

**BILL NO. 23-11**

**ORDINANCE NO. 4.630**

**AN ORDINANCE AMENDING SECTION 1.115.020 OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI, PERTAINING TO CLOSED MEETINGS AND CLOSED RECORDS IN ACCORDANCE WITH THE OPEN MEETINGS AND RECORDS LAW IN CHAPTER 610 OF THE REVISED STATUTES OF MISSOURI.**

**WHEREAS**, Section 610.021, RSMo., identifies meetings, records and votes that may be closed to the public; and

**WHEREAS**, pursuant to Section 1.115.020 of the Code of Ordinances of the City of Gladstone, Missouri (the “Code of Ordinances”), the City Council has designated certain meetings, records and votes as closed by the City; and

**WHEREAS**, the Missouri General Assembly has amended state law including Section 610.021, RSMo., to include additional meetings, records and votes that may be closed to the public; and

**WHEREAS**, the City Council desires to amend Section 1.115.020 of the Code of Ordinances to be consistent with state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:**

Section 1. That Section 1.115.020 of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

**Section 1.115.020 - Closed meetings and closed records authorized; exceptions.**

Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the city, all meetings, records and votes of the city or its governmental bodies, are closed to the public to the extent they relate to the following:

1. Legal actions, causes of action or litigation involving the city or any public governmental body of the city and any confidential or privileged communications between the city or its public governmental bodies or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the city or its public governmental bodies or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the city or its public governmental bodies 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 section 610.011, RSMo., however, the amount of any moneys paid by, or on

behalf of, the city or its public governmental bodies 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;

2. Leasing, purchase or sale of real estate by the city or its public governmental bodies where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by the city or its public governmental bodies shall be made public upon execution of the lease, purchase or sale of the real estate;
3. Hiring, firing, disciplining or promoting of particular employees by the city or its public governmental bodies when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by the city or its public governmental bodies, to hire, fire, promote or discipline an employee of the city or its public governmental bodies shall be made available with a record of how each member voted to the public within seventy-two 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 seventy-two-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 of individual test 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 eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
7. Testing and examination 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 the city or its public governmental bodies 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 city or its public governmental bodies or the specifications are published for bid;



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 the city or its public governmental bodies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
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 the city or its public governmental bodies and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
18. Operational guidelines, policies and specific response plans developed, adopted, or maintained by the city or its public governmental bodies responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the city or its public governmental bodies shall affirmatively state in writing that disclosure would impair the city or its public governmental bodies' ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
19. Existing or proposed security systems and structural plans of real property owned or leased by the city or its public governmental bodies, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to the city or its public governmental bodies for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
  - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

- b. When seeking to close information pursuant to this exception, the city or its public governmental bodies shall affirmatively state in writing that disclosure would impair the city or its public governmental bodies' ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
  - c. Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;
20. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;
21. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the city or its public governmental bodies. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the city or its public governmental bodies for such computer, computer system, computer network, or telecommunications network shall be open;
22. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the city or its public governmental bodies and a person or entity doing business with the city or its public governmental bodies. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of the city or its public governmental bodies or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the city or its public governmental bodies;
23. Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;
24. Records relating to foster home or kinship placements of children in foster care under section 210.498, RSMo.;



25. Individually identifiable customer usage and billing records for customers of the city's municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that the city's municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account; and

26. Any records authorized by state law to be closed.

Section 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

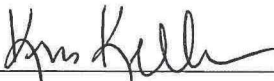
Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.**



\_\_\_\_\_  
Bill Garnos, Mayor

ATTEST:



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Kris Keller, City Clerk

First Reading: February 27, 2023

Second Reading: February 27, 2023



## *Request for Council Action*

RES  # City Clerk Only

BILL  # 23-11

ORD  # 4.630

Date: 2/22/2022

Department: General Administration

Meeting Date Requested: 2/27/2023

Public Hearing: Yes  Date: [Click here to enter a date.](#)

Subject: Amendment to Section 1.115.020 of the Code of Ordinances

Background: Section 610.021, RSMo., of the Sunshine Law identifies meetings, records and votes that may be closed to the public. Pursuant to Section 1.115.020 of the City's Code of Ordinances, the City Council has designated certain meetings, records and votes as closed by the City. The Missouri General Assembly has amended state law including Section 610.021, RSMo., to include additional meetings, records and votes that may be closed to the public. As a result, it is necessary to amend Section 1.115.020 of the Code of Ordinances in order for it to be consistent with state law.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the N/A Fund. Ongoing costs are estimated to be \$0 annually. Previous years' funding was \$0.

Public/Board/Staff Input:

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor.

Chris Williams  
City Attorney

City Attorney

SW  
City Manager