file transfers to CD)	\$20.00
Verbatim transcripts of proceedings (when not prepared as a matter of routine business)	
15 minutes or less	\$30.00
Longer than 15 minutes	\$2.00
Transcriptions prepared by third party	actual costs
Copy of Town Code: Printed Black & White	\$250.00
Copy of Town Code: CD	\$25.00
Copy of Comprehensive Plan (Black & White)	\$50.00
NOISE	
Noise Variance Permit Event < 100 people	\$50.00 per day
Event ≥ 100 people	\$50.00 per day
Public Assembly/Special Event Permit, per day	
Non Profit 501(c)3 Special Event (non liquor)	\$25.00
Event 40 people < 100 people	\$25.00
Event 100 people < 1000 people	\$100.00

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

Event \geq 1000 people

\$250.00

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

Facilities Rentals

<i>4 Hours or less</i>	
Ball Field/Chipeta Park/Pavilion 1-50 people	\$50.00
Visitor's Center Lot 1-50 people	\$50.00
Ball Field/Chipeta Park/Pavilion 51 people- and greater	\$100.00
Visitor's Center Lot 51 people- and greater	\$100.00
<i>Entire Day</i>	
Ball Field/Chipeta Park Rental/ Parking Lot Rental	\$250.00
Visitor's Center Lot Rental	\$250.00
<i>Deposits</i>	
Event 1 people < 100 people	\$50.00
Event 100 people < 1000 people	\$250.00
Event ≥ 1000 people	\$2,500.00
Visitors Center Parking Lot Deposit	\$250.00

BUILDING AND ZONING

Excavation Permit	\$150.00
Right of Way Permit (may also require \$1000 deposit)	\$100.00
Address Assignment Requests	\$75.00
Annexation	
standard	\$16,900.00
residential (no further development)	\$8,450.00
Annexation Feasibility Study (waived if submitted in same year)	\$2,050.00
<i>Deposit for Consulting fees (i.e. legal/engineering/planning)</i>	\$1,000.00
Concept Review	\$250.00
<i>Deposit for Consulting fees (i.e. legal/engineering/planning)</i>	\$1,000.00
Special Review Use Application (less \$250 if Concept review was submitted)	\$500.00
Outdoor SRU: parking lot containing more than 20 spaces, outdoor sales, eating and drinking, or other outdoor commercial activities or establishments	\$250.00
Special Review Use Application for Cultivation	\$500.00
PUD application (less \$250 if Concept review was submitted)	\$1,000.00
additional Special Review Permit included	\$100.00
<i>Deposit for Consulting fees (i.e. legal/engineering/planning)</i>	\$1,000.00
Zoning amendment - rezoning	\$1,000.00
<i>Deposit for Consulting fees (i.e. legal/engineering/planning)</i>	\$1,000.00
Subdivision plat: (less \$250 if Concept review was submitted)	
preliminary submittal	\$500.00
final plat	\$500.00
minor subdivision (4 units or less)	\$500.00
replat	\$500.00
<i>Deposit for Consulting fees (i.e. legal/engineering/planning)</i>	\$1,000.00
Dissolution of lot lines	\$250.00
Site Plan Review (<i>only</i>)	\$250.00
Encroachment Permit	\$250.00
Vacation "Right of Way"	\$500.00
Sign Permit application (does not include post installation inspection)	\$100.00
Banner (non special event related)	\$10.00
Sign variance application	\$300.00
BZA application fee	
Tier 1	\$500.00
Tier 2 Detached less than 200 square feet	\$250.00
Tier 3 Reduction in Energy Use	\$200.00
Home Occupation Use Review	\$75.00
Chicken Coop Permit	\$50.00

PUBLIC WORKS /POLICE

Town Labor Rate	\$55.00
Back Hoe	\$75.00
Road Grader	\$100.00
Dump Truck	\$60.00
Tandem Dump Truck	\$75.00
Skid steer	\$50.00
Sewer Flushing Truck	\$85.00

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

Barricade Rentals \$100/per event delivery included

\$100.00

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

WATER AND SEWER FEES

Watering Special Permit Fee	\$75.00
PIF Penalty Fee	\$240.00
Water/Sewer repair parts	Cost +20%
Water Base Fee per Use (residential and commercial)	\$16.50
Water Usage Fee per 1000 gallons (residential and commercial)	\$6.00
Sewer Base Fee per Use (residential and commercial)	\$32.50
Sewer Usage Fee per 1000 gallons (residential and commercial)	\$7.00
Non Tap Related Use of water per 1000 gallons	\$50+\$5.50
Manual Read Fee	\$25.00
Final Read Fee	\$15.00
30 day Late Fee	5%
60 day Late Fee	5%
Administrative Fee	\$50.00
Voluntary Shut-off and Reconnect Fee	\$25.00
Water Tap Fee	\$750.00
Sewer Tap Fee	\$750.00
Water PIF Fee 3/4"	\$5,214.00
Sewer PIF Fee 3/4"	\$5,214.00
Water PIF Fee 1"	\$8,650.00
Sewer PIF Fee 1"	\$8,650.00
Water PIF Fee 1 1/2"	\$17,380.00
Sewer PIF Fee 1 1/2"	\$17,380.00
Water PIF Fee 2"	\$27,808.00
Sewer PIF Fee 2"	\$27,808.00
Water PIF Fee 3"	\$49,533.00
Sewer PIF Fee 3"	\$49,533.00
Water PIF Fee 4"	\$86,900.00
Sewer PIF Fee 4"	\$86,900.00
Water PIF Fee 6"	\$434,500.00
Sewer PIF Fee 6"	\$434,500.00

LIQUOR

Wine Tasting Application Fee (annual Permit Fee)	\$100.00
Special Event Liquor License	\$100.00 per day
Application Fee for New License	\$1,000.00
Application Fee Transfer of Ownership	\$750.00
New Beer & Wine License	\$48.75
New Brew Pub License	\$75.00
New Club License	\$41.25
New Hotel/Restaurant License	\$75.00
New Hotel/Restaurant License w/ optional premises	\$75.00
New Liquor licensed Drugstore	\$22.50
New Optional Premises License	\$75.00
New Retail Liquor Store License	\$22.50
New Tavern License	\$75.00
New Vintner's Restaurant	\$75.00
New 3.2 Beer License	\$3.75
New Bed & Breakfast License	\$25.00
New Art Gallery Application	\$100.00
New Art Gallery Permit	\$3.75
Temporary Liquor License	\$100.00
Annual Renewal Application Fee	\$0.00
Renewal Beer & Wine License	\$248.75
Renewal 3.2 Beer License	\$203.75
Renewal Retail Liquor Store License	\$322.50
Renewal Brew Pub License	\$375.00
Renewal Tavern License	\$375.00
Renewal Hotel/Restaurant License	\$375.00
Renewal Art Gallery License	\$103.75
Corporate/LLC Change, per person	\$100.00
Hotel/Tavern Manager's Registration	\$75.00
Late Renewal Application Fee	\$500.00
Change of Location	\$750.00

**EXHIBIT A
TOWN OF NEDERLAND
2014 FINAL FEE SCHEDULE**

MEDICAL MARIJUANA

New license application for medical marijuana centers, optional premises for cultivation, or infused product facilities NOT associated with an existing medical marijuana business within the Town	\$575.00
New license application for an optional premises for cultivation associated with an existing medical marijuana business within the Town	\$575.00
New license application for an infused products facility associated with an existing medical marijuana business within the Town	\$575.00
Annual medical marijuana center renewal, no changes	\$575.00
Annual optional premises for cultivation renewal, no changes	\$575.00
Annual infused product license renewal, no changes	\$575.00
Safebuilt Inspection Fee for medical marijuana centers, infused product facilities, premise cultivations	\$75.00
Change of ownership license renewal fee	\$0.00
Change of location license renewal fee	\$0.00
Change to existing license for change in corporate structure	\$150.00
Change to existing license for change in financial interest	\$150.00
Criminal background check fee (per person)	actual costs

RETAIL MARIJUANA

New and Renewal Retail Marijuana Cultivation Facility	\$575.00
New and Renewal Retail Marijuana Products Manufacturing	\$575.00
New and Renewal Retail Marijuana Store	\$575.00
New and Renewal Marijuana Testing Facility	\$575.00

COMMUNITY CENTER

Administration Fee	10.00	10.00
<u>Drop-In Visit</u>	<i>Regular</i>	<i>Seniors</i>
Fitness Place	6.00	4.00
Gymnasium-Only	4.00	3.00
<u>10-Visit Punch-Card</u>		
Fitness Place	45.00	35.00
Gymnasium-Only	35.00	30.00
<u>Annual Membership (paid monthly)</u>		
Family Membership	65.00	
Group Memberships	26.50	
Fitness Place	33.00	25.00
Gymnasium-Only	25.00	
<u>Annual Membership (Pre-Paid In Full - 12th month free)</u>		
Fitness Place	363.00	275.00
Gymnasium-Only	220.00	
<u>Room Rental</u>	<i>Hourly Rate</i>	<i>Day Rate</i>
Multi-purpose Room	25.00	160.00
Dance Studio	20.00	128.00
Gym	30.00	192.00
Theatre	30.00	250.00
Kitchen	15.00	96.00
Conference Room	12.00	76.80
Large Event Building Rental(Theatre/MPR/Kitchen/GYM/Conf Room)	112.00	700.00
Cleaning Fee	25.00	<i>per hour</i>
<u>Equipment Rental</u>		<i>Day Rate</i>
Audio Equipment Rental		25.00
Projector Equipment Rental		50.00