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ORDINANCE NO. 3444

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING
CHAPTER 2, ARTICLE VII OF THE CODE OF THE CITY OF MCPHERSON,
KANSAS WITH RESPECT TO OPEN PUBLIC RECORDS**

WHEREAS, the Kansas Open Public Records Act applies to the City of McPherson, Kansas (the "City"), and the City's governing body has considered the need for a uniform policy governing requests for records inspection/or copying pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS:

Section 1. Amendment of Code section. From and after the effective date of this Ordinance, Code Sections 2-371 through 2-384 are repealed and replaced as follows:

Section 2-371. 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.

(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.

Section 2-372. Record Custodians. The record custodian(s) appointed and designated pursuant to this ordinance shall preserve and protect all public records from damage, disorganization and theft and shall assist, in a timely and efficient manner, any person making request for access to any open public record.

Section 2-373. 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 2-374. 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 recordkeeper 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 2-375. 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 2-376. 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.

Section 2-377. Designation of Additional Record Custodians.

(a) Each of the official custodians appointed in section 6 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.

(b) Whenever an official custodian shall appoint another person as a record custodian, he or she shall notify the City Clerk of such designation and the City Clerk shall maintain a register of all such designations.

Section 2-378. Duties of Custodians. All City officers and employees appointed or designated as record custodians under this ordinance 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.

Section 2-379. 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 ordinance 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 2-380. Fee Administration. The City Clerk is hereby authorized to provide the clerk's office, and the office of each record custodian, with sufficient cash to enable the making of change for record fee purposes. Each custodian shall transmit all record fee moneys collected to the City Treasurer not less than monthly. 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.

Section 2-381. 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 subsection (a) of this section, a record inspection fee shall be charged at the rate of the lowest-cost category of staff reasonably necessary (determined by the City) to provide access to or furnish copies of public records. Charges for staff time shall be based on the employee's salary or hourly wage.

Section 2-382. Copying Fee.

(a) Except as hereinafter provided with respect to police department records, a fee of \$0.25 per page shall be charged for photocopying public records, such fee to cover the costs of labor, materials and equipment.

(b) Except as hereinafter provided with respect to police department records, 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.

(c) A fee of \$25.00 shall be charged by the police department for making a copy of a video tape.

Section 2-383. Prepayment of Fees.

(a) A record custodian may demand prepayment of the fees established by this ordinance 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, in the best estimate of the record custodian, such fees are estimated to exceed \$200.00 or require five (5) or more hours of City Staff time to respond to the request.

i. The records custodian shall make reasonable efforts to contact the requester of such requirements.

ii. If the requester fails to respond within three (3) business days to the fee request, the request will be considered withdrawn.

(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 2-384. Payment. All fees charged under this ordinance 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 2. Repealer. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.


Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED by the governing body this 19th day of August 2025.

CITY OF MCPHERSON, KANSAS


Thomas A. Brown, Mayor




Leah Kawanguzi, City Clerk