

(Published at www.cityofgardenplain.com on September 3, 2026)

ORDINANCE 805

AN ORDINANCE OF THE CITY OF GARDEN PLAIN, KANSAS AMENDING CHAPTER 1, ARTICLE 6 OF THE CODE OF THE CITY OF GARDEN PLAIN, KANSAS WITH RESPECT TO OPEN RECORDS

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
GARDEN PLAIN, KANSAS:**

Section 1. Amendment of Code section. From and after the effective date of this Ordinance, Code Sections 1-606, 1-612, and 1-614 are repealed and replaced as follows:

Section 1-606. Procedures for inspection.

- a. All copying of open public records shall be performed by, or under the supervision of, the record custodian responsible for such records.
- b. The requester should be notified of the estimated costs as set forth in Section 1-614 of this Code and amendments thereto, and that no work will be undertaken until there is payment of such estimated costs. When staff time needed to respond to a request will exceed five (5) hours or the estimated actual cost for staff time needed to fill the request exceeds two hundred dollars (\$200), staff shall make reasonable efforts to contact the requester and engage in interactive communication about mitigating costs to fill the request. The requester is not obligated to mitigate costs. As used in the subsection, “reasonable efforts to contact the requester” means contacting the requester through the means of communication provided to the agency by the requester.
- c. If staff has made a reasonable effort to contact the requester and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the City.
- d. In cases where a request for copies of a specific record or records requires search or retrieval of records, the requester should be notified of the estimated costs as set forth in Section 1-614 of this code and amendment thereto, and that no work will be undertaken until there is payment of such estimated costs. Once records are located and/or

retrieved, additional fees may be assessed for review of such records in order to determine whether the records, or any portion thereof, are open and copies may be provided. Costs may include the cost to review and redact the requested records but shall not include incidental costs incurred that are not attributable to furnishing the requested records. No copy fees shall be assessed when multiple copies of the record requested have been prepared for free public distribution or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

- e. In cases where the records requested are available online, the record custodian shall so inform the requester and provide information on where the records may be accessed in lieu of making paper copies thereof. However, if the requester continues to request paper copies of the records, the record custodian shall provide paper copies after collecting the appropriate copy fees.
- f. Mechanical reproduction of a record shall not be undertaken when it is the judgement of the records custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such record.
- g. Removal of open public records from the office where kept and maintained for purposes of making copies shall be permitted only with the written permission of the official department custodian. It shall be unlawful for any person to fail to return records that have been removed from any City department or facility at the time and place where such return has been promised.
- h. Record custodians are encouraged to provide copies of records electronically if possible, and to the extent allowed by law.

Section 1-612. 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), 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 should be based on the employee's salary or hourly wages

Section 1-614. Prepayment of fees.

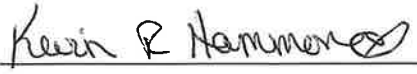
- a. A record custodian may demand prepayment of the fees established by this article whenever he or she believes this to be in the best interest of the city. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage 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 by the record custodian whenever he or she believes this to be in the best interest of the city
- c. 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 two hundred dollars (\$200) 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 requestor 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.

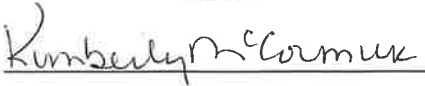
Section 2. Repealer. All or parts of the code conflicting with the provisions of this Ordinance are hereby repealed.

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 in the official city newspaper.

PASSED by the governing body this 2nd day of September 2026.




Kevin Hammond, Mayor


Kimberly McCormick, City Clerk