

## Chapter 110

### PUBLIC RECORDS

#### **Section 110.010. Records Custodians.** [CC 1985 §2-702; Ord. No. 743, 4-2-1984]

- A. *Appointment Of Official Custodians.* The following City Officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with the responsibility for compliance with that act with respect to the hereinafter listed public records:
1. *City Clerk.* All public records kept and maintained in the City Clerk's office and all other public records not provided for elsewhere in this Section.
  2. *Chief of Police.* All public records not on file in the office of the City Clerk and kept and maintained in the City Police Department.
  3. *Attorney for the City.* All public records not on file in the office of the City Clerk and kept and maintained in the Attorney for the City's office.
  4. *Utility Superintendent.* All public records not on file in the office of the City Clerk and kept and maintained in the office of the Utility Superintendent.
  5. *Streets and Parks Superintendent.* All public records not on file in the office of the City Clerk and kept and maintained in the Street and Park Superintendent's office.
  6. *Clerk of Municipal Court.* All public records not on file in the office of the City Clerk and kept and maintained in the Municipal Court.
  7. *Emergency Medical Services Director.* All public records not on file in the office of the City Clerk and kept and maintained with the Emergency Medical Services Director.
  8. *City Administrator.* All public records not on file in the office of the City Clerk and kept and maintained in the City Administrator's office.
- B. *Designation Of Additional Record Custodians.*
1. Each of the official custodians appointed in Subsection (A) is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in Sections 45-215, K.S.A. et seq.
  2. Whenever an official custodian shall appoint another person as a record custodian, he/she shall notify the City Clerk of such designations and the City Clerk shall maintain a register of all such designations.

- C. *Duties Of Custodians.* All City employees appointed or designated under this Section shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the City; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this City and established by the State of Kansas for the inspection and copying of open public records. All inspections and copying of open public records shall be performed by or under the supervision of the record custodian responsible for such records.
- D. *Requests To Be Directed To Custodians.*
1. All members of the public in seeking access to or copies of a public record in accordance with the provisions of the Kansas Open Records Act shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.
  2. Whenever any City employee appointed or designated as a custodian under this Section is presented with a request for access to or copy of a public record which record the custodian does not have in his/her possession and for which he/she has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. Further, the person making the request shall be informed as to which custodian the request should be addressed to if such is known by the custodian receiving the request.

**Section 110.020. Inspection of Records — Request — Response — Refusal, When.**

- A. All public records shall be open for inspection by any person, except as otherwise provided by this Section, and suitable facilities shall be made available by each public agency for this purpose. No person shall remove original copies of public records from the office of any public agency without the written permission of the custodian of the record.
- B. Upon request in accordance with procedures adopted under K.S.A. 45-220, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. 45-220.
- C. If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.
- D. Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third (3rd) business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third (3rd) business day following the date that the request for the statement is received.
- E. The custodian may refuse to provide access to a public record, or to permit inspection, if a

request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this Subsection must be sustained by preponderance of the evidence.

- F. A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219.

**Section 110.030. Fees.** [CC 1985 §2-703; Ord. No. 743, 4-2-1984; Ord. No. 1085, 8-21-2000; Ord. No. 1149 §2, 8-19-2002]

- A. *Inspection Fee.* Where request has been made for inspection of any open public record, there shall be no inspection fee charged to the requester.

- B. *Copying Fee.*

1. A per-page fee and fee for staff time in amounts as set forth in Section 100.240 shall be charged for photocopying standard or legal-sized public records and for staff time.
2. For copying any public records which cannot be reproduced by the City's photocopying equipment or which are non-standard in size, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

- C. *When Due.* Any fees for record copies are due at the time record copies are provided to the requester unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian.

- D. *Prepayment Of Fees.*

1. A record custodian may demand prepayment of the fees established by this Section whenever he/she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the copying charges and search time estimated in fulfilling the request. Any overage or underage in the prepayment shall be settled prior to delivery of the requested copies.
2. Prepayment of copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed fifty dollars (\$50.00).
3. Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

- E. *Mailing And Handling Costs.* The record custodian shall determine and implement a charge covering mailing and handling costs accrued in responding to request through the mail service.

- F. *Fee Discretion.* The official custodian for each City department may exercise his/her discretion in reducing or waiving copying fees when such will benefit the economic growth of the City or is otherwise in the public interest. Preprinted materials shall be sold at prices as determined by the official custodian. He/she shall set up fee guidelines to be followed by record custodians within his/her department. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution.

G. *Fee Administration.* Each record custodian shall transmit all record fee monies collected to the City Treasurer not less than weekly. Each custodian shall maintain receipts, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the office of the City Clerk.