

AN ORDINANCE AMENDING CHAPTER 102, SECTIONS 102.010 AND 102.050 OF THE CITY CODE RELATING TO OPEN MEETINGS AND PUBLIC RECORDS.

Be it ordained by the Board of Aldermen of the City of Hamilton, Missouri as follows:

Section 1. Chapter 102.010 and 102.050 of the City Code relating to Open Meetings and Public Records are amended to read as follows:

102.010. Meeting. Records and Votes Open; Exceptions. All meetings, records and votes are open to the public except the Board and the governing body of any subunit of the City (hereinafter collectively “the City”) may close any meeting, record, or vote for any purpose permitted under RSMo §610.021 or other applicable state or federal statute.

102.050. Maintenance of and Access to Records; Charges.

A. The City Clerk is the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.

B. The custodian shall provide public access to all public records as soon as possible but no later than the third business day following the date a request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and a date when the record will be available for inspection. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian.

C. 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.

D. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. 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 (3) days for reasonable cause.

E. The custodian shall charge ten cents (\$.10) per page for any paper copy not larger than nine by fourteen inches, and an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff. Further, research time required for fulfilling records requests shall be charged at the actual cost of research time. The custodian shall produce the copies using employees of the City that result in the lowest amount of charges for search, research, and duplication time. The custodian may require payment prior to duplicating documents and a reasonable cash deposit prior to searching for documents. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. It is the intent of the Board of Aldermen that this amendment be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 9th day of August, 2017.

Travis Trospen, President of
Board of Aldermen

Approved this 9th day of August, 2017.

Winford Gilliam, Mayor

Attest: _____
Deb Davis, City Clerk