

4 ORDINANCE NO. 17177

6 AN ORDINANCE introduced by Councilmembers Jim Reardon, Betty Dunn, and Vince
7 Cook establishing the City open records policy and fees to be charged
8 for inspection and/or copying open public records and repealing City
9 of Topeka Code Section 2-88 Photographic copies; charges and City
10 of Topeka Code Section 2-89 Fees, disposition of.

12 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

14 Section 1. POLICY.

15 (a) It is hereby declared to be the policy of the City that all public records which
16 are made, maintained or kept by or are in the possession of the City, its officers and
17 employees, shall be open for public inspection as provided by, and subject to the
18 restrictions imposed by, the Kansas Open Records Act (K.S.A. 45-215 et seq.).

19 (b) Any person, upon written request, shall have access to such open public
20 records for the purpose of inspecting, abstracting or copying such records while they are
21 in the possession, custody and control of the record custodian or designee.

22 Section 2. APPOINTMENT OF OFFICIAL CUSTODIAN. The City Clerk is hereby

23 appointed as official record custodian of City records for purposes of the Kansas Open
24 Records Act and is hereby charged with responsibility for compliance with that Act with
25 respect to all City records. The City Clerk may appoint one or more employees as an
26 authorized designee. Such designee shall have the duties and powers as set out in the
27 Kansas Open Records Act and this ordinance. The City Clerk shall preserve and protect
28 all public records from damage, disorganization and theft and shall assist, in a timely and

29 efficient manner, any person making request for access to any open public record.

30 Section 3. PUBLIC REQUEST FOR ACCESS. All City offices keeping and
31 maintaining open public records shall establish office hours during which any person may
32 make a request for an open public record. Such hours shall be no fewer than the regular
33 working hours for each day the office maintains regular office hours.

34 Section 4. FACILITIES FOR PUBLIC INSPECTION. The City Clerk is the principal
35 record keeper of the City and the office of the City Clerk shall be used as the principal office
36 for providing access to and copies of open records to the maximum extent practicable.

37 Section 5. PROCEDURES FOR INSPECTION. Any person requesting access to
38 an open public record for purposes of inspecting or copying such record, or obtaining a
39 copy thereof, shall abide by the procedures adopted by the City Council for record
40 inspection and copying, including those procedures established by the record custodian
41 as authorized by the City Council. Such procedures shall be posted in each City office.

42 Section 6. DUTIES OF CUSTODIAN. The official record custodian and designated
43 employees shall: protect public records from damage and disorganization; prevent
44 excessive disruption of the essential functions of the City; provide assistance and
45 information upon request; ensure efficient and timely action and response to all applications
46 for inspection of public records; and shall carry out the procedures adopted by this City for
47 inspecting and copying of open public records.

48 Section 7. REQUESTS TO BE DIRECTED TO CUSTODIAN.

49 (a) All members of the public, in seeking access to, or copies of, a public record
50 in accordance with the provisions of the Kansas Open Records Act, shall address their

51 written requests to the City Clerk.

52 (b) Requesters of records may submit a written request to any City office;
53 however, all record requests shall be referred to the office of the City Clerk for timely and
54 proper processing.

55 (c) Whenever any City officer or employee is presented with a written request for
56 access to, or a copy of, a public record which is not in his or her possession and for which
57 he or she has not been given responsibility to keep and maintain, the officer or employee
58 shall so advise the person requesting the record. Further, the person making the request
59 shall be advised to direct the request to the City Clerk.

60 Section 8. FEE ADMINISTRATION. The City Clerk is hereby authorized to
61 maintain in the Clerk's office sufficient cash to enable the making of change for record fee
62 purposes. The record fee moneys collected shall be paid to the City Treasurer and become
63 a portion of the general operating fund of the City. The custodian shall maintain duplicates
64 of all copy request forms completed as to the computation of the amount of fee charged
65 and collected and the amounts shall be periodically audited by authorized City personnel.

66 Section 9. INSPECTION FEE.

67 (a) Where a request has been made for inspection of any open public record
68 which is readily available to the record custodian, there will be no inspection fee charged to
69 the requester.

70 (b) In all cases not covered by subsection (a) of this section, a record inspection
71 fee may be charged at the rate of \$13.00 per hour per employee engaged in the record
72 search. A minimum charge of \$6.00 may be charged for each such request.

73 Section 10. COPYING FEE.

74 (a) A fee of \$.25 per page may be charged for photocopying public records, such
75 fee to cover the cost of labor, materials and equipment.

76 Section 11. PAYMENT OF FEES.

77 (a) The City Clerk may demand prepayment of the fees established by this
78 ordinance whenever he or she believes this to be in the best interest of the City. The
79 prepayment amount shall be an estimate of the inspection and/or copying charges accrued
80 in fulfilling the record request. Any overage or underage in the prepayment shall be settled
81 prior to inspection of the requested record or delivery of the requested copies.

82 (b) Prepayment of inspection and/or copying fees may be required whenever
83 such fees are estimated to exceed \$10.00.

84 (c) Where prepayment has been demanded by the record custodian, no record
85 will be made available to the requester until such prepayment has been made.

86 (d) For copying any public records which cannot be reproduced by the City's
87 photocopying equipment, the requester may be charged the actual cost to the City,
88 including staff time, in reproducing such records.

89 (e) All fees charged under this ordinance which are not subject to the prepayment
90 provisions shall be paid to the City Clerk upon receipt of the documents requested.

91 Section 12. Original City of Topeka Code Section 2-88 and 2-89 are hereby
92 specifically repealed.

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Section 13. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED and APPROVED by the City Council SEP 23 1997



Joan Wagnon
Joan Wagnon, Mayor

ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE <u>9/18/97</u> BY <u>CRB</u>
TO BE CODIFIED <input checked="" type="checkbox"/>
NOT TO BE CODIFIED <input type="checkbox"/>