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RESOLUTION NO. 6811

A RESOLUTION introduced by Councilmembers Jim Reardon, Betty Dunn, and Vince Cook providing for the maintenance, preservation and protection of public records, and establishing procedures for inspection and copying open public records.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Procedures Regarding Both Inspection and Copying of Open Public

Records. The following procedures are hereby adopted and shall be applied by the official record custodian:

(a) Consistent with the policy, duties and procedures established by the State of Kansas in the Kansas Open Records Act, K.S.A. 45-215 et seq., the City record custodian shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records.

(b) The record custodian shall adopt and apply open public record access and copy procedures consistent with the policies of the City and with the provisions of the Kansas Open Records Act. Specifically, such procedures will inform members of the public of the procedures to be followed in making a request for inspection or for a copy of an open public record, including the hours during which record inspection or copy requests may be made; who a request is to be made to; the forms to be completed in making a request; and the schedule of fees charged.

(c) The record custodian shall adopt and apply procedures which will ensure the protection and preservation of public records with respect to the manner in which such

5 records are inspected and copied.

6 (d) The record custodian shall take necessary measures, not inconsistent with her  
7 or his duties, to provide full public access to open public records, and to ensure that the  
8 essential functions of City business are not disrupted by requests for record inspection and  
9 copying.

0 (e) All inspections and copying of open public records shall be performed by, or  
1 under the supervision of, the record custodian or an authorized designee.

2 (f) All persons requesting the inspection of or a copy of open public records shall  
3 make such request in writing prior to the request being honored, except that no particular  
4 form shall be required. A written request for the inspection or copying of a public record  
5 shall include the requester's name, address, date and time of the request and sufficient  
6 information to ascertain the records to which the requester desires access and the  
7 requester's right of access to the records. A written request is sufficient if it reasonably  
8 describes the record sought. In instances where the requester cannot provide sufficient  
9 information to identify a record, the custodian shall assist in making such identification.

0 (g) The record custodian may require proof of identity of any person requesting  
1 a record.

2 (h) If access to a public record or the purpose for which the record may be used  
3 is limited by K.S.A. 21-3914 or K.S.A. 45-221 the record custodian may require the  
4 requester to provide written certification that the requester has the right of access to the  
5 records and the basis of that right and that the requester does not intend to use the record

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46 or information contained therein for any improper purpose as set forth in K.S.A. 45-220(c).

47 (i) Requests for access to a public record shall be acted upon as soon as  
48 possible, and not later than the end of the third (3rd) business day following the date that  
49 the request is received. If access to the public record is not granted, the custodian shall  
50 give an explanation of the cause for delay and the place and earliest time and date that the  
51 record will be available for inspection.

52 (j) The custodian may deny access to a public record if the request places an  
53 unreasonable burden upon the City in producing such record or if the custodian has  
54 reason to believe that repeated requests are intended to disrupt other essential functions  
55 of the City. The custodian may also deny access if such records fall within one of the  
56 excepted categories enumerated in the Kansas Open Records Act as amended.

57 (k) Any fees for record inspection or for copies are due at the time the records,  
58 or copies thereof, are provided to the requester, unless the record custodian has  
59 demanded that prepayment of all or part of such fees be made. Fees are to be paid to the  
60 record custodian.

61 (l) The record custodian shall notify the record requester, before beginning the  
62 search for the record or copies thereof, of the estimate of the fee which will be made for  
63 honoring the request whenever such estimate exceeds \$10.00.

64 (m) The record custodian shall demand full or partial prepayment of fees whenever  
65 the estimate for such fees exceeds \$10.00.

66 (n) The record custodian shall determine and assess a charge covering mailing

and handling costs accrued in responding to requests through the mail service.

(o) The record custodian may exercise her or his discretion to reduce or waive any inspection or copying fees when such waiver is in the public interest.

(p) No record inspection or copying charge shall be assessed against officers or employees of the City who make requests which are reasonably necessary to the performance of their official duties.

(q) Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours.

(r) The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

Section 2. Procedures Regarding Inspection of Open Public Records. The following procedures are hereby adopted and shall be applied by the official custodian:

(a) No inspection fee will be charged if the actual cost of locating the records pursuant to one request is less than \$5.00 or, in the case of multiple requests brought by the same person or on behalf of the same person, where the actual cost of locating the records pursuant to requests made over a 24-hour period is less than \$5.00.

(b) No inspection fee will be assessed when a denial of a request is made. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the City Attorney.

(c) No inspection fee will be charged if locating the records takes an excessive amount of time due to circumstances not caused by the requester.

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88 Section 3. Procedures Regarding Copies of Open Public Records. The following

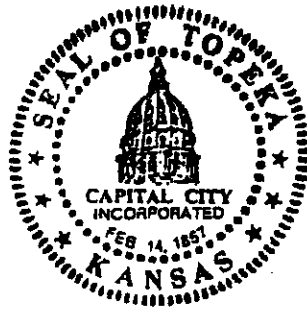
89 procedures are hereby adopted and shall be applied by the official custodian:

90 (a) Mechanical reproduction of a record shall not be undertaken when it is the  
91 judgment of the record custodian that any available means of mechanically reproducing  
92 the subject record is likely to cause damage to such record.

93 (b) No copy fee shall be assessed when multiple copies of the record requested  
94 have been prepared for free public distribution, or when the record custodian determines  
95 that the cost of charging and handling the fee exceeds the cost of providing a copy without  
96 charge.

97 (c) No copying fee will be assessed when a denial of a request is made. The  
98 record custodian shall, upon making a denial of a copying request, forward a copy of the  
99 denial to the City Attorney.

100 ADOPTED and APPROVED by City Council SEP 23 1997



CITY OF TOPEKA, KANSAS

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Joan Wagner, Mayor

ATTEST:

111 Iris E. Walker

112 Iris E. Walker, City Clerk

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APPROVED AS TO FORM AND LEGALITY	
DATE 9/18/97	BY CRB

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