

The City of Kirksville shall uphold and comply with all regulations and procedures of the Missouri Revised Statutes (RSMo) Chapter 610, more commonly referred to as the Missouri Sunshine Law. The following policy fulfills RSMo section 610.028(2), which requires each political subdivision to provide a reasonable written policy in compliance with RSMo sections 610.010 to 610.030.

The City Council adopted this policy to apply to all governmental bodies and committees of this municipality.

## **I. CUSTODIAN OF RECORDS**

As provided in RSMo 610.023(1), the City Council shall appoint a Custodian of Records for the City of Kirksville who shall be responsible for the overall maintenance of the City's records, including an assurance that the public's access to City records follows the Missouri Sunshine Law.

The City Clerk shall be the appointed Custodian of Records for the City of Kirksville. As the responsible party for maintenance and control of all City records, the City Clerk is authorized to designate Deputy Custodians from any department, who may also respond to requests for records per the City Clerk's direction. All designees shall adhere to all requirements of RSMo 610.

## **II. MEETINGS**

When calling an open or closed meeting, all procedures and requirements shall be followed as outlined in RSMo 610.015, 610.020, 610.021, and 610.022.

- A. If the City Council adjourns from a closed session into an open session, special attention shall be paid to RSMo 610.022(3), recognizing that the Council shall not reopen from a closed session into an open session without proper notification and procedure. This includes the room necessary to house the closed meeting, which is the only area closed, and the rest of the facility remains open to allow for the public to remain present for any subsequent open sessions.
- B. From time to time, circumstances arise that would prevent a member of the City Council or any City Board or Commission from attending a required meeting in person. In those instances, a member may use communication equipment as defined in RSMo 610.010. For City Council members, notice of such attendance and electronic means must be given in the meeting notice. In the event of a pandemic or other situation in which face-to-face meetings are prohibited, all members of the City Council or any City Board or Commission will be allowed to participate utilizing communication equipment.
- C. Meetings shall not happen utilizing email communications to assure compliance with RSMo 610.015 and RSMo 610.020, which guarantee the ability to participate in all public meetings.

### **III. OPEN RECORDS**

All meetings, records, votes, actions, and deliberations shall be open to the public as provided in RSMo 610 unless closed as provided by law. This policy shall apply to all governmental bodies of this municipality, as defined in RSMo 610.010(4).

### **IV. CLOSED RECORDS**

No meeting or record shall be closed unless it meets the established qualifications laid out in RSMo 610.021. When closing a meeting, all procedures outlined in RSMo 610.022 must be followed.

### **V. PUBLIC ACCESS TO RECORDS**

The Custodian of Records, or designated Deputy Custodians, shall respond to requests for access or copies of public records within the time frame and manner provided in RSMo 610. Any delays or denials of requests for access to public records shall be processed in accordance with RSMo 610.023(4).

As allowed in RSMo 610.026, requests for public records and fees related thereto shall be subject to the following rules:

- A. All requests for access to copies of public records are preferred to be in writing, on a form provided for that purpose by the City Clerk, and shall describe as specifically as possible the records requested and the format desired.
  - 1. The Public Record Request Form may be amended by the Custodian of Records as needed.
  - 2. Although written requests are preferred as they assist City staff in efficiently and accurately processing requests, City staff cannot require a request to be in writing, and must additionally accept verbal requests.
- B. Requests are not deemed received until received by the Custodian of Records or designated Deputy Custodian.
- C. Fees for accessing and copying public records shall be estimated per RSMo 610.026, and the cost communicated to the requester before any records are researched, copied, viewed, or distributed. Fees shall include all applicable fees allowed in RSMo 610.026, for the City to recoup the full and actual cost of providing the records to the requestor. The City requires payment of fees before fulfilling the request.
- D. Documents may be furnished without charge or at a reduced charge when it is determined that the waiver or reduction of the fee is in the public interest because it is likely to contribute to the public understanding of the operations or activities of the City and is not primarily in the commercial interest of the requester. As the City's custodian of records, whether to provide the records without charge or a reduced charge is only at the discretion of the City Clerk. Authorization to waive a fee must be obtained from the City Clerk, in advance of any transaction (ref. 610.026).

- E. Once the final cost of the Public Records Request is determined, the requestor will be required to pay any difference owed to the City, between the actual price and the estimated price, before record distribution or viewing. In the event the requestor was overcharged, the Custodian of Records, or designated Deputy Custodian, will distribute records and submit a reimbursement request for the requestor through the Finance Department.
- F. Requests for public records shall be considered withdrawn if the requestor fails to remit all fees within ninety days, or within one hundred fifty days if the fees are greater than one thousand dollars, of the date of the request for payment of fees. The City Clerk shall provide a notice to the requestor that if payment of fees is not received within the above timeline based on the calculated fees, then the records will be considered withdrawn (RSMO 610.026 2. (2)).
- G. For those record requests that were pending on August 28, 2025, shall be considered withdrawn if the requestor fails to remit all fees by January 1, 2026.