

**First Reading: 09/08/25**  
**Bill Number: 25-58**

**Second Reading: 09/08/25**  
**Ordinance Number: 250908**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI, AMENDING CHAPTER 120, OPEN MEETINGS AND RECORDS POLICY FOR THE PURPOSE OF UPDATING THE CODE TO REFLECT CHANGES IN THE SUNSHINE LAW.**

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**WHEREAS**, the Board of Aldermen of the City of Willard, Missouri (City) desires to update its current Open Meetings and Records Policy by amending Chapter 120 to better reflect the current amendments to the Sunshine Law, Chapter 610 of the Revised Statutes of Missouri (Sunshine Law); and

**WHEREAS**, the City had adopted the language verbatim from the Sunshine Law which is not necessary as the City must and desires to comply with Chapter 610; and

**WHEREAS**, the City desires to adopt the necessary policies as required in the proposed amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, MISSOURI, AS FOLLOWS:**

- Section 1: It is the intention of the Board of Aldermen and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Municipal Code of the City of Willard, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.
- Section 2: That Chapter 120 Open Meetings and Records Policy of the Municipal Code of the City of Willard, Missouri is hereby repealed in its entirety and amended to read as follows:

**CHAPTER 120. PUBLIC RECORD REQUEST POLICY AND PROCEDURES**

Section 120.010. Custodian Of Records Designated.

- A. The City Clerk is hereby designated as the Custodian of Records for the City of Willard. Such designation does not mean the City Clerk will necessarily have all of the records in his or her possession but simply is an indication to whom requests for copies of records and information regarding the City government shall be directed. Per the Missouri Sunshine Law, Chapter 610, RSMo., the Custodian of Records will respond to any records requests by either providing the requested records; informing the requester that the records sought are closed (and, if requested, with a citation of the provision for closure); or explaining the cause of the delay with an estimation of when the records will be provided. The response will be sent within three (3) business days of receipt of the request; the three-day time period does not begin until the Custodian of Records is in direct receipt of the request. For example, if the Custodian of Records is out of the office

a request will not be considered received until he/she is back at work. Requests for records made to persons other than the Custodian of Records shall be directed to the Custodian of Records in a timely manner, so that a response may be made to the request. If the person receiving the request is out of the office but receives a records request (ex: via email), then the person shall direct the request for records to the Custodian of Records upon their return to the office.

- B. The Police Department of the City shall maintain records of all police-related records, the Chief of Police shall be the custodian of police records subject to oversight from the City Clerk. All incident reports and arrest reports shall be open records; however certain information may need to be redacted from reports occasionally pursuant to Chapter 610, RSMo. Notwithstanding any other provision of the law, investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed.

#### Section 120.020. How Records are Requested.

Requesters are encouraged to submit requests for records in writing. Oral requests, if received by the City Clerk, shall be immediately recorded in written form to document the same. All requests for records, whether submitted by a requester in writing or orally, shall ultimately be documented, in writing, using the records request form prescribed by the City of Willard.

#### Section 120.030. Manner of Response Provided.

The requesting party shall indicate on the request the manner in which a response is desired. In the absence of instructions to the contrary, it will be assumed the requesting party wants to receive a response in the same form as the original request. Example: If someone mails a records request, it will be assumed a mailed response is required.

#### Section 120.040. Response Within 3 Business Days.

- A. The Custodian of Records shall respond to the request within three (3) business days of its receipt by said custodian. A "business day" is a day when City Hall is open for the conduct of City business during its normal business hours. While it is desirable that an entire transaction be completed within three (3) business days, there may be circumstances where clarification or explanation of the request is necessary, or where it may be necessary to provide only part of the requested information while additional searches are completed. If records contain open and closed information, closed information should be redacted.
- B. The Custodian of Records ensures that, within three (3) business days from receipt of the request, one (1) of the following occurs:
  - 1. The requester receives copies of the record, as requested, after fees paid.

2. If the record has been destroyed pursuant to the City's records retention schedule, written notice of that fact is provided.
  3. If the City is unable to fulfill the request within the three (3) days, written notice of that fact and estimated date that the record will be available is provided.
  4. If the request is denied, upon request, written notice with citation to the specific statute or other legal authority making the record confidential is provided.
- C. Upon receipt of all responsive documents, the Custodian of Records determines what is closed. Any questionable documents should be provided to the City Attorney for review.
- D. Copies of the request and response to same shall be kept by the Custodian of Records.

Section 120.050. Request for Searches.

- A. If the Custodian of Records responds to a request for public records in order to seek 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 dollars, of sending the request for clarification, then such request for public records shall be considered withdrawn. The request for clarification shall include notice to the requester that if the requester fails to respond within ninety (90) days or within one hundred fifty (150) days if the request fees are greater than one thousand dollars, then the request shall be withdrawn.
- B. Except as otherwise provided by law, the City shall provide access to and, upon request, furnish copies of public records upon payment of the following fees:
1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) inches by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the City. Copies of larger documents shall be charged at the actual cost to the City.
  2. 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 City that result in the lowest amount of charges for search, research, and duplication time.
  3. 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.
  4. Documents may be furnished without charge or at a reduced charge when the City 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 government body and is not primarily in commercial interest of the requester.

5. 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 (9) inches by fourteen (14) 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 cost of such programming. For copies that must be made elsewhere or using other equipment than available at City Hall, the actual charges imposed for making the copies (including any taxes imposed) will also be charged.
- C. Payment of such copying fees shall be requested prior to the making of copies.
  - D. If a requester fails to pay the fee requested within 90 days of notice from the City, or 150 days if the cost of producing the records is estimated to exceed \$1000, then the request shall be considered withdrawn.
  - E. If a request is withdrawn as provided in subsection A and D, above, and the requester or another person makes substantially the same request, then the person making that subsequent request shall be charged the fees incurred in collecting and copying records for the original request.

#### Section 120.060. Closed Records.

All records of the City which are permitted to be closed records by reason of the Sunshine Law, or by any other Missouri Statute or regulation shall be maintained as a closed record. No such closed record shall be released to any person who is not part of the City government except those that are reasonably necessary to prepare an audit report requested by the City and the City's Attorney is able to see such records as are reasonably necessary to represent the City. Requests that closed records be open to public inspection will be considered on a case-by-case basis by the City's Board of Aldermen. The Board of Aldermen, when in doubt about the legality of closing a particular meeting, record or vote, may bring suit at the expense of the City in the Circuit Court of Stone County to ascertain the propriety of any such action, or seek a formal opinion of the Attorney General or an attorney for the City.

#### Section 120.070. Public Notice Board.

The Custodian of Records shall establish a fixed place where all public notices and agendas will be posted. This should be in a place accessible to members of the public at all times. The notice board is located in front of the City Hall.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and signature of the chairperson and attested to

by the City Clerk.

Section 4: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of the City of Willard, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**