



PUBLIC RECORDS DEPARTMENT POLICY

PURPOSE

It is the public policy of the Department of Parks and Recreation that meeting records and votes of the Board of the Department of Parks and Recreation shall be open to the public unless otherwise provided by law.

I. CLOSED MEETINGS, RECORDS, AND VOTES

The term record as used herein does not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.

Except to the extent disclosure is otherwise required by law, the Department of Parks and Recreation of St. Louis County, pursuant to § 610.021, R.S.Mo. 1994 as amended closes meetings, records and votes to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interest or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body 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 §610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body 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;

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(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within 72 hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within 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 72-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;

(4) The State militia or National Guard or any part thereof,

(5) Nonjudicial 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 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 18 years and by the parents, guardian or other custodian of the students and the student if the student is over the age of 18 years;

(7) Testing and examination of 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 a public governmental body 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 public governmental body or the specifications are published for bid;

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(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 public agencies once they are employed as such;

(14) Records, which are protected from disclosure by law;

(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 a public governmental body and its auditor, including all auditor work product.

II. CUSTODIAN OF RECORDS

1. All requests for records maintained by the Department of Parks and Recreation shall be directed in writing to the custodian as indicated below:

A. CUSTODIAN FOR PERSONNEL RECORDS:

Robert Baer, Administrative Coordinator
Department of Parks and Recreation
41 S. Central, 7th Floor
Clayton, Missouri 63105

B. CUSTODIAN FOR ALL OTHER RECORDS MAINTAINED IN THE DEPARTMENT OF PARKS AND RECREATION:

Robert Schweitzer, Fiscal Services Manager
Department of Parks and Recreation
41 S. Central, 7th Floor
Clayton, Missouri 63105

2. The Department of Parks and Recreation shall make available for inspection and copying by the public all public records maintained by the Department of Parks and Recreation unless otherwise provided by law. No person shall remove original public

records from the Department of Parks and Recreation or its custodian without written permission of the designated custodian;
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3. Each request for access to a public record maintained in the Department of Parks and Recreation 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 custodian of records. 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. This period for document production may exceed three days for reasonable cause;

4. If a request for access is denied, the custodian 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;

5. If the custodian is unsure whether the record sought is open or closed under the Sunshine Law, the custodian shall seek the advice of the County Counselor and act in reliance on said advice.

III. FEES FOR SEARCH AND DUPLICATION

1. Fees for search and duplication of public records may include the actual cost of document search and duplication. For records maintained in the Department of Parks and Recreation, the **fee for each copy not including the actual cost of document search is 25 cents per page**. The cost of document search shall be the actual cost. Any documents may be furnished without charge or at a reduced charge when the Department of Parks and Recreation determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Department of Parks and Recreation and is not primarily in the commercial interest of the requester;

2. Fees for providing access to public records maintained on computer facilities, recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, shall include only the cost of copies, staff time required for making copies and programming, if necessary, and the disk or tape used for the duplication;

3. Payment of such copying fees may be requested prior to the making of copies;

4. Upon request, the custodian of records shall certify in writing that the actual cost of the document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body.

IV. CLOSED RECORDS

1. Closed records are not to be inspected or copied. No custodian or other County official or employee shall cause or permit the inspection or copying of a closed record by members of the public.

V. LEGAL DEFENSE

1. Any County employee, including any approved volunteer on behalf of St. Louis County, may be represented upon request by the County Counselor in any cause of action charging that the person has violated one or more provisions of Chapter 610 R.S.Mo. (1994 as amended), subject to the County's Self-Insurance Policy set forth in the Risk and Insurance Management Manual, Appendix A.

Director

Date

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