RESOLUTION NO. 51

WHEREAS, the Missouri General Assembly enacted significant amendments to the Missouri Open Meetings and Records Law, effective September 28, 1987, and

WHEREAS, Section 610.028(2) requires each political subdivision to provide a reasonable written policy in compliance with Sections 610.010 to 610.030 R.S.Mo.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

The City Council of the City of Chesterfield hereby adopts the following policy to apply to all governmental bodies and committees of this municipality:

1. All meetings, records and votes are open to the public, except the governmental body may close any meeting, record or vote relating to the following:

(a) Legal actions, causes of actions or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any vote relating to litigation involving a public governmental body shall be made public upon final disposition of the matter voted upon provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(b) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(c) Hiring, firing, disciplining or promoting an employee of a public governmental body. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice before such decision is made available to the public;

(d) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(e) Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again;

(f) Welfare cases of identifiable individuals;

(g) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives or negotiations with employee groups;

(h) Software codes for electronic data processing and documentation thereof;

(i) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(j) Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted or all bids are rejected;

(k) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(l) Records which are protected from disclosure by law;

(m) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

2. All records that may be closed are hereby deemed closed records unless the governmental body votes to make them public. Before closing a meeting to the public, a majority of a quorum of the governmental body must vote to do so in a public vote. The vote of each member of the governmental body on the question of closing the meeting or vote and the reason for closing the meeting by reference to a specific exception shall be announced at a public meeting and entered into the minutes.

3. The governmental body shall give notice of the time, date and place of a closed meeting and the reason for holding it by reference to a specific exception. The notice shall be the same as in (4) below. No other business may be discussed in a closed meeting which does not directly relate to the specific reason announced to close the meeting to the public.

4. The governmental body shall give notice of the time, date, place and tentative agenda of each meeting. The notice shall be placed on the appropriate bulletin board at City Hall at least 24 hours prior to the meeting. If an emergency makes it impossible to give 24 hours notice, the reason must be reflected in the minutes. Notice shall also be given to any representative of the news media who requests notice of a particular meeting.

5. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting on less than twenty-four hours notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

6. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

7. The City Administrator shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian shall provide public access to all public records as soon as possible but no later than the third business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the date the record will be available for inspection.

If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

The custodian shall charge $.25 cents per page for duplication costs and $7.00 dollars per hour for document search. The custodian shall receive payment prior to duplicating documents.

The custodian may designate deputy custodians in the following departments: POLICE
PUBLIC WORKS
PLANNING AND ECONOMIC DEVELOPMENT
ADMINISTRATION

Passed and approved this 22nd day of FEBRUARY, 1989.

MAYOR

ATTEST:

CITY CLERK (ACTING)