

Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon KORA request to the Barton County Clerk's Office, 1400 Main – Room 202, Great Bend, Kansas 67530.
Phone (620) 793-1835 \ Fax (620) 793-1990 \ Email clerk@bartoncounty.org
Meetings Live Streamed through **Microsoft Teams**® at the following link: <https://bit.ly/37CXhpz>

November 30, 2021

The Board of Barton County Commissioners convened this 30th day of November 2021, at the Barton County Courthouse.

Members present:

Kirby Krier, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District
Shawn Hutchinson, Commissioner, 3rd District (*Chairman Pro-Tem*)
James R. Daily, Commissioner, 4th District, Chairman
Jennifer Schartz, Commissioner, 5th District
Donna Zimmerman, County Clerk
Barry McManaman, Interim County Administrator
Patrick Hoffman, County Counselor

PUBLIC HEARING – SOLID WASTE MANAGEMENT PLAN

At 9:00 A.M. Commissioner Schartz moved to open the Public Hearing for the Solid Waste Management Plan.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

PUBLIC HEARING: Solid Waste Management Plan:

-The Board of County Commissioners of Barton County, Kansas, is holding this Public Hearing for the purpose of evaluating the Solid Waste Management Plan for Barton County, Kansas. Phillip Hathcock, Solid Waste Director, will provide details.

Phil Hathcock, Solid Waste Director, said this is the year KDHE requires the five-year update of the plan which outlines how waste is managed, but does not detail how the landfill is ran. Hathcock said the primary updates were to population, the amount of trash received and an update to hauler information.

At 9:03 A.M. Commissioner Hutchison moved to close the Public Hearing – Solid Waste Management Plan.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

I. OPENING BUSINESS:

Commissioner Daily called the meeting to order at 9:03 A.M.

Commissioner Schartz moved to approve the agenda.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

Commissioner Krier moved to approve the minutes of the October 26, 2021, and the November 2, 2021, Regular Meetings.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

Minutes of the November 9, 2021, and November 16, 2021, Regular Meetings were not available.

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II. APPROVAL OF APPROPRIATIONS:

-An Accounts Payable Register will be submitted to the Commission for the period of November 9, 2021, and ending November 23, 2021.

Commissioner Schartz moved to ratify appropriations for the period of November 9, 2021, to November 23, 2021 and authorize the Chairman to sign on behalf of the Commission.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

III. OLD BUSINESS:

There was no old business.

IV. NEW BUSINESS:

A. RESOLUTION 2021-25: A Resolution Adopting the Solid Waste Management Plan for Barton County, Kansas, and Rescinding Resolution 2016-08, Same, Adopted April 4, 2016:

-As noted during the Public Hearing, the Barton County Solid Waste Management Plan must be reviewed and updated every five years. Should this proposed Resolution be adopted, the updated Solid Waste Management Plan would become effective in Barton County.

Phil Hathcock, Solid Waste Director, requested approval of the plan and said if approved he would forward the plan to KDHE for final approval.

Commissioner Krier moved to adopt Resolution 2021-25, A Resolution Adopting the Solid Waste Management Plan for Barton County, Kansas, and Rescinding Resolution 2016-08, Same, Adopted April 4, 2021.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

B. RESOLUTION 2021-26: A Resolution Establishing a Public Records, Documents and Information Request Policy for Barton County, Kansas:

-In order to aid the public in obtaining information from County offices and to assure an orderly manner in doing so, the Board of County Commissioners of Barton County, Kansas, will establish a policy governing such action via Resolution. If adopted, this Resolution shall supersede Policy 512, Public Records, Documents and Information Request and the accompanying form found in the Barton County Employee Handbook, Version Three, as adopted by the Commission.

Patrick Hoffman, County Counselor, said the current policy was written at a time when most records were printed and mailed to the requestor. The county now receives several state-wide requests for batch information and that can be sent electronically. Hoffman said the change to the policy would be charging for the time spent to obtain the request, comply with the request, and track that it was followed up with. The county is allowed the ability to recoup actual costs in complying with the requests.

Commissioner Krier said they have to pre-pay for the actual costs. Hoffman said that is correct. The county must look at the employee time. Commissioner Krier asked if we have a minimum. Hoffman said we will always charge at least one half-hour.

Commissioner Schartz asked if this will slow down our requests. Hoffman said he does not believe so. The county holds a lot of interesting data and people are interested in what we have.

Commissioner Esfeld moved to adopt Resolution 2021-26, A Resolution Establishing a Public Records, Documents and Information Request Policy for Barton County, Kansas.

Commissioner Hutchinson seconded the motion.

Dale Hogg asked if it would change the policy when someone comes into ask for copies. Hoffman said

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when a KORA request is made, the process starts and is tracked which requires employee time. Hogg said there has always been a charge. Hoffman said charges will be based on employee time. Page count charges will only apply to printed documents.

Commissioner Krier asked how long email is saved. Donna Zimmerman said she believes it is saved permanently.

Commissioner Hutchinson said the main thing is that the county will not profit from KORA requests but also do not want to lose money. Hoffman said it is protecting the county.

Commissioner Krier said we still want to comply with the law and make the records available.

All voted aye. Motion passed.

C. ROAD AND BRIDGE: Request for Proposal – Purchase of four (4) rotary mowers and trade of used units:

-The Road and Bridge Department accepted bids for four new mowers until 2:00 p.m., November 10, 2021 via Vendor Registry. Included in the bid was the trade in of three used John Deere mowers. It is suggested that the bid be awarded to KanEquip for the Land Pride RCM 5715 mowers.

Darren Williams, County Works Director, said they received the following bids:

KanEquip	Land Pride	\$59,509.96
BTI	John Deere	\$67,200.00
Lang Diesel	Rhino	\$76,331.04

Williams said KanEquip estimates the equipment would be available between April and September 2022.

Commissioner Krier moved to accept the bid from KanEquip for four (4) Land Pride RMC 5715 units with the trade of three (3) used John Deere mowers. Net price of \$59,509.96 to be paid from the Equipment Replacement Fund, Equipment Replacement – Road and Bridge, 072-00-6485 and also would like to add this is the first time we will have four mowers, it is a good thing, we could use them right now, all four of them.

Williams said we still got a lot of the county to cover.

Commissioner Krier said yes, a lot of the county and a lot of deer standing in that ditch waiting to jump out in front of a car. I'm looking at that road west of my house and there are hundreds of dead deer.

Commissioner Hutchinson seconded the motion and said the Landpride mowers are made in Kansas, is that right?

Williams said they are made in Luray.

Commissioner Hutchinson said that's great and like Commissioner Krier said we will have the ability to have four mowing units running next year.

All voted aye. Motion passed.

D. ROAD AND BRIDGE: Request for Proposal – Purchase of one (1) mowing tractor:

-The Road and Bridge Department accepted bids for one mowing tractor until 2:00 p.m., November 10, 2021 via Vendor Registry. It is suggested that the bid be awarded to BTI for a John Deere 6155M unit.

Darren Williams, County Works Director, said they received the following bids:

KanEquip	Case IH	\$130,059.50
BTI	John Deere	\$139,386.40.

Williams said KanEquip provided a 60-month/3,000-hour warranty and BTI included a 60-month/5,000-hour warranty and noted the tractors go over uneven ground and rough terrain.

Commissioner Schartz said the last two years of the warranty could cost \$9,000 or more. Williams said it could be much more.

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Commissioner Krier said the tractors are used about a thousand hours per year. Williams said the tractor is expected July 2022.

Commissioner Schartz moved to accept the bid from BTI for one John Deere 6155M mowing tractor. Bid price of \$139,386.40 to be paid from the Equipment Replacement Fund, Equipment Replacement – Road and Bridge, 072-00-6485.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Williams said they looked at used tractors and said used tractors are like looking at used trucks; you can buy a new one at about the same price.

E. KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, FISCAL YEAR 2022 INJURY PREVENTION MINI-GRANT APPLICATION – COMMUNITY BABY SHOWER:

-The County has received a \$4,550.00 Kansas Department of Health and Environment, Fiscal Year 2022 Injury Prevention Mini-Grant for a Community Baby Shower. Scheduled to be held Summer, 2022, the event includes community partners offering an outdoor, interactive exposition designed for new and expectant parents, their support people and community service providers. Targeted areas include safe sleep and fire prevention.

Karen Winkelman, Health Director, said KDHE accepted their application for a mini grant targeted at fire prevention and safe sleep. They plan to buy porta-cribs and teach safe sleep habits as well as smoke detectors. Winkelman said they held a baby shower last summer with multiple vendors and used similar funding.

Commissioner Esfeld moved to accept the Kansas Department of Health and Environment, Fiscal Year 2022 Injury Prevention Mini-Grant Application – Community Baby Shower. The \$4,550.00 grant to be deposited in the Health Department Fund, Grant Received Line, 006-00-4730.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

F. COMMISSION:

-On May 20, 2021, Barton County received \$2,503,634.50 from the American Rescue Plan Act (ARPA). Fire District No. 1, requests \$88,141.76 for 800 MHz mobile radios, portable radios, and pagers to enhance public communication efforts due to the COVID-19 pandemic.

Sue Cooper, Grant and Compliance Manager, said the first round of funding had been obligated, but after reviewing payroll, there will be funds that will now be available. That funding includes payroll and funds for Sherman Hoffman & Hoffman. Chief Hubbard's request would fit into enhancements to public communication efforts for first responders.

Fire Chief Doug Hubbard said they began working on plans to update their radios following the 2001 Hoisington tornado and noted it continues to be a problem when they have a multi-agency call. There were one or more studies done on their radio system and at the time it was pretty good. Hubbard said 800MHz is now available throughout the state and 911 has also been upgraded. Hubbard said Dena Popp's goal is to have everyone upgraded by 2022. Hubbard noted the upgrade should help with some of the dead areas.

Commissioner Krier moved to approve the request from Barton County Fire District No. 1 for \$88,141.76 for 800 MHz mobile radios, portable radios, and pagers as a capital investment to public facilities that respond to the COVID-19 public health emergency. Payment to be made from the ARPA Fund, Equipment Line, 906-00-6951-60, supported in whole by the Coronavirus State and Local Fiscal Recovery Funds, awarded to Barton County by the United States Department of the Treasury.

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Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

G. WOODRIVER ENERGY NATURAL GAS SALES AGREEMENT:

-Considering extreme weather events like the sustained sub-zero temperatures Barton County experienced in February, the Commissioners have been in discussions with Woodriver Energy about the manner in which Barton County purchases natural gas. Woodriver Energy proposed various buying options to the County. Of these options, the Commissioners have shown interest in the fixed price option. This would set the County's gas at one fixed rate giving budget certainty and eliminating upside risk both monthly and daily.

Matt Patzner, Human Resources / Finance Director, said the agreement would set a fixed price if approved. Patzner said there are three options: set a fixed 3-year price, a 1-year term or continue to buy gas based on the highs and lows of the market.

Commissioner Krier asked if we are buying a specific amount. Patzner said it is for only the gas we use.

Commissioner Hutchinson asked if there was a minimum. Patzner said no, and explained the agreement only applies to certain meters such as the courthouse and the jail, but not the smaller meters.

Commissioner Hutchinson asked where Road & Bridge is on this list. Patzner said they will still be covered by Kansas Gas and does not include them. Patzner said they were not included years ago and did not receive a quote from Woodriver. Commissioner Schartz asked Patzner to request a quote for Road & Bridge. Patrick Hoffman said that would be a major change. Commissioner Hutchinson asked they look at Road and Bridge separately.

Commissioner Krier moved to approve the 3-year Natural Gas Sales Agreement with Woodriver Energy for the following meter locations:

Sheriff's Office –	1416 Kansas Ave.
County Jail -	1408 Kansas Ave.
Courthouse -	1400 Main St.
Health Dept -	1300 Kansas Ave.

Fixed price to be \$5.37 per MMBtu for the 3-year term.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

There was no other business.

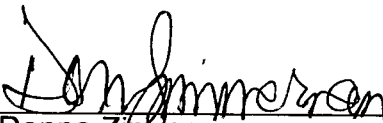
VII. ADJOURN.

Commissioner Schartz moved to adjourn at 9:40 A.M.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

ATTEST:



Donna Zimmerman
Barton County Clerk



James R. Dally, Chairman

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EXECUTIVE SESSION: (Held during study session)

The Commission entered into Executive Session.
No details were made available.

RESOLUTION 2021-25

**A RESOLUTION ADOPTING THE SOLID WASTE MANAGEMENT PLAN FOR
BARTON COUNTY, KANSAS, AND RESCINDING RESOLUTION 2016-08, SAME,
ADOPTED APRIL 4, 2016**

WHEREAS, the Board of County Commissioners of Barton County, Kansas, has determined the need to plan for the proper disposal of solid waste in Barton County; and

WHEREAS, KSA 65-3405, and any amendments thereto, directs the County to establish a solid waste management committee who shall be responsible for the development of a solid waste management plan; and

WHEREAS, on November 23, 2021, said Barton County Solid Waste Committee recommended to the Board of Barton County Commissioners the adoption of certain revisions to the Barton County Solid Waste Management Plan, said Plan having last undergone a five-year review in 2011.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Barton County, Kansas, that by adoption of this Resolution, the Solid Waste Management Plan, incorporated herein by reference, is hereby endorsed for public use in Barton County, Kansas, and

FURTHER, that said plan was reviewed prior to adoption in a Public Hearing held on November 30, 2021, in accordance with KAR 28-29-78; and

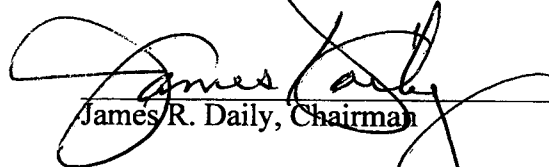
FURTHER, that said plan will be submitted to the Kansas Department of Health and Environment for approval; and

FURTHER, that Resolution 2016-08, Same, adopted April 4, 2016, and the Solid Waste Management Plan adopted thereunder, shall be rescinded upon approval of the updated plan by the Kansas Department of Health and Environment.

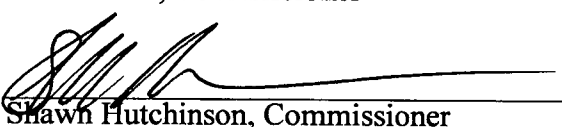
FURTHER, that the Solid Waste Director is hereby directed to have the most current version of the plan available for the public.

ADOPTED this 30th day of November, 2021.

BARTON COUNTY BOARD OF COMMISSIONERS


James R. Daily, Chairman

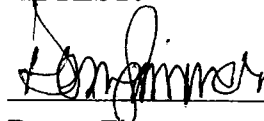

Barb Esfeld, Commissioner

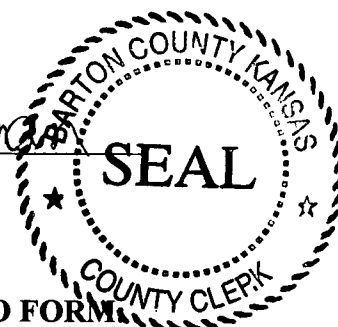

Shawn Hutchinson, Commissioner


Kirby Krier, Commissioner

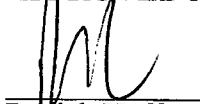

Jennifer Schartz, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk



APPROVED AS TO FORM:


Patrick Hoffman,
County Counselor

RESOLUTION 2021-26

A RESOLUTION ESTABLISHING A PUBLIC RECORDS, DOCUMENTS AND INFORMATION REQUEST POLICY FOR BARTON COUNTY, KANSAS

WHEREAS, in order to aid the public in obtaining information from County offices and to assure an orderly manner in doing so, the Board of County Commissioners of Barton County, Kansas, will establish a policy governing such action via Resolution; and

WHEREAS, this Resolution shall supersede Policy 512, Public Records, Documents and Information Request and the accompanying form found in the Barton County Employee Handbook, Version Three, as adopted by the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that the Public Records, Documents and Information Request Policy for Barton County, is hereby established:

PUBLIC RECORDS, DOCUMENTS AND INFORMATION REQUEST POLICY

The policy for Barton County, Kansas, in accordance with Chapter 45, Public Records, Documents and Information, of the Kansas Statutes, is hereby established. Information shall be made available to the public through Chapter 45, Public Records, Documents and Information, herein known as the Open Records Act. Information shall be provided through copies, the mail system, through faxes or through email. However, the use of the copier, the mail system, a fax machine or email, places a financial burden on the County through the wear on the equipment, the supplies used for the equipment and employee time. The County will set a fee for each page of information, whether copied, mailed, faxed or emailed. Additionally, persons shall be charged, at a rate equal to the hourly rate of the records custodian, for the time spent fulfilling the open records act request.

For more information on K.S.A. Chapter 45 – Public Records, Documents and Information, please refer to the Kansas State Statute books.

1. Information shall be made available to the public through Chapter 45, Public Records, Documents and Information, of the Kansas Statutes, herein known as the Open Records Act. Information shall be provided through copies, the mail system, through faxes or email.
2. Fees for copies of records shall be reasonable as required by K.S.A. 45-219. The use of the copier, the mail system, a fax machine, or e-mail is considered in establishing such a fee as each use places a financial burden on the County due to the wear on equipment, supplies used for the equipment, and employee time in responding to the request.

The requestor shall pay in advance the estimated cost of staff time to complete the request. The estimate shall be based on the time it will take the custodian of the records to locate and organize the records in a form in which they can be delivered to the requestor. Requestors should generally expect that every request will require the County Public Information Officer and at least one other county employee to each spend at least half an hour locating, reviewing, and delivering any open record. Additional staff time shall be estimated in increments rounded up to the nearest 5 minutes and based on the hourly wage of the County employee handling the record request. If the records can only be retrieved with the assistance of a non-employee contractor the requestor shall pre-pay the actual estimated cost of retrieval.

There shall be no additional charge for electronic copies. For physical copies the County shall charge a fee of 25 cents per page whether the copies are delivered, faxed or mailed. If mailed the cost of postage shall also be paid by the requestor.

Elected County officials may adopt this fee schedule, set their own fee schedule, or charge applicable fees set by state law.

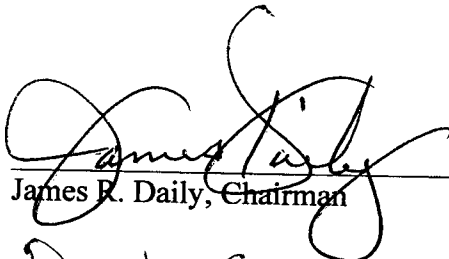
- 2A. The cost to prepare a compact disk (CD) for 911 calls and Commission meetings will normally be \$20.00. Additional charges may apply depending on circumstances. If a higher cost is anticipated, the requestor will be so notified. The charge for electronic copies of 911 calls and Commission meetings shall be the actual time spent billed at the hourly rate of the Freedom of Information Officer and / or the hourly rate of any Communications (911) department employees that prepare the request. A minimum of half an hour spent by the Freedom of Information Officer and / or Communications (911) employees should be expected by the requestor.
- 2B. Costs for maps are subject to a schedule maintained by the Mapping Division of the Engineering Office. The fee schedule is available upon request.
3. The Barton County Clerk is the County's Freedom of Information Officer. The County Clerk's Office is open and available for any request of information, Mondays through Fridays, 8:00 a.m. through 5:00 p.m., unless otherwise announced. Should employees not have the information requested readily available, or should the information requested be outside the scope of their normal work, citizens should be instructed to contact the County Clerk's Office. The Freedom of Information Officer may refer the requester to another County office should the information be more readily available from another office.
4. Each department head shall inform their employees as to what information is available through the open records act in their particular office. The department head shall additionally inform employees as to where to direct requests that fall outside the general operations of the office.
5. Persons seeking information from the County will be required to request said information in writing, unless the request constitutes regular business. Kansas Statutes specifically state that a public agency may require a written request for the inspection of public records, but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by Statute, a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right to access to the records. A public agency may require proof of identification of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access. Persons making a request will be asked to complete a request form, but they shall not be required to complete said form. Non-completion of the form shall not affect the method in which the request is fulfilled nor in the amount of time taken in completing the request.
6. Statutes state that each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place


and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

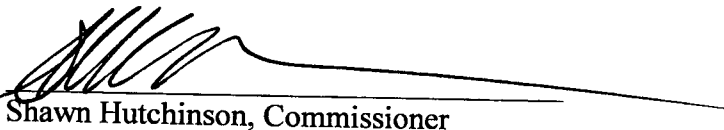
7. Whenever possible, persons not associated with the County should be discouraged from using County office machines. Persons requesting fax or copy service should be directed to a private business that provides this service.
8. A billing for services shall be provided to each person's receiving information. Businesses may be allowed to establish a monthly account for services. Monies received for the services will be placed in the General Fund or the regular fund for offices outside the General Fund. All efforts will be made to collect accrued fees.
9. In cases where the County regularly exchanges information with other governmental agencies, these charges shall be waived.
10. Once information is presented in open meeting to the County Commission, or is released by any elected official, that information is no longer deemed confidential in nature. Questions about this policy, or the records in each office that are available to the public through the Open Records Act, should be referred to the Freedom of Information Officer or the Department Head.

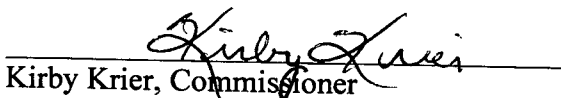
FURTHER, this Resolution supersedes Policy 512, Public Records, Documents and Information Request and the accompanying form found in the Barton County Employee Handbook, Version Three, as adopted by the Commission and that said Policy shall be removed from the Handbook upon its next revision.

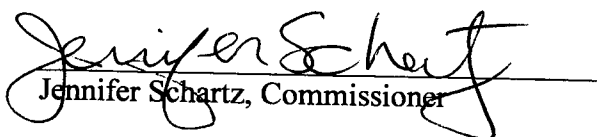
Adopted this 30th day of November, 2021.


James R. Daily, Chairman



Barb Esfeld, Commissioner

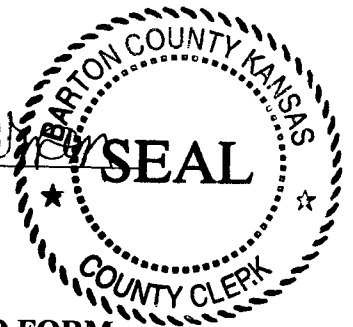

Shawn Hutchinson, Commissioner


Kirby Krier, Commissioner



Jennifer Schartz, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk



APPROVED AS TO FORM:


Patrick Hoffman,
County Counselor

REQUEST FOR RECORD INSPECTION AND/OR COPIES – BARTON COUNTY, KANSAS

(Requested to be completed by persons requesting information. This form is optional.)

NAME _____

ADDRESS _____

PHONE _____ EMAIL _____

KSA 45-218(d) states that each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received.

KSA 45-220(b) A public agency may request a written request for inspection of public records but shall not otherwise require a request to be made in any particular form.

CHARGES - The requestor shall pay in advance the estimated cost of staff time to complete the request. There shall be no charge for electronic copies. For physical copies the County shall charge a fee of 25 cents per page whether the copies are delivered, faxed or mailed.

FEES – Fees for records other than those readily available (ie – customized document) shall be determined and reported at the time of the request, following KSA 45-219. Prepayment is required

If charges exceed \$25.00, please notify me prior to completing the request at ___ phone or ___ email (above) OR based on an estimated cost of \$ _____, I agree to pay all costs associated to complete this records request.

RECORDS SOUGHT – Please provide specific description of the record(s) requested to inspect and \ or copy.

Requestor Signature _____ Date _____

Your Copy of this form is your receipt
To be completed by Records Custodian

Time of Request Date _____ Time _____ am/pm
Staff Time Involved Hours _____ Minutes _____ X _____ Salary
Pages _____ .25 cents per page, no page charge for electronic copies
CD _____ \$20.00 per CD Additional _____ If any
MAP _____
Special Request Fee _____ To be determined
Postage _____ To be determined
Actual Charges \$ _____
Prepaid \$ _____
Paid \$ _____
Billed \$ _____

Records Custodian

Pursuant to KSA 45-220(b) – A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form.