

AN ORDINANCE AMENDING TITLE I, GOVERNMENT, OF THE CODE OF ORDINANCES OF THE CITY OF GLADSTONE, MISSOURI TO AMEND CHAPTER 115 MEETINGS AND RECORDS.

WHEREAS, The Code of Ordinances of the City of Gladstone, Missouri (the “City Code”) includes provisions in Title I addressing meetings and records within the City of Gladstone, Missouri (the “City”); and

WHEREAS, the City Staff have prepared revisions to amend Title I of the City Code to revise Chapter 115 to address changes made to the state open records law regarding what types of records are considered closed and how fees may be charged for providing such records.

WHEREAS, the City Council desires to approve the proposed amendments to Title I of the City Code as set forth in this ordinance.

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

SECTION 1: That Chapter 115 Meetings and Records of the City Code is hereby amended with additions in **bold underline** and deletions in ~~strikethrough~~:

Sec. 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 a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body 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 a public government body 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 public governmental body 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 a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes, vote or public record approving a contract relating to the leasing,

purchase or sale of real estate by a public governmental body 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 a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) 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) Non-judicial 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 (18) years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen (18) 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 a public governmental body 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 public governmental body 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 public agencies

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) Records relating to reports of allegations of improper governmental activities under Section 29.221 RSMo.;

~~(17) (18) Confidential or privileged communications between a public governmental body 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 any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident 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 public governmental body shall affirmatively state, in writing, that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;~~

(19) Safety and Security Information

a. Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

b. Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

c. Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

d. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first

response, or public health for use in responding to or preventing any critical incident 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 public governmental body shall affirmatively state, in writing, that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;

(19) (20) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body 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 public governmental body shall affirmatively state, in writing, that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;

c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) 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) (21) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) (22) 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 a public governmental body. 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, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) (23) 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 a public governmental body and a person or entity doing business with a

public governmental body. 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 a public governmental body 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 a public governmental body;

(23) (24) 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) (25) Records relating to foster home or kinship placements of children in foster care under RSMO Section 210.498;

(25) (26) Individually identifiable customer usage and billing records for customers of a municipally-owned utility, or a utility operated by any political subdivision created by Article VI, Section 30(a) of the Constitution of Missouri, unless the records are requested by the customer or authorized for release by the customer, except that a municipally-owned utility or a utility operated by any political subdivision created by Article VI, Section 30(a) of the Constitution of Missouri 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

(27) Any portion of a record that contains individually identifiable information of a minor under eighteen (18) years of age held by a public governmental body, if such public governmental body is a city, town, village, or park board except when such records are requested by the division of labor standards within the department of labor and industrial relations for the purpose of enforcing RSMo chapter 294;

(28) Individually identifiable customer information for visitors who make a camping, lodging, or shelter reservation for a county park, municipal park, or Missouri state park or state historic site unless the records are requested by the visitor or authorized for release by the visitor, and except that this exemption shall not apply to the municipality of residence and the zip code of residence of the visitor;

(29) Records to protect the specific location of a plant or animal species considered endangered, threatened, critically imperiled, imperiled, or vulnerable when the known location may cause the species to be at an increased risk of peril; and

(26) (30) Any records authorized by State law to be closed.

Section 1.115.040: Reasonable fees established for providing access to or copies of public records.

~~Should a person authorized by state law to obtain access to city records request access to or photocopies of public records, there is hereby established a search and photocopying fee as specified in a schedule of fees and charges to be paid to the city, all in accordance with state law. All moneys received by the City and its public governmental bodies will be paid over to the city treasurer to be deposited into the city's general fund.~~

(1) Fees for copying public records, except those records restricted under section 32.091 RSMo., 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 public governmental body. 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 public governmental body shall produce the copies using employees of the body 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 public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body 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 public governmental body and is not primarily in the commercial interest of the requester.

(2) 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 staff of the public governmental body required 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.

(3) Payment of fees may be requested prior to fulfilling the request.

(4) The custodian of records may request payment (or may require) of any fees prior to fulfilling the request. A request for public records shall be considered withdrawn if the requester fails to remit all fees within ninety (90) days or within one hundred fifty (150) days if the requested fees are greater than one thousand (1,000) dollars of a request for payment of the fees by the public governmental body, prior to fulfilling the request. The custodian shall include notice to the requester that if the requester fails to remit payment of the fees within ninety (90) days, or within one hundred fifty (150) days if the requested fees are greater than one thousand (1,000) dollars, then the request for public records will be withdrawn. If the custodian responds to a request for public records in order to seek a clarification of the request and no response to the request for clarification is received within ninety (90) days, or within one hundred fifty (150) days if the requested fees are greater than one thousand (1,000) dollars, of sending the request for clarification, the such request for public records shall be considered withdrawn. If the same or a substantially similar request for public records is made within six (6) months after the expiration of the ninety (90) day period, or within one hundred fifty (150) days if the requested fees are greater than one thousand (1,000) dollars, and no fee was remitted for such request or no response was received to the request for clarification, then the custodian may request payment of the same fees made for

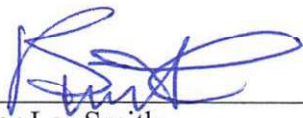
BILL NO. 25-29**ORDINANCE NO. 4.713**

the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request. Any request for records that is pending on August 28, 2025, shall be considered withdrawn if the requester fails to remit all fees by January 1, 2026. The provisions of this subsection shall not apply if a lawsuit has been filed against the City with regard to the records that are the subject of the request under this subsection.

SECTION 2: That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3: That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 22ND DAY OF SEPTEMBER 2025.



Mayor Les Smith

ATTEST:



Kris Keller, City Clerk

1st Reading: September 22, 2025

2nd Reading: September 22, 2025



Request for Council Action

RES ☐# City Clerk Only

BILL ☒# 25-29

ORD ☒# 4.713

Date: 9/18/2025

Department: General Administration

Meeting Date Requested: 9/22/2025

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

Subject: An Ordinance authorizing amendments to the Meetings and Records provisions of the Gladstone City Code.

Background: Recent changes to the State of Missouri's open records law, commonly referred to as Missouri's "Sunshine Law", have prompted City Staff to prepare revisions to our City Code Chapter 115 Meetings and Records. These revisions reflect the state law changes regarding what types of records are considered closed and how fees may be charged for providing such records.

Budget Discussion: N/A

Public/Board/Staff Input: Staff recommends approval of the proposed Ordinance.

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

Robert Baer
Administrator

JA
City Attorney

BB
City Manager