

**POLICY OF
BOARD OF TRUSTEES
BOONE COUNTY REGIONAL SEWER DISTRICT**

ACCESS TO PUBLIC MEETINGS AND RECORDS

In accordance with the provisions of section 610.028.2, RSMo, it is the policy of the Board of Trustees of the Boone County Regional Sewer District (hereafter referred to as "the Board" or "Board") to comply with the requirements of chapter 610, RSMo, commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote of the Board. This written policy statement shall be applicable to the meetings and records of the Board and shall be provided to any person requesting it free of charge. **In the event of conflict between any policies herein and the Sunshine Law the Sunshine Law shall control, and it is the Board's policy to comply with the Sunshine Law.** To facilitate access to public meetings of the Board and public records and information maintained by the Board, the following policies shall be applicable:

1) Meetings - It is the public policy of the Board that public meetings of the Board shall be open to the public and notice of such meetings shall be provided as required by law. ~~[A public meeting shall be presumed to occur if a quorum of the Board meets, confers, discusses, or decides any public business involving the Boone County Regional Sewer District and upon which the Board is empowered by law to influence or act, or the Board otherwise formulates any public policy involving Boone County Regional Sewer District. However, communications amongst a quorum of board members shall not be considered public meetings if made for ministerial or social purposes when there is no intent to avoid disclosure of the communications to the public about public business, or the communications do not involve the public business of Boone County Regional Sewer District.]~~ The Board authorizes the recording of its open public meetings by audiotape, videotape, or other electronic means provided that the use of such equipment does not disrupt the meeting or impair the general public from seating or participating in the meeting. The Board may conduct meetings or votes closed to the public pursuant to section 610.021, but such meetings shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. [

~~**A. Format of Public Meetings**—Meetings of the Board shall generally be conducted in open formal session or closed session. Formal sessions of the Board shall be conducted in the presence of the Secretary to the Board or designee who shall record votes and take and maintain meeting minutes. All votes taken by roll call shall be cast only by Board members who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the Board, due to an emergency with a quorum of the members of the Board physically present and in attendance and one or more of the members of the Board participating via telephone, facsimile, internet, or any other voice or electronic means, the nature of the emergency of the Board justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members of the Board were physically present and in attendance at the meeting.~~

~~**B. Format of Closed Meetings**—The Board shall keep or have kept minutes of closed meetings; any votes taken during a closed meeting shall be taken by roll call. The Board shall not discuss any business in a closed meeting or vote upon any matter which does not directly relate to the specific reason announced to justify the closed meeting or vote. Any~~

~~votes cast at such meetings shall be made and kept as provided in section 610.015, RSMo.]~~

- A. ~~[C.]~~ **Notice of Meetings** - All meetings of the Board, whether open public meetings or closed meetings, shall be posted and otherwise communicated in the time and manner prescribed by sections 610.020 and 610.022, RSMo. If the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If the Board plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its web site in addition to its principal office and shall notify the public how to access that meeting.[]

- ~~D. **Other Meetings** - Individual members of the Board or a quorum of members of the Board may also attend meetings or events called or hosted by other persons or organizations outside of the governance of Boone County Regional Sewer District. When a quorum of the Board intends to attend such meetings and attendance may involve their engaging in discussion of public business involving the Board, then the Board shall post notice of its attendance at such meetings and prepare minutes consistent with section 610.020, but otherwise attendance at such meetings shall not be deemed to be meetings of the Board and no notice or meeting minutes shall be prepared by the Board unless otherwise directed by a quorum of the Board.]~~

2. **Public Records** - It is also the public policy of the Board that public records of the Board shall be open to the public during the normal business hours of Boone County Regional Sewer District unless otherwise provided by law and Boone County Regional Sewer District shall comply with sections 610.010 to 610.030, RSMo, the Sunshine Law, as now existing or hereafter amended. Consistent with the provisions of section 610.010, RSMo, the term "public record" shall include any record, whether written or electronically stored, retained by or of the Board, including any report, survey, memorandum, or other document or study prepared and presented to the Board. Also consistent with the provisions of section 610.010, RSMo, the term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of the Board consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of the Board, unless such records are retained by the Board as public records or presented at a public meeting. The term "public record" shall not include any record qualifying as a closed record under section 610.021, RSMo, unless such record is ordered disclosed to the public by resolution of the Board.[]

- ~~A. **Storage of Public Records** - Electronic mail and written correspondence or memoranda shall be treated the same for purposes of this policy. A record shall be considered stored or retained by the Board if it is kept by the Secretary as required by law as a public record or it is located in Board's files or the Board's electronic mail repository. However, individually assigned file cabinets and electronic mail accounts, if any, shall be considered dedicated to the individual use of Board members and staff in furtherance of position responsibilities subject to general property and information management policies from time to time established by the Board. Written or electronic correspondence, memoranda or mail transmitted by individual Board members shall not be considered public records unless they pertain to public business and are addressed, copied or otherwise provided to a quorum of Board members counted as including the sending~~

~~member, or otherwise placed in the Board's central files or the Board's electronic mail repository. It shall be the responsibility of individual Board members to segregate and maintain segregation of personal mail, correspondence, or other personal private documents from the public records of Boone County Regional Sewer District. Any member of the Board who transmits any message relating to public business by electronic means to a quorum of the Board including the sender shall also concurrently transmit that message to the custodian of records in the same format. Any such message received by the custodian shall be a public record subject to the exceptions of section 610.021.]~~

[B]A. Custodian Of Records - The General Manager is hereby appointed custodian of the official records of the Board as are required or authorized by law to be kept by the Board and that such custodian is located at the offices of Boone County Regional Sewer District, 1314 N. Seventh St., Columbia, Missouri 65201. The custodian of records may delegate the functions described in this policy to members of the office staff as is necessary to fulfill duties of this office in a timely manner in addition to the duties described in this policy.

[C]B. Access To Public Records - The custodian of records for this office shall respond to all requests for access to or copies of a public record maintained by Boone County Regional Sewer District 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 and good cause, and the basis for delay shall be stated to the party making the request. 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 to the party making the request no later than the end of the third business day following the date that the request for the statement is received unless otherwise provided for by statute. If records are requested in a certain format, the custodian shall provide the records in the requested format, if such format is available. If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the custodian of records for this office shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

[D]C. Fees - - Fees for copying public records shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the Board. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the Board shall produce the copies using employees of the Board 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 custodian to provide a cost estimate for obtaining copies of the records. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches

shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for Board staff for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming. Payment of such copying fees may be requested prior to the making of copies. Documents may be furnished without charge or at a reduced charge when the custodian of records for the Board 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 Board and is not primarily in the commercial interest of the party making the request. Except as otherwise provided by law, fees collected for services provided under this policy shall be remitted to the appropriate fiscal officer for the Board for deposit to the agency[=]'s appropriate account.

~~[E]~~**D. Electronic Access** - If and to the extent Boone County Regional Sewer District provides electronic services in the form of on-line access or access by other electronic means to an electronic file or data base, it will provide electronic services involving public records to members of the public in usable electronic formats to the greatest extent feasible~~[, but provision of these services in lieu of conventional records will not take priority over the performance of the primary responsibilities of this office].~~