

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting Chapter 12, Jackson County Code, 1984, relating to records retention and open records, consisting of eight sections.

ORDINANCE # 3600, February 7, 2005

INTRODUCED BY Robert A. Stringfield and Dan Tarwater, County Legislators

WHEREAS, local government offices produce records that document the activities and actions of the government that serves them and the history of the County in which they live; and,

WHEREAS, Section 610.023.1, RSMo, provides that a public governmental body is to appoint a custodian to maintain that body's records and the identity and location of the custodian is to be made available upon request; and,

WHEREAS, Section 610.026, RSMo, sets forth that a public governmental body shall provide access to and upon request, furnish copies of public records; and,

WHEREAS, Section 610.028.2 RSMo, provides that a public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, RSMo, commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote; and,

WHEREAS, provisions of Chapter 109, RSMo, authorize the state Local Records Board to establish and revise local government records retention schedules which schedules are currently available on the Internet at www.sos.mo.gov/archives/localrecs/schedules/ ; and,

WHEREAS, it is the responsibility of Jackson County to efficiently maintain and manage its records consistent with both the local government records retention schedules and Chapter 610, RSMo, Governmental bodies and Records, which is commonly referred to as the Missouri Sunshine Law; and,

WHEREAS, it is appropriate that Jackson County enact a policy consistent with the State records retention management plan and the newly revised Missouri Sunshine Law; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Chapter 12, Jackson County Code, 1984, is hereby enacted, consisting of eight new sections, to be known as §§ 1200., 1201., 1202., 1203., 1204., 1205., 1206. and 1207. to read as follows:

1200. Public Policy.

It is the public policy of Jackson County, Missouri, that meetings, records, votes, actions and deliberations of each public governmental body that is a component of

county government shall be open to the public unless otherwise provided by law.

1201. Definitions.

a. "Custodian of Records" means the person with immediate charge and control of public records for a designated governmental body.

b. "County" means Jackson County, Missouri.

c. "Record" means 'public record' as defined by section 610.010(6), RSMo.

1202. State Law to Govern.

Each division, department, agency or office that is a component of Jackson County government shall comply with sections 610.010 to 610.030, RSMo, the Sunshine Law, and sections 109.200 to 109.310, RSMo, State and Local Records Law, as now existing or hereafter amended.

1203. Custodians of Records, Designation.

The following are appointed as Custodians of Records for the divisions, departments, agencies or offices that are components of Jackson County government.

1203.01 County Legislature.

The Clerk of the County Legislature is the Custodian of Records for the County

Legislature and that such custodian is located at the Jackson County Courthouse, 415 East 12th Street, 2nd floor, Kansas City, Missouri 64106.

1203.02 Elected Officials.

The County Executive, Prosecuting Attorney, Sheriff or their duly appointed designees, pursuant to section 1204.2, are the Custodians of their own Records.

1203.02 a. The County Executive is located at the Jackson County Courthouse, 415 East 12th Street, 2nd floor, Kansas City, Missouri 64106.

1203.02 b. The Prosecuting Attorney is located at the Jackson County Courthouse, 415 East 12th Street, 11th floor, Kansas City, Missouri 64106.

1203.02 c. The Sheriff is located at 3310 N.E. Rennau Drive, Lee's Summit, Missouri 64064.

1203.03 Division Chiefs, Department Directors, and Similar Officers. Each division chief, department director, and similar officer is the custodian of their own records and that such custodians are located at the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106 unless specifically identified otherwise as follows:

1203.03 a. Department of Corrections, 1300 Cherry, Kansas City, Missouri, 64106.

1203.03 b. Department of Economic Development, 200 South Main, Independence, Missouri, 64050.

1203.03 c. Health Department, 313 South Liberty, Independence, Missouri, 64050.

1203.03 d. Medical Examiner's Office, 660 E. 42th St., Kansas City, Missouri, 64108.

1203.03 e. Department of Parks and Recreation, 22087 Woods Chapel Road, Blue Springs, Missouri 64015

1203.03 f. Department of Public Works, 303 W. Walnut, Independence, Missouri 64050.

1203.4 Boards and Commissions.

The full-time executive director, secretary, or equivalent employee of each county board or commission is the Custodian of Records for that board or commission. The Clerk of the County Legislature is the Custodian of Records

for any county board or commission that does not have its own full-time executive director, secretary, or equivalent employee.

1204. Custodian of Records, Duties.

1204.1 Each Custodian of Records shall respond to all requests for access to or copies of a public Record within the time period provided by law, except in those circumstances authorized by law, and said requests must be immediately submitted by the Custodian of Records to the County Counselor for his review and assistance in compliance.

1204.2 Each Custodian of Records may designate in writing a records coordinator to manage and maintain public Records for that division, department, agency or office. This shall be filed with the Clerk of the Legislature.

1204.3 Each Custodian of Records shall review and approve, using the Request for Disposal Authorization form, any request to destroy a Record.

1204.4 Each Custodian of Records shall be responsible for safe keeping and securing of public records retained by their division, department, agency or office.

1204.5 Each Custodian of Records shall obtain and follow the current schedule for record retention published by the Missouri Secretary of State, Local Records

Division unless said department has a more stringent record retention policy as recommended by the County Executive and approved by the County Legislature.

1204.6 Each Custodian of Records, subject to review and approval by the County Counselor, shall make the determination to dispose of a record as allowed by the Missouri Secretary of State's records retention schedule as posted on the date the determination is made which shall constitute legal authority for the retention and disposal of official Records, subject to any exceptions or limitations by law.

1204.7 Each Custodian of Records will be responsible for all transactions between their office and the Records Center.

1205. Jackson County Records Advisory Board.

1205.1 Composition. The County Records Advisory Board shall consist of seven (7) members, residents of the County, all whom shall be appointed by the County Executive subject to disapproval of the County Legislature pursuant to Article III, section 6 of the County Home Rule Charter. In addition, the County Legislative Auditor and the County Counselor or his designee shall serve as ex officio non-voting members. The members of the board shall be selected based on expertise in the field, their knowledge of county government or the courts, and their ability to influence and contribute to the success of the records retention program.

1205.2 Terms. The terms of the members of the County Records Advisory Board shall be for three years, except that the members of the first board appointed shall serve the following terms: two for one year; two for two years; and three for three years. Vacancies shall be filled for the unexpired term only.

1205.3 Officers. Officers shall consist of a chair and a vice-chair appointed from among the Board members by the County Executive who shall each serve a term of three (3) years.

1205.3 a. The chair shall preside at meetings of the Board, convene meetings including any special and emergency meetings, sign and execute all documents and instruments on behalf of the Board and perform such other duties as may be required by law or directed by the Board. The chair may delegate the authority to sign and execute documents and instruments on behalf of the Board to another member of the Board.

1205.3 b. The vice-chair shall have the powers and perform such duties as may be delegated by the Board. In the event of the absence or inability of the chair to act, the vice-chair shall perform such duties and exercise the powers of the chair.

1205.4 Meetings. A quorum shall consist of four (4) of the voting members. All decisions or actions of the County Records Advisory Board shall be made by a

majority of those members present and voting at any meeting where a quorum is present, except as permissible by law for emergency situations pursuant to 610.015, RSMo. The County Records Advisory Board shall meet at least once every three months.

1205.5 Compensation. The members shall receive compensation of one hundred (\$100.00) dollars per each meeting attended.

1205.6 Powers and Duties. The County Records Advisory Board shall have the following powers and duties:

a. To guide and promote the overall development of the Records management program in all county government.

b. To act as an advocate to secure support from the county departments and agencies.

c. To evaluate and study proposals for micrographics and data processing procedures.

d. To make recommendations on equipment and procedures for record retention and preservation.

e. To provide recommendations for procedures and policies concerning the transfer of Records to the Records Center and standards for their preservation and conservation.

f. To make recommendations on policies of the Records Center.

g. To make recommendations for copying fees and other charges connected with the provision of Chapter 610, RSMo.

h. To make recommendations for public access to records and to cooperate with E-government initiatives.

1206. Fees.

1206.1 Applicability.

This section shall be applicable to all divisions, departments, agencies and officers of County government.

1206.2 Policy.

Unless a different fee is specifically provided by law, the fees to be charged for access to or furnishing copies of Records shall be as hereinafter provided,

which fees have been determined not to exceed the actual cost of Record search and duplication; upon request, the Custodian of Records shall provide an estimate of the cost to the person requesting the records and certify that these fees are fair and reasonable.

a. Photocopies.

The fee for photocopies is \$.10 per single-sided page of a document not larger than 9" by 14" in size.

b. All Other Fees.

In addition to the fee charged in Section 1206.2(a) the Custodian of records to whom a request is made under this chapter or pursuant to Chapter 610 of the Revised Statutes of Missouri may charge such fees as are authorized pursuant to Section 610.026 of the Revised Statutes of Missouri or any amendments thereto. An estimate of the cost of production of records will be provided by the custodian upon request prior to producing Records.

c. Independent Contractors.

The fee for a record search and/or duplication conducted by an independent contractor of the county is the actual cost to the county of the contract.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Acting Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3600 of February 7, 2005 was duly passed on February 22, 2005 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absents 0

This Ordinance is hereby transmitted to the County Executive for her signature.

2.23.05
Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3600.

2-24-05
Date



Katheryn J. Shields, County Executive