

RESOLUTION NO 17-18

A RESOLUTION TO MODIFY REASONABLE FEES TO BE CHARGED TO PERSONS FOR ACCESSING AND/OR COPYING OPEN PUBLIC RECORDS HEREBY REPLACING RESOLUTION 85-03.

Be it Resolved by the Governing Body of the County of Cheyenne, Kansas:

Section 1. Statement of Purpose, Review. It is the purpose of this resolution to establish reasonable fees and charges for the provision of access to, or copies of open public record in the possession of the County, to avoid the necessity of using general public funds of the County to subsidize special services and benefits to a record requester. The official records custodian shall periodically recommend to the Governing Body such changes in this Resolution as may be necessary to secure this purpose.

Section 2. Staff Time. Staff time will be charged at the rate of \$28.00 per hour per person whose time is used in order to assist and/or respond to a specific request. This may include time spent to access records maintained on computer facilities, review records to determine whether closure exceptions apply and/or redact open from closed information. Quarter hour minimum will be charged.

Section 3. Copying Fees. (s) A fee of .25 cents per page shall be charged for regular or legal size copies. For larger copies, or copies which cannot be reproduced by the County's photocopying equipment, the requestor shall be charged the actual cost to the County. Copying fees are in addition to staff time as stated in Section 2.

Section 4. Other Fees. Records custodians may establish fees to be charged for services other than those listed in this resolution including but not limited to mailing fees and fax fees. Such other charges shall be subject to any limits established by the Kansas Open Records Act.

Section 5. Prepayment of Fees. The records custodian will provide an estimate of the fees. If the estimate is over \$25 the estimated fees shall be paid prior to gather the records. If the final cost is more than the estimate, the balance shall be paid by the requester prior to the records being provided. If the final cost is less than the estimate the requester shall be reimbursed for the difference.

Section 6. Payment. All fees charged under this Resolution 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 County. Such account may be established only upon written agreement with the department head of the office holding the record. New records requested (by the same requestor, or corporation and/or partnership said requestor is a member of representative of, spouse, relative of or a legal representative of any of the reference relationships) will not be filled until all previous requests are paid in full. All fees received (under this resolution) shall be paid to the County Treasurer on the 1st and 15th as are other revenues received by the office.

Section 7. Written Request. The records custodian may require that requests for access to or copies of records be made in writing, in order to adequately document the request and clarify exactly what records are being sought. All written requests for records shall state the requestor's name, mailing address, and contact phone number. The requester shall provide detailed information about the records being requested in order to aid the staff in determining if such records exist and are possessed by the county. Requests for records not yet in existence or documents to be created in the future cannot be honored.

Section 8. Request for Electronic Format Records. The records custodian will be the sole judge of the ability of the county to comply with any record requests for the records to be provided in electronic format or for records that must be produced in any special computer generated format.

Section 9. Response Time. The county will act upon requests as soon as possible, with some response being made to the requester no later than the third business day following the receipt of the request, as required by Kansas Open Records Act. If it appears that additional time will be needed, or that some part of the records may be closed by law, then a written response will be provided as soon as the records have been located and reviewed.

Effective Date. This Resolution shall take effect and be in force from and after its adoption.

Adopted by the Governing Body of the County of Cheyenne, Kansas this 28th Day of September, 2017.

BOARD OF COUNTY COMMISSIONERS
CHEYENNE COUNTY, KANSAS

ATTEST:

Terry Rieger, Chairman

John E. Garner, Commissioner

Scott Houtman, County Clerk

Roger Faulkender, Commissioner