

AN ORDINANCE AMENDING ORDINANCE NO. 4788, "THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI", CHAPTER 130; SECTION 130.020 and 130.060, RELATING TO OPEN MEETINGS AND RECORDS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AS FOLLOWS:

SECTION 1. Subsections 15, 16 and 17 of Section 130.020 of Chapter 130 of Title I of the Richmond Heights, Missouri, Municipal Code are hereby repealed and re-enacted with amendments, and new Subsections 15, 16, and 17 are enacted and a new Subsection 20 is added, to read as follows:

SECTION 130.020: CLOSED MEETINGS, RECORDS AND VOTES POLICY – GENERALLY

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product, however all final audit reports issued by the auditor are to be considered open records.

16. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records.

17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

20. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.]

SECTION 2. Section 130.060 Subsections D3 and E1 of Section 130.060 of Chapter 130 of Title I of the Richmond Heights, Missouri, Municipal Code are hereby repealed and re-enacted with amendments, and new Subsections D3 and E1 are enacted, to read as follows:

SECTION 130.060 DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS-PUBLIC ACCESS TO CERTAIN INFORMATION

D. 3. Except as provided by this section, any information acquired by a law enforcement agency or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100 RSMo. Any closed records pursuant to this section shall be available upon request by law enforcement agencies or the division of worker's compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

E. 1. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except as provided in section 610.120 RSMo and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to section 552.030 RSMo, official records pertaining to the case shall thereafter be closed records upon such finding, except that the disposition may be accessed only by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, and in-home

services provider agencies as defined in section 660.250, in the manner established by section 610.120.

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 4. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 5. All ordinances, parts of ordinances or resolutions in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect on the 31st day following its passage and approval as provided by law.

PASSED AND APPROVED this 16th day of November, 2015.

JAMES BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 2, 2015
Second reading: November 16, 2015