

Chapter 26 -- Public Records

26.010. Definitions. As used in this Chapter the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

1. Agency. Any department, office, commission, board, or other unit of municipal government created for any purpose under the authorities of the City of Holts Summit, Missouri.

2. Local records. Any record designated or treated as a municipal record under the ordinances of the City of Holts Summit, Missouri, and state law.

3. Record. Document, book, paper, photograph, map, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in Sections 109.200 to 109.310 RSMo. (1986) and are hereinafter designated as nonrecord materials.

26.015. Policy for responding to public records requests. The City shall respond to records requests consistently with the requirements of Chapter 610 RSMo. (1994) as amended from time to time.

1. Records Custodian. The duly appointed and qualified City Clerk of Holts Summit, Missouri, shall be deemed the Custodian of Records of the City of Holts Summit, Missouri. In the absence of the City Clerk, a duly appointed and qualified Acting City Clerk shall serve as the Interim Custodian of Records.

2. Written Requests. In order to facilitate timely and proper to response to requests for records received from the public, requests for records of the City must be submitted to the Custodian of Records by means of a written request. To the fullest extend possible, the request form shall identify with specificity the document or documents sought to be inspected or copied and the identity, address, and telephone number of the person requesting to inspect or copy any such records.

3. Non-removal of Records. No person shall remove original public records from City Hall or the custody of the City Clerk without written permission of the City Clerk as Records Custodian.

4. Response to Records Request. The City Clerk, as Custodian of Records of the City of Holts Summit, Missouri, shall respond to written requests for inspection or copies of public records of the City in accordance with the following:

a. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the City Clerk as Custodian of Records.

b. Upon receiving a request for inspection or copying of City records, the City Clerk shall first determine whether the request seeks inspection or copying of a record which is a “closed record” under Section 610.010(1) and 610.021, RSMo. (1991). If the Custodian of Records determines that the records request seeks, in whole or in part, records which are closed records, the Custodian of Records shall provide a Written response to the person requesting any such record denying the request for inspection and copying. The Custodian of Records shall cite the specific provision of law under which access is denied. The Custodian of Records is hereby authorized to contact the City Attorney to determine any question as to whether a record request seeks a closed record for which access is to be denied. The following is considered, but not limited to, closed records in accordance with the requirements of Section 610.010 and 610.021, RSMo (1994), as amended from time to time:

(i) individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. The name, position salaries, and length of service can be supplied in summary form, *but* no copies, even to the individual, can be made. This includes records requested by the current and past city officials with exception of the Mayor.

(ii) Any meeting, record or vote closed to the public.

(iii) Legal actions, causes of actions or litigation or any confidential or privileged communications between the Board of Aldermen and its attorneys.

(iv) Leasing, purchase or the sale of real-estate (see Section 610.010(1), RSMo. (1994).

(v) hiring, firing, disciplining or promoting of employees

c. If the Custodian of Records determines that a particular request seeks only public records which are not closed records, the Custodian of Records shall either:

(i) permit immediate inspection of any such public record or records at City Hall and in the presence of said Custodian of Records or any other appointed officer or employee of the City provided that any such record or records are not currently being used and the Custodian of Records has sufficient time to accommodate such requests for inspection without unduly interfering with such Custodian’s other duties on behalf of the City; or

(ii) provide copies of such public records immediately to the person requesting copies providing that such documents are easily identifiable and obtainable with minimal effort on the part of the Custodian of Records and such Custodian or other duly authorized person can respond to such request immediately without substantial interference to such person’s other duties on behalf of the City, and provided further that the person requesting such copies make immediate payment therefor; or

(iii) inform the person requesting inspection or copying any such public record of the approximate date and time that such inspection will be allowed or copies provided if the request for such inspection or copying is of nature that an immediate response is not available because of the nature of the request or the other demands on the time of the Custodian of Records or other person acting on behalf of such Records Custodian. 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 or copies provided. This period for document production may exceed three days for reasonable cause.

5. Public Record Containing Exempt and Non-Exempt Materials. If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the Board of Aldermen shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accordance with Section 610.024, RSMo. (1994)

6. Informing Mayor and City Attorney. In the event the Custodian of Records receives a request from any resident or Aldermen which is considered to require more than routine efforts, the request will be forwarded to the Mayor for approval or held until the next scheduled Board of Aldermen meeting. The Custodian shall respond to the request by stating that a legal opinion and research is required and giving a date when the records will be made available.

7. Municipal Court and Arrest Record. The Municipal Court Clerk is hereby designated as Custodian of Records for all records of the Holts Summit, Missouri Municipal Court. Responses to requests for Municipal Court records shall be responded to as directed by the Circuit Court of Callaway County, Missouri, and in accordance with the requirements of Sections 310.100, et. seq. RSMo. (1994), as amended from time to time.

8. Copy charges and fees for research.

A. The City will charge a nonrefundable fee of ten (10) cents per copy for each copy made.

B. A non-refundable fee of \$10 per hour shall be charged in advance of supplying information requiring research, which shall reimburse the City for the City's expenses in processing and issuing the request. **Ord. #1540 (8-9-04)**

9. Copy charges and fees for research service by the Police Department. The Police Chief is hereby designated as Custodian of Police Records for the City of Holts Summit, Missouri. Responses to requests for police records shall be in accordance with the requirements of Chapter 610 RSMo. (1994), as amended from time to time.

A. The City will charge a non-refundable fee of ten (10) cents per copy for each copy made.

B. A non-refundable fee of \$10 per hour shall be charged in advance of supplying information requiring research, which shall reimburse the department for the expense in processing and issuing the request. **Ord. #1540 (8-9-04)**

26.020. When record is confidential. Any records made confidential by law shall be so treated in the municipal records of the City of Holts Summit, Missouri.

26.030. Duties of agency heads. The head of each agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the agency.

2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the City of Holts Summit and of persons directly affected by the agency's activities.

3. Submit to the chairman of the state records commission, if any, in accordance with the standards established by the commission and promulgated by the director of records management and archives service, schedules proposing the length of time each city records series warrants retention for administrative, legal, historical, or fiscal purposes after it has been received or created by the agency. The head of each agency also shall submit lists of city records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal, historical, or fiscal value to warrant their further keeping.

4. Cooperate with the director of the State Records Law in the conduct of surveys made by him pursuant to the provisions of Sections 109.200 to 109.310 Amended Laws of Missouri 1972.

5. Comply with the rules, regulations, standards, and procedures approved by the state records commission and issued by the director, records management, and archives service.

26.040. To preserve records, how. It shall be the duty of the city clerk and the heads of all of the departments, commissions and boards, and other units of the City of Holts Summit, Missouri, to preserve, manage, and regulate all destruction of the records no longer useful or needed according to the established standards, procedures, and techniques for effective management of records as provided by the director of "The State Records Law" under the supervision of the Secretary of State of the State of Missouri and shall follow the Missouri Municipal Records Retention Schedule as hereinafter set forth in the following sections of this Chapter.

26.050. Retention periods. Adoption of the Missouri Municipal Records Manual. The Missouri Municipal Records Manual is hereby adopted and incorporated by reference as the retention period of records for the City of Holts Summit, Missouri. The City Clerk shall keep three copies of the Missouri Municipal Records Manual on file available for public inspection, use and examination.

26.170. Same, municipal courts.

1. All records belong to a municipal court on January 1, 1979, on January 2, 1979, became records of the circuit court in which such municipality or major

geographical area thereof shall be located. Physical custody of such records shall not, however, be transferred to the circuit clerk or to a division clerk of the circuit court except as hereinafter provided, but rather physical custody of such records shall be maintained by the municipality. Physical custody of such records shall be transferred to the circuit court in the following situations.

a. When a municipality makes provision for a municipal judge of the circuit court to serve such municipality beginning on January 2, 1979, the records in cases which are pending on January 1, 1979, shall be placed in the custody of the municipal clerk serving the municipal judge.

b. When a municipality does not make provision for a municipal judge of the circuit court to serve such municipality beginning on January 2, 1979, the records in cases which are pending on January 1, 1979, shall be placed in the custody of the circuit clerk or the division clerk serving the associate circuit judge to whom such cases are assigned.

c. When the records of a case or cases are ordered transferred pursuant to local circuit court rule.

2. If physical custody of such records which belonged to a municipal court on January 1, 1979, is not transferred or ordered to be transferred as provided in subdivisions (a), (b), or (c) of subsection 1 of this section by January 1, 1982, such records shall cease to be records of the circuit court, shall be considered thereafter as records of the particular municipality, and may or may not be disposed of as determined by the municipality.

3. If physical custody of such records is transferred as provided in subdivisions (a), (b), or (c) of subsection 1 of this section, the clerk having custody of such records is authorized to issue certified copies of such municipal court records as well as copies of later municipal ordinance violation cases in his possession, and all courts of this state shall recognize such certified copies as if made by a clerk of the original court.

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| a. | Court calendar (municipal). | Permanent |
| b. | Court docket (municipal). | Permanent |
| c. | Court summons (municipal). | Permanent |
| d. | Record for traffic violations probations only in which all judgments are satisfied, including fines paid. | 3 years after last activity |

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| e. | Records for general ordinance | 10 years after |
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(non-traffic) violation in
which all judgments are satisfied.

last activity

- f. Bond ledger - initiated to
account for bonds until they
have been satisfied.

10 years