

RESOLUTION No. 6/27/00-1

A RESOLUTION TO DECLARE AND SET FORTH THE POLICY OF THE CITY OF GARNETT, KANSAS, REGARDING PUBLIC RECORDS AND ACCESS THERETO; ESTABLISHING PROCEDURES AND FEES TO BE CHARGED TO PERSONS REQUESTING ACCESS THERETO TO INSPECT OR COPY THE SAME.

BE IT RESOLVED by the Governing Body of the City of Garnett, Kansas:

Section 1. POLICY. (a) It is hereby declared to be the policy of the City of Garnett, Kansas, 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 and exceptions imposed by, the Kansas Open Records Act (KORA), as may from time to time be amended. A Freedom of Information Officer (FOIO) shall be appointed either by the governing body of by the city manager to oversee and administer KORA within the city.

(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. RECORD CUSTODIANS. The following city officers are hereby appointed as official custodians for the purposes of KORA and are hereby charged with responsibility for compliance with KORA:

(a) 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.

(b) 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.

(c) Fire Chief - All public records not on file in the office of the city clerk and kept and maintained in the city fire department.

(d) City Attorney - All public records not on file in the office of the city clerk and kept and maintained in the city attorney's office.

(e) Clerk of the Municipal Court - All public records not on file in the office of the city clerk and kept and maintained in the municipal court.

All persons having custody of city records shall preserve and protect them from damage, disorganization and theft; and shall assist, in a timely and efficient manner, any person making request for access to any open public record while preventing excessive disruption of the essential functions of the city. In general, such custodians shall co-operate with the FOIO in carrying out the procedures adopted by this city for inspecting and copying open public records.

Section 3. PUBLIC REQUEST FOR ACCESS. (a) A request for access to or copying of a public record may be made at any time during regular business hours.

(b) Requests shall be made to the FOIO.

Section 4. FACILITIES FOR PUBLIC INSPECTION. All city offices keeping and maintaining open public records shall provide suitable facilities to be used by any person desiring to inspect or copy them. The office of the city clerk, being the principal record keeper of the city, shall be used as the principal office for providing access to and copies of open records to the maximum extent practicable.

Section 5. PROCEDURES FOR INSPECTION. Any person requesting access to an open public record for purposes of inspecting or copying such record, or obtaining a copy thereof, shall abide by the procedures adopted by the governing body for record inspection and copying, including those procedures established by record custodians as authorized by the governing body. Such procedures shall be posted in each city office keeping and maintaining open public records.

Section 6. FEE ADMINISTRATION. The FOIO shall maintain duplicates of all records copied and the copy request form or forms, completed as to the amount of fee charged and collected.

Section 7. INSPECTION FEE. (a) When a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.

(b) In all cases not covered by subsection (a) of this section, a record inspection fee shall be charged at the rate of \$10.00 per hour per employee engaged in the record search. A minimum charge of \$25.00 shall be charged for each such request.

Section 8. COPYING FEE. (a) A fee of \$0.25 per page shall be charged for photocopying public records on city photocopy equipment, such fee to cover the cost of labor, materials and equipment.

(b) For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the city's actual cost of reproduction through outside sources plus staff time necessarily spent in obtaining reproduction of such records.

Section 9. PREPAYMENT OF FEES. (a) The FOIO may demand prepayment of the fees established by this resolution whenever such officer believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and copying charges which will accrue in fulfilling the record request.

(b) Prepayment of inspection or copying fees shall be required whenever, in the best estimate of the record custodian, such fees are estimated to exceed \$25.00.

(c) In cases in which prepayment has been demanded by the FOIO, no record shall be made available to the requester until such prepayment has been made.

Section 10. PAYMENT. All fees charged under this resolution shall be paid to the FOIO at the time the records are inspected or copied unless the requester has established an account for purposes of billing and payment with the city.

Section 11. PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS. The following procedures are hereby adopted and shall be applied by the FOIO and every record custodian:

(a) The FOIO and any record custodian shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records.

(b) All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the city.

(c) A written request is sufficient if it reasonably describes the record sought. When the requester cannot provide sufficient information to identify a record, the FOIO and the record custodian shall assist in making such identification.

(d) The FOIO shall, upon making a denial of an inspection request, forward a copy of the denial to the City Attorney.

Section 12. PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS. The following procedures are hereby adopted and shall

be applied by the FOIO and every record custodian:

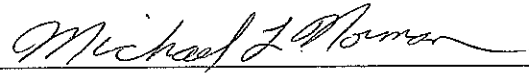
(a) The FOIO and record custodian shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records.

(b) All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian.

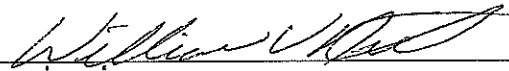
(c) Mechanical reproduction of a record shall not be undertaken when it is the judgment of the FOIO that any available means of mechanically reproducing the subject record is likely to cause damage to such record.

(d) The FOIO shall, upon making a denial of a copying request, forward a copy of the denial to the City Attorney.

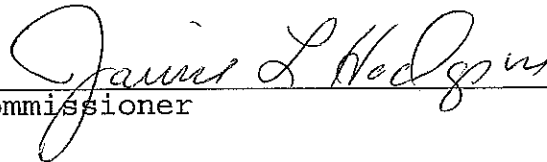
ADOPTED this 27th day of June, 2000.



Mayor

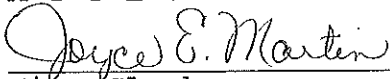


Commissioner



Commissioner

A T T E S T:



City Clerk