

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, CHAPTER 130: OPEN MEETINGS AND RECORDS; AMENDING SECTION 130.020: CLOSED MEETINGS, RECORDS AND VOTES POLICY.

WHEREAS, Section 130.020 of the Municipal Code addresses public meetings and records; and

WHEREAS, changes in state law (2013 SB 75) require parallel revisions to the City's ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. Section 130.020 CLOSED MEETINGS, RECORDS AND VOTES POLICY is hereby amended to read as follows:

SECTION 130.020: CLOSED MEETINGS, RECORDS AND VOTES TO BE PUBLIC - EXCEPTIONS

A. All meetings, records, votes, actions and deliberations of public governmental bodies of the City shall be open to the public in accordance with Chapter 610, RSMo., except the City may close any meeting, record, vote, action or deliberation relating to the following:

1. Legal actions, causes of action or litigation involving the City and any confidential or privileged communications between the City or its representatives and its attorneys. However, any minutes, vote or settlement agreement, relating to legal actions, causes of action or litigation involving the City or any agent or any entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the City as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any moneys paid by, or on behalf of, the City shall be disclosed; 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.

2. Leasing, purchase or sale of real estate by the City where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any

minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by the City shall be made public upon full execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by the City when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by the City, to hire, fire, promote or discipline an employee shall be made available to the public with a record of how each member voted within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subparagraph, the term "*personal information*" means information relating to the performance or merit of individual employees.

4. The State Militia or National Guard or any part thereof.

5. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological or alcoholism or drug dependency diagnosis or treatment.

6. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores.

7. Testing and examination materials, before the test or examination is given, or if it is to be given again, before so given again.

8. Welfare cases of identifiable individuals.

9. Preparation, including any discussions or work product, on behalf of the City or its representatives for negotiations with employee groups.

10. Software codes for electronic data processing and documentation thereof.

11. Specifications for competitive bidding, until either the specifications are officially approved by the City or the specifications are published for bid.

12. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

13. 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 the City once they are employed as such.

14. Records that are protected from disclosure by law, including but not limited to tax records made confidential by State or Federal law, information received from executive agencies pursuant to Section 610.032, RSMo., and Social Security numbers received from a State entity pursuant to Section 610.035, RSMo., records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire, possess, or carry a firearm as provided in Section 571.011 RSMo, information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013 as provided in Section 571.037 RSMo.

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

16. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

17. Confidential or privileged communications between the City and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to Chapter 610, RSMo.

18. Operational guidelines, policies and specific response plans developed, adopted, or maintained by the City 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. The City states that the disclosure of such information would impair the City's ability to protect the security or safety of persons or real property, and the public interest in non-disclosure outweighs the public interest in disclosure of such records. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open.

19. Existing or proposed security systems and structural plans of real property owned or leased by the City, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to the City for use 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. The City states that disclosure of such closed records would impair its ability to protect the security or safety of persons or real property, and states that the public interest in non-disclosure outweighs the public interest in disclosure of the records.

c. Records that are voluntarily submitted by a non-public entity shall be reviewed within ninety (90) 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 non-public 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.

21. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the City. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the City for such computer, computer system, computer network, or telecommunications network shall be open.

22. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the City and a person or entity doing business with the City. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of the City or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the City.

B. All records that may be closed hereby are deemed closed records unless the City Council votes to make them public.

SECTION 2. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

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

PASSED and SIGNED this 18th day of March, 2014.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: March 3, 2014
Second reading: March 18, 2014