

(Published in the Topeka Metro News December 26, 2016)

ORDINANCE NO. 20045

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning fees and procedures for record requests, amending City of Topeka Code § 2.20.090, § 2.20.110 and § 2.20.120 and specifically repealing said original sections.

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

Section 1. That section 2.20.090, Requests to be directed to custodian, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Requests to be directed to custodian.

(a) ~~All members of the public, in seeking~~As the official custodian of city records, the city clerk shall receive and coordinate all requests for access to, or copies of, a public record in accordance with the provisions of the Kansas Open Records Act, ~~shall address their written requests to the city clerk.~~

(b) ~~Requesters of records may submit a w~~Written requests submitted to any other city office; ~~however, all record requests shall be referred~~forwarded to the office of the city clerk for timely and proper processing.

(c) ~~Whenever any city officer or employee is presented with a written request for access to, or a copy of, a public record which is not in his or her possession and for which he or she has not been given responsibility to keep and maintain, the officer or employee shall so advise the person requesting the record. Further, the person making the request shall be advised to direct the request to the city clerk.~~

Section 2. That section 2.20.110, Inspection fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

30 **Inspection and search fee.**

31 (a) Where a request has been made for inspection of any open public record
32 which is readily available to the record custodian, there will be no inspection fee
33 charged to the requester.

34 (b) In all cases not covered by subsection (a) of this section, a record
35 inspection fee may be charged at ~~the rate of \$13.00a~~ per hour per rate determined by
36 the records custodian comparatively based on the hourly rate of the employee engaged
37 in the record search and production. ~~A minimum charge of \$6.00 may be charged for~~
38 ~~each such request.~~

39 Section 3. That section 2.20.120, Copying fee, of The Code of the City of
40 Topeka, Kansas, is hereby amended to read as follows:

41 **2.20.120 Copying and other fees.**

42 A fee of \$0.25 per page may be charged for ~~photocopying~~ black and white
43 photocopies of public records, such fee to cover the cost of labor, materials and
44 equipment. The records custodian may establish a fee schedule for production of
45 records in other formats, such as color copies or records provided electronically. The
46 records custodian may set flat fees for certain types of records. Additional fees,
47 including any other costs incurred by the agency in connection with complying with a
48 record request (e.g. mailing costs), may be assessed to the requestor.

49 Section 4. That original § 2.20.090, § 2.20.110 and § 2.20.120 of The Code of
50 the City of Topeka, Kansas, are hereby specifically repealed.

51 Section 5. This ordinance shall take effect and be in force from and after its
52 passage, approval and publication in the official City newspaper.

Section 6. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on December 20, 2016.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk