

ORDINANCE NUMBER 562

AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, PURSUANT TO K.S.A. 45-220, PROVIDING FOR THE PROCEDURES TO BE FOLLOWED, AND THE ASSOCIATED COSTS, IN CONNECTION WITH REQUESTING ACCESS TO, AND OBTAINING COPIES OF, OPEN PUBLIC RECORDS OF SAID CITY, AND REPEALING ORDINANCE NUMBER 420.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND:

Section 1. OPEN RECORDS POLICY.

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

(b) Any person, upon request, shall have access to such open public records for the purpose of inspecting, abstracting or copying such records while they are in the possession, custody and control of the appointed or designated record custodian thereof, or his or her designated representative.

Section 2. RECORDS CUSTODIAN.

(a) Any city officer or employee appointed or designated as records custodian 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 for inspecting and copying open public records.

(b) The official custodian shall prominently display or distribute, or otherwise make available to the public, a brochure in the form prescribed by the Local Freedom of Information Officer that contains basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting or obtaining a copy of public records under the Kansas Open Records Act. Such brochure shall be displayed or otherwise made available at Highland City Hall for members of the public who request public information in person.

Section 3. LOCAL FREEDOM OF INFORMATION OFFICER. The Local Freedom of Information Officer shall:

(a) Prepare and provide educational materials and information concerning the Kansas Open Records Act;

(b) be available to assist the city and members of the general public to resolve disputes relating the Kansas Open Records Act;

(c) respond to inquiries relating to the Kansas Open Records Act;

(d) establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise made available to the public under the Kansas Open Records Act. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of a requester, the responsibilities of the city, and the procedures for inspecting and obtaining a copy of public records under the Act.

Section 4. PUBLIC REQUEST FOR ACCESS. All city open public records shall be maintained at Highland City Hall, which has established office hours during which any person may make a request for access to an open public record.

Section 5. FACILITIES FOR PUBLIC INSPECTION. The city shall provide suitable facilities to be used by any person desiring to inspect and/or copy an open public record. The office of the city clerk, being the principal recordkeeper of the city, shall be used as the principal office for providing access to and providing copies of open records to the maximum extent practicable. Requesters of records shall be referred to the office of the city clerk except when the requested records are not in that office and are available only in another city office.

Section 6. PROCEDURE FOR INSPECTION. Any person requesting access to an open public record for purposes of inspecting such record, or obtaining a copy thereof, shall abide by the procedure adopted by the governing body for record inspection and copying, including such additional procedure established by the record custodian as authorized by the governing body, which procedure shall be posted at Highland City Hall.

Section 7. APPOINTMENT OF OFFICIAL CUSTODIAN. The Highland City Clerk is hereby appointed as official custodian for purposes of the Kansas Open Records Act and is hereby charged with responsibility for compliance with that Act with respect to all open public records of the city. The following officers of the city shall cooperate with the city clerk in fulfilling the duties proscribed herein as the same pertain to any open public records kept and maintained under their control or within their department: City Treasurer, Chief of Police, City Attorney, City Supt., Water & Sewer Supt. and Clerk of the Municipal Court.

Section 8. APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER. The Highland City Clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in Section 3.

Section 9. DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

(a) The Highland City Clerk, the official custodian appointed in Section 7, is hereby authorized to designate any subordinate officers or other employees of the city to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.

(b) Whenever the city clerk shall appoint another person as a record custodian he or she shall notify the Mayor and said city clerk shall maintain a register of all such designations.

Section 10. REQUESTS TO BE DIRECTED TO CUSTODIANS.

(a) 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.

(b) Whenever any city officer or employee appointed or designated as a custodian under this article is presented with a request for access to, or copy of, a public record which the custodian does not have in his or her possession and for which he or 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 11. FEE ADMINISTRATION. The city clerk is hereby authorized to maintain sufficient cash to enable the making of change for record fee purposes. All moneys collected shall be paid over to the city treasurer not less than monthly. Each custodian shall maintain records of each request and a copy of any such written request, completed as to the amount of the fee charged and collected.

Section 12. INSPECTION FEE.

(a) Where a request has been made for a visual inspection of any open public record, which is readily available to the record custodian and that involves an insignificant requirement of time by city staff, there shall be no inspection fee charged to the requester.

(b) In all cases not covered by subsection (a), a record inspection fee shall be charged at the rate of \$30.00 per hour per employee engaged in the record search. A minimum charge of \$30.00 shall be charged for each such request. If services of a professional are required and paid, at the expense of the city, in connection with such inspection, the fee shall include up to 50% (1/2) of the expense paid to such professional.

Section 13. COPYING FEE.

(a) A fee of twenty-five cents (\$0.25) per black and white page (color \$1.00 per page and provided in sole discretion of custodian) shall be charged for photocopying open public records, such fee to cover the cost of labor, materials and equipment expended in connection with such copying. Any staff time spent in addition, for searching, reviewing or redacting, shall be charged at the normal hourly rate.

(b) For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

Section 14. PREPAYMENT OF FEES.

(a) A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount

shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

(b) Prepayment of inspection and/or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$30.00.


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

Section 15. PAYMENT. All fees charged under this article shall be paid to the custodian of the records inspected and/or copied made, unless the requester has established an account, for purposes of billing and payment, with the city.


Section 16. REPEAL OF PRIOR ORDINANCES. Ordinance number 420, and any other ordinances of the City of Highland, Kansas in conflict herewith are hereby repealed.

Section 17. EFFECTIVE DATE. The terms and provisions of this ordinance shall take effect and be in full force and effect upon its summary publication in the official city newspaper in accordance with Kansas law.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 11th day of March, 2020.


Charles N. Batchelder, Mayor

ATTEST:


Joann Karn, City Clerk

[SEAL]