

ORDINANCE #67667
Board Bill No. 168

An ordinance relating to public records; establishing city policy regarding records pursuant to chapter 610 of the Missouri statutes, including designating custodians of record and establishing closed records.

WHEREAS, SECTION 610.023.1, RSMo, provides that a public governmental body is to appoint a custodian to maintain that body's records and the identity and location of the custodian is to be made available upon request; and

WHEREAS, SECTION 610.026, RSMo, sets forth that a public governmental body shall provide access to and, upon request, furnish copies of public records; and

WHEREAS, SECTION 610.028.2, RSMo, provides that a public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, RSMo, commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote.

Now Therefore,

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

Section One. Definition-

1. "The City"- As used herein, "the City" shall mean the City of St. Louis and any one or more of its departments, divisions, boards, commissions or other subunits and any of its agencies or related agencies that are subject to Chapter 610 of the Missouri Statutes.

Section Two.

1. The individuals designated on the attached list, attached hereto as Exhibit A and as hereafter kept and maintained in updated form in the Office of the Register, shall serve as custodians of records for their respective departments or divisions.

2. Said custodians shall respond to all requests for access to or copies of a public record in possession of the department or division within the time period provided by statute except in those circumstances authorized by statute.

3. The fees to be charged for access to or furnishing copies of records shall be in compliance with section 610.026, RSMo.

4. The City shall comply with sections 610.010 to 610.030, RSMo, the Sunshine Law, as now existing or hereafter amended.

5. It is the public policy of the City that records of the City shall be open to the public unless otherwise provided by law or as set forth below:

- (a) 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 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, 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;

- (b) 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 execution of the lease, purchase or sale of the real estate;
- (c) 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 with a record of how each member voted to the public within seventy-two 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-hour period before such decision is made available to the public. As used in this subdivision, the term “**personal information**” means information relating to the performance or merit of individual employees;
- (d) The state militia or National Guard or any part thereof;
- (e) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
- (f) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
- (g) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
- (h) Welfare cases of identifiable individuals;
- (i) Preparation, including any discussions or work product, on behalf of the City or its representatives for negotiations with employee groups;
- (j) Software codes for electronic data processing and documentation thereof;
- (k) Specifications for competitive bidding, until either the specifications are officially approved by the City or the specifications are published for bid;
- (l) 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;
- (m) 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 public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
- (n) Records which are protected from disclosure by law;
- (o) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (p) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing, including the Citizens Service Bureau;

- (q) 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 this chapter;
- (r) Operational guidelines and policies 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. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;
- (s) 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 nonpublic entity owning or operating an infrastructure to the City for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

Records related to the procurement of or expenditures relating to security systems 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;

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;

This exception shall sunset on December 31, 2008;

- (t) 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 a public governmental body. 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, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and
- (u) 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.

EXHIBIT A – DEPARTMENT CUSTODIANS OF RECORD

AIRPORT

Mr. Robert Salarano

Contracts Administration Manager
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ASSESSOR'S OFFICE

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Assessor's Office
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BOARD OF PUBLIC SERVICE

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Executive Officer
Board of Public Service
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BUDGET OFFICE

Mr. PAUL PAYNE
Acting Budget Director
Budget Division
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CIVIL RIGHTS ENFORCEMENT AGENCY

Mr. Phillip Taylor
Lead Investigator
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COMMUNITY DEVELOPMENT AGENCY

Ms. Lorna Alexander
Accounting Coordinator
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ST. LOUIS CITY COURTS

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HEALTH DEPARTMENT

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HUMAN SERVICES

Ms. LaJoyce Thomas
Executive Secretary I
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INFORMATION TECHNOLOGY

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Systems Development Manager
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OFFICE OF THE CITY COUNSELOR

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OFFICE OF THE MAYOR

Mr. Ed Rhode
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Office of the Mayor
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**PARKS, RECREATION, FORESTRY
DIRECTOR'S OFFICE**

Mr. Thomas Astorino
Executive Assistant II
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PARKS DIVISION

Mr. Daniel W. Skillman
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RECREATION DIVISION

Ms. Karen Pecaut
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PERSONNEL DEPARTMENT

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Human Resources Specialist II
Personnel Department
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PLANNING AND URBAN DESIGN AGENCY

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PUBLIC SAFETY

Mr. Gary Hayes
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FIRE DEPARTMENT

Chief Sherman George

Fire Commissioner & Chief
Fire Department Headquarters
1421 N. Jefferson
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EXCISE DIVISION

Ms. Dorothy Warren
Typist Clerk II
Excise Division
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BUILDING DIVISION

Ms. Clareece Hughes
Typist Clerk II
Building Division – Central Files
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NEIGHBORHOOD STABILIZATION TEAM/CITIZENS' SERVICE BUREAU

Mr. Joe Thele
Program Manager
Neighborhood Stabilization Team/Citizens' Service Bureau
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CITY EMERGENCY MANAGEMENT AGENCY

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CITY OF ST. LOUIS DIVISION OF CORRECTIONS

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CITY MARSHAL'S OFFICE

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DEPARTMENT OF PUBLIC UTILITIES

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ST. LOUIS AGENCY ON TRAINING & EMPLOYMENT

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STREET DIVISION

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TOWING SERVICES DIVISION

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REFUSE DIVISION

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SUPPLY DIVISION

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REGISTER'S OFFICE

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CULTURAL RESOURCES OFFICE

Ms. Kate Shea
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ST. LOUIS FIRE DEPARTMENT/BUREAU OF EMERGENCY MEDICAL SERVICES

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BOARD OF ALDERMEN

clerk (TBA)
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7/11/2007

Approved: August 7, 2007