



OZARKS TRANSPORTATION ORGANIZATION
A METROPOLITAN PLANNING ORGANIZATION

OZARKS TRANSPORTATION ORGANIZATION SUNSHINE LAW/RECORDS RETENTION POLICY

Missouri Sunshine Law

Each public governmental body shall provide a reasonable written policy consistent with the Sunshine Law and open to the public regarding access to public records and meetings. (Section 610.028)

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POLICY SUMMARY

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- The public can request public records by contacting the Custodian of Records.
- The OTO has appointed the Communications Clerk as the Custodian of Records.
- The OTO will notify the requestor within 3 days of the cost and length of time to fill the request.
- The OTO will allow the public to come to the OTO to review records through appointment.
- The OTO has an established fee schedule.
- The OTO maintains appropriate records in accordance with the State of Missouri General Records Retention Schedule.
- The OTO can close a record for reasons outlined in this policy. The OTO will cite the RSMo for all such closed or redacted records.
- The OTO publishes meeting notices 24 hours in advance through a press list, the OTO website, and by the OTO door.
- The OTO will publish electronic meeting notices 24 hours in advance through a press list, the OTO website and by the OTO door. The OTO will provide a place for the public to witness the electronic meeting in addition to posting it live on the OTO website.
- The OTO will provide minutes of all its board and committee meetings. It will provide meeting notes of all its subcommittees.
- The OTO can close a meeting for reasons as outlined in this policy. The RSMo will be cited for the closure and an official roll call vote will be kept of the motion.
- The OTO will keep emails in accordance with the State of Missouri General Records Retention Schedule where the number of individuals on the email constitutes a quorum of the board, committee, or subcommittee.

PUBLIC RECORDS

Request for Public Records

A request for records or to inspect public records should be made in writing to the Ozarks Transportation Organization (OTO) Custodian of Records, with sufficient specificity to enable OTO to identify the information sought. These requests may come in through email or regular U.S. mail.

Custodian of Records

The Ozarks Transportation Organization Communications Clerk is the Custodian of Records. To submit a request for records, please contact us by one of the following:

E-mail: comment@ozarkstransportation.org

Fax: 417-862-6013

Mail: Custodian of Records
2208 W. Chesterfield Blvd., Suite 101
Springfield, MO 65807

Processing Time

The OTO will respond to each request by the end of the third business day following the date the request is received by the custodian. If the record is closed, the custodian will explain in writing why it is closed, including the statute that authorizes the closure. The letter will outline the expected time line and cost to be incurred for each Sunshine request, and the approximate date the records will be available. If the cost for the requested records is significant, a deposit will be requested. If a deposit is requested, the Sunshine request will not be processed until the deposit has been received.

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Request for Access to Specific Files

It is the policy of Ozarks Transportation Organization that all records open for public inspection shall be available with the least possible delay and expense to the requesting party. Public records are open to inspection at all times during the office hours of OTO. To permit sufficient time for OTO to compile records for review, an appointment to view the records should be made by the requestor.

Requests to OTO for information which requires analysis or customization is not a request for a record as specified by the Sunshine Law, and is therefore, not subject to the Sunshine Law. These types of requests, in addition to requests for additional study by OTO staff are subject to approval by the Ozarks Transportation Organization Executive Director and/or Board of Directors Executive Committee.

Fee Schedule

The OTO has adopted the following fee schedule for Sunshine Law Requests:

\$.10 cents per copy for 8.5 X 11 pages plus \$16.90 per hour (pro-rated)

\$1.00 per square foot for large-format prints plus \$16.90 per hour (pro-rated)

Time spent to research and locate specific items can be charged at the actual cost to the OTO for staff time. This cost is calculated as salary + benefits = cost.

The fee may be waived at the discretion of the OTO if it is in the public interest and not for commercial purposes.

Record Retention

OTO's policy is to retain records in accordance with the State of Missouri's General Record Retention Schedule. The schedule can be found at <https://www.sos.mo.gov/CMSImages/LocalRecords/General.pdf>. OTO will ensure that these records are available upon request.

CLOSED RECORDS

The OTO officially closes records that are allowed under Section 610.021 to include the following:

- Legal actions, causes of action or litigation (except that votes, minutes and settlement agreements must be opened to the public on final disposition, unless ordered closed by a court).
- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction.
- Hiring, firing, disciplining or promoting of a particular employee. The final decision is considered an open record but the information pertaining to the issue is closed.
- Software codes for electronic data processing. The OTO will not disclose passwords to the OTO computer systems or bank accounts.
- Individually identifiable personnel records, performance ratings or records pertaining to employees, etc. This includes all employee social security and HIPAA protected records. The OTO determines that this includes payroll records.

The OTO will keep an employee salary schedule that includes the employees name, hire date and rate of pay that will be provided to the public upon request.

- Records related to existing or proposed security systems.
- Specifications for competitive bidding, until either the specifications are officially approved by the OTO or the specifications are published for bid.
- Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or related to a negotiated contract until a contract is executed or all proposals are rejected.
- Confidential or privileged communications between the OTO and its auditor, including all auditor work product. However, all final audit reports issued by the auditor will be considered open records.
- Records that are protected from disclosure by other laws.

The OTO may redact portions of a record if that portion is deemed closed under the closed record rule. For example, an employee social security number would be blacked out.

PUBLIC MEETINGS

Public Meeting Notices *(Section 610.010(5))*

All OTO Boards and Committees are subject to the Sunshine Law. A meeting is any meeting where public business is discussed, decided or public policy is formulated. A meeting takes place when a majority or quorum of the OTO's Board, Committee, or Subcommittee gathers to discuss or vote on public business. However, it is important to note without a quorum present, no real decision making may take place. Further, if the public and the full public governmental body are not given proper notice of a surreptitious meeting, the body will not have the benefit of a full discussion and exchange of ideas.

It is the policy of Ozarks Transportation Organization to send out meeting notices at least 24 hours in advance.

OTO sends out public notice of meetings via an e-mailed Press Release to local organizations, officials and media. The Press Release includes the date, time and place of the meeting, along with an attached tentative agenda. (Section 610.020.1) The Agenda is also posted on the following:

- OTO's website: ozarkstransportation.org
- OTO's Facebook Page
- A hard copy posted on a public bulletin board at OTO's main offices at 2208 W. Chesterfield Blvd. Suite 101, Springfield, MO 65807.
- An electronic copy is sent to the City of Springfield City Clerk's Office and to the Greene County Commission office for posting.

Recording Meetings

Citizens may videotape or record the OTO's public meetings. However, OTO's Executive Director may establish guidelines to minimize disruption.

Recording a properly closed meeting without the OTO's permission is not permitted and is a Class C misdemeanor.

Closed Meetings and Records

It is the policy of Ozarks Transportation Organization to have occasional closed meetings. (Section 610.021)

Matters that may be closed under Section 610.011 include:

- Legal actions, causes of action or litigation (except that votes, minutes and settlement agreements must be opened to the public on final disposition, unless ordered closed by a court).

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- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction.
- Hiring, firing, disciplining or promoting a particular employee.
- Performance rating of an employee.
- Software codes for electronic data processing.
- Individually identifiable personnel records. This includes all employee social security and HIPAA records.
- Records related to existing or proposed security systems.
- Specifications for competitive bidding, until either the specifications are officially approved by the OTO or the specifications are published for bid.
- Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or related to a negotiated contract until a contract is executed or all proposals are rejected.
- Confidential or privileged communications between the OTO and its auditor, including all auditor work project. However, all final audit reports issued by the auditor will be considered open records.
- Records that are protected from disclosure by other laws.

The OTO will vote to go into closed section (Section 610.02 2.1) and the votes taken during a closed meeting will be a roll-call vote (Section 610.015)

Disciplinary Action Taken Against a Public Employee in a Closed Meeting (Section 610.021(3))

The OTO will close a meeting to consider hiring, firing, disciplining or promoting an employee when personal information about the employee is discussed or recorded. Personal information relates to the performance or merit of that employee. But the vote on any final decision to hire, fire, discipline or promote an employee must be made available to the public within 72 hours after the closed meeting and include a record of how each member voted. The OTO will give the employee notice during the 72-hour period before making it public.

Closed Meeting for the Purpose of Litigation Discussion (Section 610.021(1))

The OTO will close a meeting to discuss legal actions, causes of action or litigation involving the OTO and confidential or privileged communications between the OTO and its attorneys. This includes meetings where the OTO is a potential plaintiff or defendant, even if litigation has not yet commenced.

Closed Meeting for the Purpose of Ranking an Employee (Section 610.021(13))

The OTO will close a meeting to discuss the performance rating for the Executive Director.

Closing the meeting (Section 610.022)

The OTO will only close a meeting for the items outlined above, and will not discuss any other business during the closed meeting, except for the reason for calling the closed meeting. The OTO will allow for space for members of the public to remain during the closed session.

The OTO will follow its normal meeting notification procedure for a planned closed session vote. The OTO will let the public know that it will be a closed meeting and cite the specific exception for the closure. The OTO does not need to attach a tentative agenda for a closed meeting. The OTO must have a public vote to close the meeting by a majority of a quorum of the OTO's Board or Committee members. The reason for the closure must be announced, including the proper statutory section, in open session and entered into the minutes.

Disclosing records from closed session

The OTO will conduct a roll-call vote during a closed session and disclose the vote of each member, not just the vote total or results. The “vote” includes the proposition voted on and matters or material referred to within the proposition.

Public Meeting Minutes

OTO will take minutes of both open and closed meetings. OTO takes minutes of all board and committee meetings. Meeting notes will be kept of all subcommittee meetings. The minutes include the date, time, place, members present, members absent, OTO staff present, along with a sign-in sheet of all attendees. A record of votes is taken and, when a roll call vote is taken, votes are attributed to each member (Section 610.020.7).

It is also the policy of the OTO to record the time the meeting is called to order and all motions to approve and seconds to the motion. Adjournment time is recorded.

Public meeting minutes are available to the public on OTO’s website, www.ozarkstransportation.org, or via a request to OTO’s Custodian of Records.

Draft Minutes

A draft of the minutes is “public record” under Section 610.010(6) and must be provided as soon as possible. The OTO will inform the requestor that the minutes are in draft form and will not be “official” until approved at the next regularly scheduled meeting of the OTO Board or Committee.

E-MAILS AMONG MEMBERS OF PUBLIC BODIES

It is the policy of Ozarks Transportation Organization for OTO’s Custodian of Records to be copied on all e-mail correspondence between OTO and two or more members of the public body, so that counting the sender, a majority of the body’s members are copied on the message.

It is the policy of OTO to maintain records in electronic formats that are accessible to the public (Section 610.029.1) and to provide records in the format requested, if available (Section 610.023.3).

ELECTRONIC MEETINGS

Meetings conducted via the internet are subject to the Sunshine Law (Section 610.010(5)). The OTO will give notice of electronic meetings and explain to the public how they can access the meeting. The OTO will post a notice of the meeting on the OTO website. The OTO will provide a place for members of the public to watch the electronic meeting. The OTO will keep the OTO website current on the status of the meeting.

RECORDS RETENTION

LOCAL RECORDS RETENTION SCHEDULES

Missouri Revised Statutes Chapter 109 (Public and Business Records) Section 255 authorizes the Local Records Board to establish minimum retention periods for the administrative, fiscal and legal records created by local governments.

Retention and disposition of records that are common to many offices are included in the General Schedule. Records unique to particular offices are addressed in individual office schedules.

There are some portions of this Statute that do not apply to the Ozarks Transportation Organization, but much of it does. Therefore, the entire schedule is attached as Appendix A to ensure compliance with and adherence to the Law.