

ORDINANCE NO. 25- 03

AN ORDINANCE AMENDING CHAPTER 1 ARTICLE 6 OF THE CODE OF THE CITY OF GALENA PERTAINING TO FEES TO BE CHARGED FOR ACCESSING AND/OR COPYING RECORDS REQUESTED PURSUANT TO THE KANSAS OPEN RECORDS ACT AND CHAPTER 1 ARTICLE 6 OF THIS CODE, AND THE PROCESS FOR COLLECTION AND REMITTANCE OF SUCH FEES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS:

SECTION 1. Chapter 1 Article 601 of the Code of the City of Galena is hereby amended to read as follows:

1-601 Title. The title of this Chapter shall be Open Records

SECTION 2. Chapter 1 Article 602 of the Code of the City of Galena is hereby amended to read as follows:

1-602 STATEMENT OF PURPOSE, REVIEW. It is the purpose of this Chapter to establish reasonable fees and charges for providing access to or copies of public records of the City to a records requester to avoid utilizing general funds of the City to subsidize these special services. Such fees and charges may also include, but are not limited to, other costs incurred such as inspection, research, search of data storage devices, extracting data from computerized databases, running data reports, organization and review of documents retrieved, postage and shipping. The official record custodians shall periodically recommend to the City Council such changes in this Chapter as may be necessary to secure this purpose.

SECTION 3. Chapter 1 Article 603 of the Code of the City of Galena is hereby amended to read as follows:

1-603 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 and/or K.S.A. Chapter 45 Article 2.

(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.

(c) Any person, upon request, shall setup a time with the records custodian during regular business hours and when the agency has a staff member available. Unattended access is not allowed. Twenty-four hour notice is required to inspect records. This does not mean you will gain access in twenty four hours.

SECTION 4. Chapter 1 Article 604 of the Code of the City of Galena is hereby amended to read as follows:

1-604 RECORD CUSTODIANS. (a) All city officers and employees appointed or designated as record custodians under this article 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. The official custodian shall display or distribute or otherwise make available to the public the brochure at one or more places in the administrative offices of the city where it is available to members of the public who request public information in person.

SECTION 5. Chapter 1 Article 605 of the Code of the City of Galena is hereby amended to read as follows:

1-605 LOCAL FREEDOM OF INFORMATION OFFICERS. 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 6. Chapter 1 Article 606 of the Code of the City of Galena is hereby amended to read as follows:

1-606 PUBLIC REQUEST FOR ACCESS. All city offices keeping and maintaining open public records shall establish office hours during which any person may make a request for access to an open public record. Such hours shall be no fewer than the hours each business day the office is regularly open to the public. For any city office not open Monday through Friday, hours shall be established by the record custodian for each such day at which time any person may request access to an open public record.

SECTION 7. Chapter 1 Article 607 of the Code of the City of Galena is hereby amended to read as follows:

1-607 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 and/or copy an open public record. 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 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 in another city office.

SECTION 8. Chapter 1 Article 608 of the Code of the City of Galena is hereby amended to read as follows:

1-608 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 9. Chapter 1 Article 609 of the Code of the City of Galena is hereby amended to read as follows:

1-609 APPOINTMENT OF OFFICIAL CUSTODIANS. The following city officers are hereby appointed as official custodians for purposes of the Kansas Open Records Act and are hereby charged with responsibility for compliance with that Act with respect to the hereinafter listed public records:

- (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) City Treasurer - All public records not on file in the office of the city clerk and kept and maintained in the city treasurer's office.
- (c) 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.
- (d) Fire Chief - All public records not on file in the office of the city clerk and kept and maintained in the city fire department.
- (e) 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.
- (f) 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.
- (g) City Superintendent – All public records not on file in the office of the city clerk and kept and maintained in the public works department.
- (h) City Librarian – All public records not on file in the office of the city clerk and kept and maintained in the city library.

SECTION 10 Chapter 1 Article 610 of the Code of the City of Galena is hereby amended to read as follows:

1-610 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER. The city clerk is hereby appointed as the local freedom of information officer and charged with all of the duties as set forth in section 1-604.

SECTION 11. Chapter 1 Article 611 of the Code of the City of Galena is hereby amended to read as follows:

1-611 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS. (a) Each of the official custodians appointed in section 1-607 is hereby authorized to designate any subordinate officers or employees to serve as record custodian. Such record custodians shall have such duties and powers as are set out in the Kansas Open Records Act.

SECTION 12. Chapter 1 Article 612 of the Code of the City of Galena is hereby amended to read as follows:

1-612 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 record 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 13. Chapter 1 Article 613 of the Code of the City of Galena is hereby amended to read as follows:

1-613 FEE ADMINISTRATION. All fees for public records shall be paid to the clerks office before record requests are fulfilled. Each custodian shall maintain duplicates of all records and copy request forms, completed as to the amount of fee charged and collected, which amounts shall be periodically audited by the clerk-finance officer and treasurer of the city pursuant to the records retention schedule.

SECTION 14. Chapter 1 Article 614 of the Code of the City of Galena is hereby amended to read as follows:

1-614 INSPECTION FEE. (a) When a request has been made for inspection or copying of any public record which is not readily available to the record custodians, research, review and/or supervision fees shall be charged as follows:

(1) Clerical Staff \$18.00 per hour after 15 minutes.

(2) Administrative personnel: \$25.00 per hour after 15 minutes.

(3) Legal Review: \$35.00 per hour after 15 minutes.

(4) Information Technology personnel: At actual cost.

(5) Criminal Investigation Records: \$50.00 per hour after 15 minutes.

(6) Retrieval of documents stored off site shall be the actual cost to the City per box, including staff time, in retrieving such records.

(7) \$5.00 Flat Rate Fee: A \$5.00 flat rate fee will be charged for the following:

(a) Contracts, Ordinance, Resolution, Certificate of Occupancy, Licenses, Certificate of Insurance, Open Building Permits, Building Inspection Reports, Fire Incident Report, Open Building Code Violations, Open Zoning Code Violations, Police Report, and/or Animal Control Violations.

(b) Fees for staff time required to monitor the in-house inspection of documents or viewing or listening access to records as allowed by this code shall be charged at the applicable rate set forth in subsection (a), however, there shall be no charge for the first fifteen (15) minutes of such staff time required.”

(8) \$10.00 Flat Rate Fee: A \$10.00 Flat Rate fee will be charged for the following:

(a) Fire Investigation Report and/or Property File Records,

(b) Fees for staff time required to monitor the in-house inspection of documents or viewing or listening access to records as allowed by this code shall be charged at the applicable rate set forth in subsection (a), however, there shall be no charge for the first fifteen (15) minutes of such staff time required.”

SECTION 15. Chapter 1 Article 615 of the Code of the City of Galena is hereby amended to read as follows:

1-615 COPYING FEE. (a) When a request has been made for copying of any public record, a fee of \$.30 per page may be charged for black and white photocopies and \$1.00 per page for color copies. Such fees shall include the cost of labor, materials and equipment.

(b) For copying of any public records that cannot be reproduced by the City’s photocopying equipment and must be copied off-site, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

(c) Where a request for open public records involves use of a data storage device to provide electronic copies of the records, the fee charged shall be the actual cost to the City.

(d) Where a request for public records involves mailing or shipping such records, the charges shall be determined and assessed by the records custodian based upon the current postal rates for U.S. Mail service or actual shipping charges covering mailing and handling costs accrued in responding to requests.

(e) Where a request for public records involves faxing copies of such records, the fees shall be as follows:

(1) Local shall be \$.25 per faxed page.

(2) Long distance shall be \$.50 for the first faxed page and \$.25 per additional faxed page.

SECTION 16. Chapter 1 Article 616 of the Code of the City of Galena is hereby amended to read as follows:

1-616 COMPUTER DATA. When a request has been made for inspection or copying of any public record which involves a search of data storage devices and/or extracting data from computerized databases or running data reports, fees shall be charged as follows:

(a) Information Technology staff time: ACTUAL COST for each staff member or contractor engaged in open records request

(b) Where a request for computer data involves subsequent review of such data for a determination if the records are open public records, staff time required to review and make such determination will be charged as research fees set forth in Section 1-614 and amendments thereto.”

SECTION 17. Chapter 1 Article 617 of the Code of the City of Galena is hereby amended to read as follows:

1-617 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) No record shall be made available to the requester for inspection or copies made thereof until such prepayment of fees has been made.

(c) No fees assessed by this Chapter shall be waived; however, the official department record custodian may exercise his or her discretion to waive any copying fee when such fee is less than \$5.00.

SECTION 18. Chapter 1 Article 618 of the Code of the City of Galena is hereby amended to read as follows:

1-618 PAYMENT. All fees charged under this Chapter shall be paid to the custodian of the records inspected and/or copied unless the requester has established an account for purposes of billing and payment with the City.

SECTION 19. Chapter 1 Article 619 of the Code of the City of Galena is hereby amended to read as follows:

1-619 EXCEPTIONS. (a) Certain records not required to be open; separation of open and closed information required; disclosure of statistical information; records over 70 years old open. K.S.A. 45-221

(b) This chapter does not require that staff do research for you, create a record it does not already possess, or write out their response to your questions.

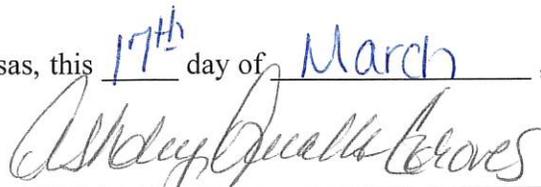
(c) Records not yet in existence; a prospective or standing request for "records as they become available" is not enforceable. If you want to see public records that may be created in the future, you need to make your request after the records have been created or exist.

SECTION 20. This ordinance shall be included in the Code of the City of Galena, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Galena, Kansas, this 17th day of March, 2025.

ATTEST:


Tracy Roberts, City Clerk


Ashley Qualls Groves, Mayor