

RESOLUTION NO. 03-06

A RESOLUTION PROVIDING FOR THE MAINTENANCE, PRESERVATION, AND PROTECTION OF PUBLIC RECORDS, AND ESTABLISHING PROCEDURES FOR ACCESSING AND COPYING OPEN PUBLIC RECORDS.

Be it Resolved by the Governing Body of the City of Lindsborg, Kansas:

Section 1: Procedures Regarding Both Inspection and Copying of Open Public Records,
The following procedures are hereby adopted and shall be applied by each official custodian and records custodian:

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

(b) Records custodians 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 shall inform members of the public of the procedures to be followed in making a request for inspection or 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) Records custodians shall adopt and apply procedures which will ensure the protection and preservation of public records with respect to the manner in which such records are inspected and copied.

(d) Records custodians shall take necessary measures, not inconsistent with their duties, to provide full public access to open public records, and to ensure that the essential functions of the custodian's office, department or agency is not disrupted by requests for record inspection and copying.

(e) All inspections and copying of open public records shall be performed by, or under the supervision of, the records custodian responsible for such records.

(f) All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution.

(g) Except as permitted otherwise by the records custodian, all record inspection and copying forms are to be completed by the person requesting the record. The records custodian may demand reasonable identification of any person requesting a record.

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

(i) The records custodian shall notify the record requester, prior to commencing search of the record or copies thereof, of his or her estimate of the fee which will be made for honoring the request whenever such estimate exceeds \$25.00.

(j) The records custodian shall demand full or partial prepayment of fees whenever his or her estimate for such fees in excess \$50.00. Prepayment may or may not be required of a requester who maintains an account in good standing with the City for purposes of payment of record fees.

(k) The records custodian shall determine and assess a charge covering mailing and handling costs accrued in responding to requests through the mail service.

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

(m) 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.

(n) Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours. If an office keeping or maintaining public records does not have regular office hours Monday through Friday, the official custodian for such office shall establish hours for each such day when no regular office hours are kept, at which time members of the public may make requests for record inspection or copies records.

(o) Removal of open public records from the office where kept and maintained, for purposes of inspection and/or the making of copies shall be permitted only with the written permission of the records custodian.

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

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

(a) Records custodians 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 records custodian and presented to the records custodian.

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

(d) No inspection fee shall be charged the requester 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.

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

Section 3. Procedures Regarding Copies of Open Public Records. The following procedures are hereby adopted and shall be applied by each official custodian and records custodian:

(a) Records custodians 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 records custodian.

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

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

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

Adopted by the Governing Body of the City of Lindsborg, Kansas, this 3rd day of April, 2006.


John C. Magnuson, Mayor

ATTEST:


Jerry Lovett-Sperling, CMC
City Clerk