

## The City of Bolivar Missouri

### Public Record Policy

#### **Introduction**

It is the policy of the City of Bolivar that openness leads to a better informed citizenry. It is the policy of the City to strictly follow the Missouri's Sunshine Law, and adopting a Public Record Request Policy.

#### **Custodian of Records Designation and Coordination of Responses.**

The City Clerk is designated as the "Custodian of Records" for the City of Bolivar pursuant to Section 120.090 of The Municipal Code City of Bolivar. Such designation does not mean that the City Clerk will necessarily have all records in her/his possession, but simply is an indication to whom requests for copies of records and information regarding the City government shall be directed. Any official or employee of the City, other than the City Clerk, who receives a request, is directed to inform the City Clerk of the request in a timely fashion so that a proper response may be coordinated as well as documenting all requests through a centralized location.

#### **How Records are Requested and Fees.**

All requests for records, notices, or information shall be in writing, and shall be accompanied by a deposit of the estimated cost of reproducing the requested information. If the cost is not ascertainable by the requestor and at the discretion of the City Clerk, the City Clerk will pull the records and apprise the requestor of the fees for the records. The records will be available upon payment of the fee. Any request received by the City Clerk shall be initialed by the clerk with the date and time of the receipt noted. The City of Bolivar has an official "Sunshine Law Request" Form, which guides the requestor through the specific issues of requesting public records. (See Attachment A) ***At the discretion of the City Clerk or the City Administrator, the requirement for a written request for records or information may be waived for a standard document or report that is readily available for the staff efficiency, time savings and convenience to the public.***

#### **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 form as the original request. (Example: If someone stops by City Hall and requests copies of documents, it will be assumed that the requesting party will stop by City Hall later to pick up the documents. But if someone mails a request to City Hall, it will be assumed that a mailed response is desired) If the requestor desires a document to be certified, the requestor shall note that on the Sunshine Law Request form.

### **Response within 3 Business Days.**

The Custodian of Records shall respond to the Requestor within 3 days of its receipts. A “business day” is a day when the City Hall is open for the conduct of City business during its normal business hours. While it is desirable that the entire transaction be completed within 3 business days, there will be circumstances where clarification or explanation of the request is necessary, or where it will be necessary to provide only part of the requested information while searches are made to find copies of other documents requested. Any questions on the release of the requested records shall be referred to the City Attorney for a legal opinion.

### **Documentation of Response.**

The Custodian of Records shall document the response provided either by. (1) Making an extra copy of the response and attaching it to the original request. (2) Noting on the request what documents were provided. (3) Keeping a copy of any letter or note requesting additional information in order to process 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 City in order for the City to certify that it has provided “all” or “every” document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation, and can be expensive. 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 substantial advance deposit for the estimated time required to search for the records.

### **Inspection of Records.**

To reduce the cost to both the requesting party and the City, 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 City’s files.

### **Waiver of Fees.**

The Custodian of Records is empowered to waive the collection of any of the fees totaling less than \$1.00 to any citizen of the City requesting documents from the City, or to any representative of news media that routinely sends a reporter to cover meetings of the City Council. No person or organization shall receive more than 3 such waivers in any 12-month period.

**Public Notice Board**

It shall be established that the place where all public notices and agenda's will be posted, will be at the designated City Hall and/or the meeting place where the meetings are to be held.

**Closed Records and Votes.**

All records of the City, which are permitted to be closed records by reason of the Sunshine Law 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 records shall be released to any person who is not a part of the City government, except that the City's auditor may see such records as are reasonable necessary to prepare an audit report as requested by the City and the City's attorney may see such records as are reasonable necessary to represent the City. Requests that are closed records be opened to public inspection will be considered on a case by case basis by the City Council.

**Subpoenas for Closed Records.**

No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the City 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.

**Penalty for Disclosure of Closed Records.**

Any person employed or working for the City or who has been entrusted with a record that is marked or indicates that it is "confidential: or a "closed record," or who has been invited to participate in a closed meeting who nonetheless discloses any closed record, or any information about the contents of any closed meeting to any person shall be guilty of an offense under the ordinances of the City, and upon conviction therefore may be punished as provided by law. Any such person who is employed or working for the City may also be subject to the termination of his/her employment as a result of such disclosure. Any such person who is an elected or appointed official may also be subject to impeachment from his/her office as a result of such disclosure.

Policy Approved by the City Council: \_\_\_\_\_

**Sunshine Law Request**  
Request for Public Records.

Date: \_\_\_\_\_

To: City Clerk of the City of Bolivar  
PO Box 9  
Bolivar, MO 65613

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri. Please check appropriate request(s).

I REQUEST THAT YOU MAKE AVAILABLE TO ME THE FOLLOWING RECORDS: (Describe the records as specifically as possible.

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I REQUEST THAT YOU MAKE AVAILABLE TO ME ALL RECORDS THAT RELATE TO:

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I REQUEST THAT THE RECORDS RESPONSIVE TO MY REQUEST BE COPIED AND SENT TO ME AT THE FOLLOWING ADDRESS:

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I understand there is a fee for copying of 10 cents per page and a minimum research/pull fee of \$10.00 per hour. However, the actual cost of the lowest paid person, qualified to fulfill the request, shall be assessed as the research/pull fee, if required by the nature of the request, as determined by the custodian of records.

Please let me know in advance of any search or copying if the fees will exceed \$\_\_\_\_\_.

If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone