



City Council Policy # 11 Open Meetings and Records

Date Approved: July 26, 2004

Dates Amended: March 2, 2020; September 21, 2020; June 20, 2022

The City of Kirksville shall uphold and comply with all regulations and procedures of Chapter 610 of the Missouri Revised Statutes (RSMo), 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 sections 610.010 to 610.030 RSMo.

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 Clerks 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 City Council adjourns from a closed session into an open session, special attention shall be paid to RSMo 610.022(3); recognizing Council shall not re-open from a closed session into an open session without proper notification and procedure. This includes the room necessary to house the closed meeting being the only area actually 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 participate by means of communication equipment as defined in RSMo 610.010. For City Council members, notice of such attendance and the electronic means must be given in the meeting notice. In the event of a pandemic or other situation where face-to-face meetings are prohibited, all members of the City Council or any City Board or Commission will be allowed to participate by means of communication equipment.

C. Meetings shall not happen by means of email communications in order 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 as required by 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 a deposit collected upfront from the requestor before any records are researched, copied, viewed, or distributed. Fees shall contain all applicable fees allowed in RSMo 610.026, in order for the City to recoup the full, and actual cost of providing the records to the requestor.
- D. Documents may be furnished without charge only at the discretion of the City Clerk. Authorization to waive a fee must be obtained from the City Clerk, by the designated Deputy Custodian, in advance of any transaction.

City Clerk shall use the following considerations when determining if a fee should be waived:

1. The total fee, including labor, copies, and postage is under \$1.00 before tax; and
2. Request is not of commercial nature or interest; and
3. Requestor is a resident of Kirksville; and
4. The number of previously waived requests fulfilled by the City of Kirksville to one requestor:
 - Making a number of small requests under the \$1.00 suggested limit shall not be allowed as a method to avoid paying a fee for requested records; and
 - This can be used as a reason for the City Clerk to deny waiving a fee that otherwise might seem to fit the criteria.

5. It is in the public interest and will contribute significantly to the public understanding of the operations or activities of the City; and
 6. It is a reasonable request that would generally be considered a part of regular day-to-day City operations.
- 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, prior to 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.