

ORDINANCE NO. 1005

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 6, SECTION 1-612(b) AND SECTION 1-613(a) AND SECTION 1-613(b) AND SECTION 1-613(c) AND 1-614(a) AND CREATING SECTION 1-613(d) AND SECTION 1-613(e) AND SECTION 1-613(f) OF THE CODE OF THE CITY OF CHETOPA, KANSAS RELATING TO OPEN RECORDS FEES.

SECTION 1. That existing Sections 1-612(b) and 1-6-13(a) and 1-613(b) and 1-613(c) and 1-614(a) of the City Code of the City of Chetopa, Kansas, be and are hereby amended to read as follows:

{1-612 INSPECTION FEE APPLICATION APPROVAL

- (b) If copies are requested, the City may require a written request and advanced payment of the prescribed fee.

{1-613 ACCUMILATION OF FEES, APPLICATION; APPROVAL

- (a) The City may prescribe reasonable fees for providing access, or for furnishing copies of public records, subject to the following: The fee shall not exceed the actual cost of furnishing the records, including the cost of staff time required to make the information available. Actual costs may include the costs to review and/or redact the requested records, but shall not include incidental costs incurred by the public agency that are not attributable to furnishing the requested records. Actual costs shall also be included for postage, or other costs incurred in shipping the records to the requestor.
- (b) Further, in case of fees for providing access to records maintained on computer facilities, the fees shall include only the costs of any computer service, including any staff time required.
- (c) If the City incurs costs of staff time to provide access, or to furnish copies of requested records, the agency shall use the lowest cost category of staff reasonably necessary to provide access to or furnish copies of public records. Charges for staff time shall be based upon the employee's salary or hourly wage. Charges for staff time shall not include the cost of employee benefits. The cost per page for the cost of paper or toner shall be 5 cents per page, which accurately reflects the cost of materials needed.
- (d) When the staff time needed to respond to a records request will exceed five hours, or the estimated actual cost for the staff time needed to fill the request exceeds \$200, the City shall make reasonable efforts to contact the requestor

and engage in interactive communication about mitigating costs to fulfill the request. The requester is not obligated to mitigate costs.

- (e) If the City has made reasonable efforts to contact the requestor pursuant to this section and the requestor has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until all subsequent contact has been made by the requestor to the City.
- (f) As used in this subsection, “reasonably efforts to contact the requester” means contacting the requester through the means of communication that the requester provided to be used by the City to respond to the request.

{1-614 PREPAYMENT OF FEES; APPLICATION; APPROVAL

- (a) If copies are requested, the record custodian may require a written request and advance payment of the prescribed fee, which will be a calculated estimate based upon the requirements set forth in section 1-613(a), 1-613(b), 1-613(c), 1-613(d), 1-613(e),1-613(f).

SECTION 2. That this ordinance shall be in force and take effect upon its publication in the official city newspaper.

Passed by the city council of Chetopa, Kansas on this 7th day of October 2025, and signed by the mayor on the 7th day of October 2025.

Mayor

ATTEST:

City Clerk