

**ORDINANCE NO. 1698**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF COLBY, KANSAS, 2017, CHAPTER I ADMINISTRATION, ARTICLE 8: OPEN RECORDS, AMENDING § 1-808 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER, § 1-812, INSPECTION FEE, § 1-813 COPYING FEE, AND § 1-814 PREPAYMENT OF FEES, AND INCORPORATING BY REFERENCE OTHER PROVISIONS OF THE KANSAS OPEN RECORDS ACT.**

**SECTION 1. § 1-808 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER IS HEREBY AMENDED AS FOLLOWS:**

**§ 1-808 APPOINTMENT OF LOCAL FREEDOM OF INFORMATION OFFICER.**

The City Treasurer is hereby appointed as the Local Freedom of Information Officer and charged with all of the duties as set forth in § 1-803 of this article.

**SECTION 2. § 1-812, INSPECTION FEE, § 1-813 COPYING FEE, AND § 1-814 PREPAYMENT OF FEES ARE HEREBY AMENDED AS FOLLOWS:**

**§ 1-812 INSPECTION FEE.**

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

(b) In all cases not covered by division (a) above, an open records documents fee shall be charged at an hourly rate of \$35.00, with a one fourth hour minimum.

**§ 1-813 COPYING FEE.**

(a) A fee of \$0.10 per page shall be charged for photocopying public records that amount to more than 50 pages, such fee to cover materials and equipment.

(b) For copying any public records which cannot be reproduced by the city's photocopying equipment, the requester shall be charged the actual cost to the city, including staff time, in reproducing such records.

**§ 1-814 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) Prepayment of inspection and/or copying fees shall be required whenever the record custodian expresses such information is not readily available.

(c) Where prepayment has been demanded by the record custodian, no record shall be made available to the requester until such prepayment has been made.

**SECTION 3. § 1-816, KANSAS OPEN RECORDS ACT, IS HEREBY ADDED AS A NEW SECTION TO CHAPTER I, ARTICLE 8, AS FOLLOWS:**

**§ 1-816, KANSAS OPEN RECORDS ACT.**

Except as provided otherwise by this ordinance, the Kansas Open Records Act, K.S.A.

45-215 et. seq., is incorporated herein by reference.

**SECTION 4. REPEALER.** The Code of the City of Colby, Kansas, 2017 Chapter I Administration, Article 8, Open Records, § 1-808 Appointment of Local Freedom of Information Officer, § 1-812, Inspection Fee, § 1-813 Copying Fee, and § 1-814 Prepayment of Fees as enacted and codified prior to the adoption of this ordinance, are repealed.

**SECTION 5.** This ordinance shall be in full force and effect from and after publication in the official city paper as provided by law.

**ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR** this 21<sup>st</sup> day of October, 2025.

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Lee Leiker, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

(Seal)