

APPROVED

ORDINANCE NO. 2015 - 01

AN ORDINANCE OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 REPEALING ANY EXISTING ORDINANCES, POLICIES, RESOLUTIONS, RULES OR REGULATIONS OF SAID DISTRICT PERTAINING TO CHAPTER 610 RSMO (THE "SUNSHINE LAW"); DESIGNATING A CUSTODIAN OF RECORDS; ENACTING A NEW POLICY PERTAINING TO THE SUNSHINE LAW; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the Pulaski County Sewer District Number 1 ("PCSD") desires to conduct its business in a public fashion, and to advise all citizens of the community of the meetings, records, votes, actions, and deliberations of the PCSD; and

WHEREAS, records of the PCSD are records that belong to the citizens, and unless otherwise provided by law should be open and available to the public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 AS FOLLOWS:

Section 1: That any existing ordinances, policies, resolutions, rules or regulations of the PCSD pertaining to Chapter 610 RSMo, also known as Missouri's "Sunshine Law" are hereby repealed and the following new Sunshine Law Policy is enacted in lieu thereof:

Custodian of Records Designated. The Director of Finance & Administration ("DFA") is hereby designated as the "Custodian of Records" for the PCSD and such Custodian is located in the principal business offices of the PCSD. The DFA shall designate an alternate Custodian in their temporary absence. Such designation does not mean that the DFA will necessarily have all the records in his or her possession, but simply is an indication to whom requests for copies of records and information regarding the PCSD shall be directed. Requests for records made to persons other than the DFA shall not be considered to be requests that are made pursuant to Missouri's Sunshine Law, Chapter 610 RSMo. Nonetheless, any official or employee of the PCSD who receives a request is directed to inform the DFA of the request in a timely fashion, so that a response may be made to the request.

How Records are Requested. All requests for records, notices, or information should be in writing, and should be accompanied by a deposit of the estimated costs of retrieving, researching and reproducing the requested information based upon and subject to the applicable provisions of this policy regarding fees for retrieval, research and photocopying. However, even oral requests shall be acted upon as if received in writing. If an oral request is received, it shall be immediately recorded in written form to document the request. Any request received shall be initialed by the DFA, or their designee, with the date and time of receipt noted.

Response Desired to be Noted on Request. The requesting party shall indicate on the request the manner in which a response is desired. In absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same format as the original request.

Response Within 3 Business Days. The Custodian of Records shall respond to the request not later than the end of the third business day following the date

the request is received. A "business day" is a day when the PCSD is open for the conduct of PCSD business during its normal business hours. While it is desirable that the entire transaction be completed within three (3) business days, there may be circumstances where clarification or explanation of the request is necessary, or where it may be necessary to provide only part of the requested information while searches are made to find copies of other documents requested. If access to the public record is not granted immediately, the Custodian of Records shall provide to the requesting party a written detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

If a request for access is denied, the Custodian of Records shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

Documentation of Response: The Custodian of Records shall take any action necessary to adequately and accurately document the response provided, including but not limited to any of the following actions: (1) making an extra copy of the response and attaching it to the original request; (2) noting on the request what documents were provided; and (3) keeping a copy of any letter or note requesting additional information in order to process the request. Additionally, the Custodian of Records shall maintain a log to determine if requests are completed timely and all requests are adequately filled. Necessary information includes, but is not limited to, the date of request, a brief description of the request, the date the request is completed or why the request cannot be completed, and any associated costs of filling the request.

Request for Searches. A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the PCSD in order for the PCSD to certify that it has provided "all" or "every" document. Such searches are time consuming and are costly for the PCSD. As a general rule, the Custodian of Records is not expected to engage in extensive searches or compilations. Any search request that will require more than 15 minutes of the Custodian's time will be refused without a reasonable advance deposit for the estimated time required to search for the records.

Fees for Research, Retrieval and Copies. Fees for research, retrieval and returning to their proper storage requested PCSD records shall be determined, assessed and paid as follows:

- a. For research of 15 minutes or less, no research or retrieval fee will be charged.
- b. For research or retrieval, and return of records requiring more than 15 minutes, PCSD may charge the actual cost of research time based.

Fees for copying requested PCSD records shall be determined, assessed and paid as follows:

- a. Fees for copying PCSD records shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches; the actual charges of making copies shall apply to any paper copies larger than nine by fourteen

inches, which may include the charges incurred for copying of the documents by third parties.

- b. The hourly fee for duplicating or copying time shall not exceed the average hourly rate of pay for clerical staff of the PCSD.

Based on the scope of the request, the PCSD shall produce the copies using employees of the PCSD that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the PCSD to provide an estimate of the cost to the person requesting the records.

Inspection of Records. To reduce the cost to both the requesting party and the PCSD, the Custodian of Records may permit a physical inspection of the records by the requesting party to help specify what documents are needed. The Custodian may impose such security as is deemed appropriate to guarantee that no record is removed from the PCSD files. The requesting party shall pay the cost of that security at the rate provided above for research fees.

Waiver of Fees. The Custodian of Records is empowered to waive the collection of any of the fees totaling less than \$1 provided above to any customer or patron of the PCSD requesting documents from the PCSD, or to any representative of the news media that routinely sends a reporter to cover meetings of the PCSD Board. No person or organization shall receive more than three (3) such waivers in any 12-month period. Fees may also be waived if they contribute significantly to public understanding of the operations or activities of the PCSD and if the request made is not primarily in the commercial interest of the requester. Further, the Board of Trustees of PCSD may authorize that photocopies of documents be furnished without charge or at a reduced charge by the PCSD Board.

Closed Records and Votes. All records of the PCSD which are permitted to be closed records by reason of the Sunshine Law (codified, in part, in Chapter 610 RSMo) or by any other statute of Missouri, or by any statute or regulation of the United States government shall be maintained as closed records. No such closed record shall be released to any person who is not a part of the PCSD, except that the PCSD's auditor may see such records as are reasonably necessary to prepare an audit report as requested by the PCSD, and the PCSD's attorney may see such records as are reasonably necessary to represent the PCSD. Requests that closed records be opened to the public inspection will be considered on a case-by-case basis by the PCSD Board.

Subpoenas for Closed Records. No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the PCSD attorney for a response, and for a motion to quash the subpoena. The only exception to this requirement that will be recognized is a subpoena from a grand jury.

Public Notice Board. The Custodian of Records shall establish a fixed place where all public notices and agendas will be posted. This notice board should be in a place that is accessible to members of the public at times when the PCSD is open and (if possible) should be lighted and available for public inspection even at times when the PCSD is closed. This notice board shall have the notion "PUBLIC NOTICES" printed in letters at least four inches in

height at the top of said board. A window or glass door at the entrance to the PCSD may be used as the notice board, provided such notices are placed in such a fashion that they can be read by persons on the outside of the PCSD.

Penalty for Disclosure of Closed Records. No person employed or working for the PCSD, or who has been entrusted with a record that is marked to indicate that it is "confidential" or a "closed record," or who has been invited to participate in a closed meeting shall disclose any closed record, or any information about the contents of any closed meeting to any person. Any such person who is employed or working for the PCSD may also be subject to the termination of their employment as a result of such disclosure. Any such person who is an appointed official may also be subject to removal from their office as a result of such disclosure.

Section 2: This ordinance shall be in full force and effect from and after the date of its passage and approval.

First Reading


ROLL CALL VOTE:	AYE	NAY	ABSENT
GARY PORTER, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOB SIMPSON, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARL JENSEN, Trustee	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DANIEL WOGAN, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Tom Mills</u> , Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

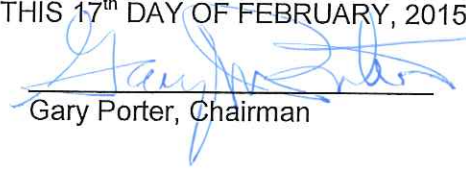
Second Reading

ROLL CALL VOTE:	AYE	NAY	ABSENT
GARY PORTER, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOB SIMPSON, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARL JENSEN, Trustee	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DANIEL WOGAN, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Tom Mills</u> , Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

READ TWO TIMES, PASSED AND APPROVED THIS 17th DAY OF FEBRUARY, 2015.

ATTEST:


 Carl Jensen, Secretary


 Gary Porter, Chairman