

Boone County Regional Sewer District

Sunshine Law Procedures

Pursuant to the Boone County Regional Sewer District (the “District”) Sunshine Law Policy, the General Manager of the District is Custodian of Records (the “Custodian”). The identity and location of the Custodian must be made available upon request. The Custodian may delegate tasks associated with fulfilling requests for records to District staff.

I. Procedures for Staff

Receiving oral request for records

1. Upon receipt of an oral request for records, ask that the request be put in writing and sent to the Custodian at [custodian@bcrsd.com] or 1314 N. 7th St. Columbia, MO 65201. If requester provides a written request, see below for receiving written request for records.
2. If requester chooses not to provide the request in writing, inform them that requests must be made to the Custodian. If the Custodian is available, the Custodian should proceed with receiving the oral request. If the Custodian is not available, instruct requester to return another time, call back, or that a message will be given to the Custodian to call requester back, as appropriate.
3. When the Custodian receives an oral request for records, the Custodian should document the following:
 - a. Name of requester;
 - b. Date of request;
 - c. Contact information of requester sufficient to communicate any questions regarding the request and to provide the records requested (phone number, email, address); and
 - d. Details regarding the records requested – the Custodian should repeat the request to the requester to confirm that they understand the records being requested.
4. Any questions regarding the receipt of an oral request for records should be directed to District’s legal counsel.
5. Refer to below procedure for responding to a request for records.

Receiving written request for records

1. Staff should direct individuals requesting records in writing to provide the request to the Custodian at [custodian@bcrsd.com] or 1314 N. 7th St., Columbia, MO 65201.
2. A written request for records received by or directed to a member of District staff other than the Custodian should promptly be provided to the Custodian.
3. Upon receipt of a written request for records, the Custodian should document date of receipt if such documentation is not automatic (i.e. when received by email), such as through a “Received on [DATE]” stamp.
4. Any questions regarding receipt of a written request for records should be directed to District’s legal counsel.
5. Refer to below procedure for responding to a request for records.

Responding to a request for records

1. Upon receipt of a request for records, the Custodian should identify all staff members that may have records responsive to the request.
2. The Custodian and/or appropriate staff as assigned by the Custodian should begin to identify records responsive to the request upon receipt of the request for records. The search required will be specific to each request, but will generally include searching hard copy files, electronic records, and emails.
3. The Custodian must respond to each request for records as soon as possible but no later than three days after receipt of the request. If responsive records are not immediately available, additional time may be taken to provide them for reasonable cause. If additional time is required to fulfill the request, the Custodian's initial response provided within three days of the receipt of the request for records should include:
 - a. Confirmation of date the Custodian received the request for records;
 - b. Restatement/repetition of records requested;
 - c. Statement that the District is actively working to identify and provide records responsive to the request;
 - d. Detailed cause of delay in providing records;
 - e. The date the Custodian anticipates records will be available; and
 - f. Estimate of fees that will be charged for the records, if any, as follows:
 - i. Fees for staff research time may be charged at the actual cost of the research time, provided that the staff utilized in producing copies and research is the staff that will result in the lowest amount of charges. Fees for staff time to produce copies may not exceed the average hourly rate of pay for District clerical staff.
 - ii. \$0.10 per page may be charged for hard copies of records 9x14 in. or smaller.
 - iii. Fees for records provided on non-paper medium and hard copies or records larger than 9x14 in. may be charged at the actual cost, including the medium on which the record is provided (i.e. flash drive, disks, tapes, etc.).
 - Requesters may provide their own devices, such as flash drives, for use in providing records. If provided by a requester, only factory-sealed devices should be used to provide electronic records.
 - iv. Payment of fees for hard copies of records may be required prior to producing copies.
4. The Custodian should contact District's legal counsel for assistance with drafting a response to the request for records if necessary.
5. The Custodian and/or staff delegated by the Custodian may contact the requester at any time to clarify which records are requested if necessary to identify responsive records. However, the requester may refuse to clarify or provide additional information regarding the request.
6. The District is not required to create new records to fulfill a request. By way of example, a spreadsheet summarizing information need not be created but should be provided if it is a record that already exists and is responsive to the request.

7. Once all responsive records are identified, the Custodian and/or staff delegated by the Custodian must review each responsive record to identify closed records. Closed records are only those listed in Section 610.021, RSMo. When records contain both open and closed public records, the closed portion of the records may be redacted before providing the records to the requester. No fees may be charged for the time staff might spend redacting documents. The Custodian and/or staff should contact District's legal counsel to confirm records are properly identified as closed records and appropriately omitted.
8. In the event that records are not available to provide to the requester by the date specified in the Custodian's initial response to the requester, the Custodian should contact the requester with a written update. The written communication should be provided to the requester stating:
 - a. The detailed cause of further delay; and
 - b. The date the Custodian anticipates providing the requested records.
9. When all records responsive to the request have been identified and closed records have been appropriately omitted, the Custodian should provide the records to the requester. Documents should be provided in the format requested (i.e. electronic by email) if the documents are available in that format. Written communication should be provided with the responsive records provided, including:
 - a. A statement that the District has identified all records responsive to the request, and the documents are enclosed/attached;
 - b. If any responsive records are closed and/or redacted, a citation to the specific section of § 610.021, RSMo. that allows closure of the record;
 - c. A statement that the request is complete and is considered closed.
10. The Custodian and/or staff may contact the District's legal counsel for review of the final communication and responsive records to ensure compliance with the Sunshine Law.
11. If the District does not have any records responsive to the request, the Custodian should provide the requester written communication stating:
 - a. The District does not have any records responsive to the request; and
 - b. The request is considered closed.

II. Procedures For Trustees

Certain Email Communications between Trustees

1. The Sunshine Law requires that certain electronic communications by Trustees be concurrently transmitted to the Custodian.
2. Electronic messages by Trustees that 1) relate to public business and 2) are sent to two or more members (three trustees including the sender are included in the communication) must also copy the Custodian at [custodian@bcrsd.com].