



**The City of Lee's Summit**  
**Final Agenda**  
**City Council Rules Committee**

Monday, November 28, 2016

5:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF ACTION LETTER
  - A. [2016-0719](#) Approval of Action Letter for October 24, 2016 City Council Rules Committee.
4. PUBLIC COMMENTS
5. ITEMS FOR DISCUSSION
  - A. [2016-0554](#) Process of referring items to Council Committees (continued from September 26, 2016).
  - B. [BILL NO. 16-247](#) AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.
6. ROUNDTABLE
7. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



# The City of Lee's Summit

220 SE Green Street  
Lee's Summit, MO 64063

## Packet Information

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**File #:** 2016-0719, **Version:** 2

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Approval of Action Letter for October 24, 2016 City Council Rules Committee.



**The City of Lee's Summit**  
**Action Letter**  
**City Council Rules Committee**

Monday, October 24, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. CALL TO ORDER
2. ROLL CALL

**Present:** 4 - Chairperson Diane Seif  
Vice Chair Dave Mosby  
Councilmember Rob Binney  
Councilmember Trish Carlyle

**GUESTS AND STAFF IN ATTENDANCE**

Guests in attendance:

Bob Johnson

Staff in attendance:

Jina Bellamy

Brian Head

Steve Arbo

3. APPROVAL OF ACTION LETTER

**This was approved .**

- A. [2016-0592](#) Action Letter for September 26, 2016 City Council Rules Committee

**On motion of Councilmember Binney and Seconded by Councilmember Carlyle, the Action letter for September 26, 2016 was unanimously approved by the Committee.**

4. PUBLIC COMMENTS

Bob Johnson, 1000 NE Remington Court, Lee's Summit had a question on Ordinance 7240 that was signed by the Mayor on September 20, 2012 regarding the Conduct of Council Committees. He wanted to confirm the intent of the ordinance under Rule 1.5 where it allows the public to be heard on any of the items listed on the agenda.

Chairperson Seif stated that was correct.

5. ITEMS FOR DISCUSSION

- A. [2016-0554](#) Process of referring items to Council Committees (continued from September 26, 2016).

City Attorney Brian Head gave a brief summary about Agenda Items 5A and 5B relating to proposed changes to Section 1. Section 2-58 - Time in Committee (below).

SECTION 1. That Section 2-58. Rule 1.8 - Time in committee of the Code of Ordinances of the City of Lee's Summit, Missouri be amended to read as follows:

"Sec. 2-58. - Rule 1.8-Assignment to Committee-Procedure-Time in committee.

**A. Assignment to Committee, Generally.** The City Council may assign any item or issue to the appropriate Committee at any time upon consensus of the Council or a vote of a majority of the entire Council. The Mayor Pro Tempore may, upon the request of any Councilmember, or any time he or she feels that an issue of significant importance has arisen, assign such item to the appropriate Council Committee for consideration. In addition, the Chair of any Committee may assign such an issue to his or her own committee provided that the subject matter is appropriate for his or her committee.

**B. Procedure to Require Assignment to Committee.**

Any Councilmember may request, during "Council Comments" at any Council meeting, that the Mayor Pro Tempore assign an item or issue to a Committee for discussion and/or action. The Mayor Pro Tempore shall, within fourteen (14) days after the request is made at the City Council meeting, either assign the item or issue as requested or shall affirmatively decline, in writing filed with the City Clerk. In the event that the Mayor Pro Tempore shall fail to act in the time specified or shall decline to assign the item or issue, he or she shall assign any item or issue to a Committee upon receipt of a written petition containing the signatures of at least three (3) Councilmembers. Any such petition shall be filed with the City Clerk not later than fourteen (14) days after the Mayor Pro Tempore shall decline to assign the issue or item; or, twenty-eight (28) days after the initial request is made during "Council Comments" at a

Council meeting, whichever is less.

Any item or issue so assigned shall remain with its respective standing committee or a special standing committee of the Council, until sixty (60) calendar days have expired after referral to the committee by the Mayor Pro Tempore. Three (3) members of the Council shall have the power to call up any item to the full Council after that time. Such power may be exercised by filing a petition to that effect with the City Clerk **at any time prior to 30 days after the expiration of time in committee** such form as the City Clerk may require. Upon receipt of said petition containing the signatures of at least three (3) Councilmembers, the City Clerk shall provide said petition to the full Council for further determination as to how to proceed with the bill or proposed ordinance.

An item, bill or proposed ordinance shall not be subject to the petition process upon the expiration of sixty (60) calendar days after the first date the item is subject to the petition process described herein.”

City Attorney Head mentioned that there were two points in question from the previous Rules Committee meeting:

1. Chairperson's authority to bring an issue/topic on their own to a Committee without a referral from either the Mayor Pro Tempore or directly from council or upon request of council. The draft proposed language confirms that the Chairperson can bring forward an issue to his/her Committee provided that the subject matter is appropriate for their Committee.
2. There was a need to add clarifying language to the process used when bringing an item forward to be considered for a Committee.

City Attorney Head wanted to add a third point:

3. Establishing a deadline/time limit for when something that hasn't been addressed in Committee can be brought back within a certain time frame.

Staff was assigned to modify the ordinance, making the third paragraph - Section C. "Procedure to Remove and Item from Committee" and then adding language stipulating that once the item has been referred to a Committee, and two meetings of that Committee have transpired, a clock starts for 30 days. Once those conditions have been met, the item expires/dies.

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**This matter was continued to the City Council Rules Committee for 11/28/2016**

- B.**      [2016-0645](#)      Chairpersons authority regarding referring items to Council Committees

This item was combined with item 5A. 2016-0554 - Process of referring items to Council Committees (cont. from Sept 26, 2016).

**This matter was read into the record**

- C.**      [2016-0556](#)      Guests attending City Council Closed Session meetings (continued from September 26, 2016).

Discussion:

Chairperson Seif inquired on how we have keep records for Closed Sessions. In response, City Attorney Brian Head stated that he keeps the records for Closed Sessions and records the names of those in attendance on a form. He also makes a note of when someone arrives to a meeting.

Concerns were mentioned about having individuals and special interest groups in the meeting when their item(s) is not being discussed and they need to be asked to leave when that is the case.

It was mentioned to have staff and council make a note to vet those that are coming into Closed Session ensuring that they belong there. City Attorney Head stated that he will make a concerted effort to think about guests in the meetings. He mentioned you can bring anyone in that you need to that has information to share in Closed Session and realizes that as there is dicussion there may be additional questions for the guests. However, it is important to make sure they are not in the room when votes are taken and asked to leave once they are not pertinent to the discussion.

City Attorney Head stated that he would be more diligent in ensuring in future meetings that only those required for specific topics be in the meeting and then asked to leave once done.

The Committee felt that was a good solution.

**This matter was read into the record**

- D.**      [2016-0637](#)      Limitations on public comments during City Council meetings

Councilmember Mosby needed to leave the meeting early for another committment.

Discussion:

There was discussion about the Public Comments section on the agenda

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and if the public should be limited on how long they speak and if they should only speak on items on the agenda.

It was mentioned that the Council shouldn't place a limit on individuals due to specific topics on the agenda.

City Manager Steve Arbo mentioned past practices where the public was aware of the ten minute time limit as it was printed on the card they fill out and give to the Mayor to be allowed to speak. The time limit is also printed on the agenda to remind guests of the time limit. Mr. Arbo was not aware of a formalized process.

There was no further discussion on this item.

**This matter was read into the record**

- E. [2016-0553](#) Creating a formal ethics policy for the City Council (continued from September 26, 2016).

Discussion:

It was a consensus of the Rules Committee to table this discussion until after the Charter ballot issue has gone to the voters.

**This matter was continued to the City Council Rules Committee to a date uncertain to follow Charter Ballot/election.**

6. ROUNDTABLE

There were no comments during Roundtable.

7. ADJOURNMENT

**On motion of Councilmember Binney, Seconded by Councilmember Carlyle, the meeting was adjourned at 6:03 p.m.**

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## Packet Information

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**File #:** 2016-0554, **Version:** 1

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Process of referring items to Council Committees (continued from September 26, 2016).

Attached is an ordinance in draft form clarifying that the procedure previously authorized by the City Council to require an item or issue be considered in Committee, is not the only method.

This ordinance provides that the Council, the Mayor Pro Tempore upon request or upon his or her own initiate, or the Chair of a committee may assign certain issues. Additionally, this ordinance includes an amendment clarifying the time in which a Councilmember must act to remove an item from a committee in the event the committee has failed to act.



AN ORDINANCE AMENDING SECTION 2-58. RULE 1.8 – TIME IN COMMITTEE OF THE CODE OF ORDINANCES TO PROVIDE CERTAIN PROCEDURAL RULES FOR THE REFERRAL AND TIMING OF CONSIDERATION OF ISSUES AND ITEMS IN COUNCIL COMMITTEES.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE’S SUMMIT, MISSOURI, as follows:

SECTION 1. That Section 2-58. Rule 1.8 – Time in committee. of the Code of Ordinances of the City of Lee’s Summit, Missouri be amended to read as follows:

“Sec. 2-58. - Rule 1.8—Assignment to Committee—Procedure—Time in committee.

**A. *Assignment to Committee, Generally.*** The City Council may assign any item or issue to the appropriate Committee at any time upon consensus of the Council or a vote of a majority of the entire Council. The Mayor Pro Tempore may, upon the request of any Councilmember, or any time he or she feels that an issue of significant importance has arisen, assign such item to the appropriate Council Committee for consideration. In addition, the Chair of any Committee may assign any item or ~~such an~~ issue to his or her own committee provided that the subject matter is appropriate for his or her committee.

**B. *Procedure to Require Assignment to Committee.***

Any Councilmember may request, during "Council Comments" at any Council meeting, that the Mayor Pro Tempore assign an item or issue to a Committee for discussion and/or action. The Mayor Pro Tempore shall, within fourteen (14) days after the request is made at the City Council meeting, either assign the item or issue as requested or shall affirmatively decline, in writing filed with the City Clerk. In the event that the Mayor Pro Tempore shall fail to act in the time specified or shall decline to assign the item or issue, he or she shall assign any item or issue to a Committee upon receipt of a written petition containing the signatures of at least three (3) Councilmembers. Any such petition shall be filed with the City Clerk not later than fourteen (14) days after the Mayor Pro Tempore shall decline to assign the issue or item; or, twenty-eight (28) days after the initial request is made during "Council Comments" at a Council meeting, whichever is less.

**C. *Procedure to Remove an Item from Committee.***

Any item or issue ~~so~~ assigned shall remain with its respective standing committee or a special standing committee of the Council, until two meetings of the committee have been held ~~sixty (60) calendar days have expired~~ after referral to the committee by the Mayor Pro Tempore **and no action has been taken thereon**. Three (3) members of the Council shall

have the power to call up any item to the full Council after that time. Such power may be exercised by filing a petition to that effect with the City Clerk **within thirty (30) days after the expiration of time in committee as described above and in** such form as the City Clerk may require. Upon receipt of said petition containing the signatures of at least three (3) Councilmembers, the City Clerk shall provide said petition to the full Council for further determination as to how to proceed with the bill or proposed ordinance.

An item, bill or proposed ordinance shall not be subject to the petition process upon the expiration of sixty (60) calendar days after the first date the item is subject to the petition process described herein.

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*

## Packet Information

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**File #:** BILL NO. 16-247, **Version:** 1

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AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.

Issue/Request:

To amend Section 2-530 of the Code of Ordinances of the City of Lee's Summit, Missouri to update provisions guiding the closing of records related to security systems, structural plans of real property, access codes, authorization codes, and operational guidelines and response plans for use in responding or preventing a critical incident which appears to be terrorist in nature, remove the sunset provisions and renumber the ordinance to be in conformity with the most current version of Missouri's Sunshine Law.

Proposed City Council Motions:

I move for second reading of AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.

I move for adoption of AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.

Background:

Missouri Revised Statute Section 610.021 which is part of the Missouri Sunshine Law has been revised by the Missouri State Legislature. The Missouri State Legislature amended Section 610.021(18) of the Missouri Revised Statutes to remove the sunset provision and allow the closing of records related to operational guidelines, policies and specific response plans developed, adopted, or maintained by a public agency 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 and also close records of security systems and structural plans used for the protection of public infrastructure. The City previously enacted an ordinance codified in the Code of Ordinances as Sections 2-530. The ordinance addresses when it is permissible this governmental body to close meetings, records and votes, in a manner consistent with Missouri's Sunshine Law. As a result of part of the Missouri Sunshine Law revisions, a portion of Section 2-530 is now inconsistent with Section 610.021 and needs to be revised.

Other revisions include renumbering the paragraphs so that the ordinance numbers are more reflective of where similar paragraphs can be found in the state statute.

Impact/Analysis:

Failure to amend the ordinance by closing records related to operational guidelines, policies and specific response plans developed, adopted, or maintained by a public agency 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 or records of security systems and structural plans used for the protection of infrastructure would impair the City's ability to protect the security or safety of persons or real property.

## **BILL NO. 16-247**

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AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.

WHEREAS, the City of Lee's Summit, Missouri ("City") enacted Section 2-530 which relates to, among other things, the handling of closed meetings, records and votes, in a manner consistent with Missouri's Governmental Bodies and Records Law (hereinafter "Sunshine Law"); and

WHEREAS, Section 2-530 is based upon various provisions of Missouri's Sunshine Law, including Sections 610.015, 610.021 and 610.022 of the Revised Statutes of Missouri ("RSMo."); and

WHEREAS, Section 610.021, RSMo., was recently revised in such a manner that portions of Section 2-530 are now inconsistent with the current revision of Section 610.021, RSMo.; and

WHEREAS, the City Council of the City of Lee's Summit wishes to revise Section 2-530 so that will it conform to the current version of Section 610.021, RSMo.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Section 2-530 of the Code of Ordinances of Lee's Summit is hereby amended by repealing the current Section 2-530, and in enacting in lieu thereof a new Section 2-530:

A. Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the City as may be required by law, all meetings, records, and votes of the City and 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 RSMo Section 610.011, 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;

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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 therefor. 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 (72) hour period before such decision is made available to the public. As used in this subsection, 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 (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 the City or its public governmental bodies or their 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 and its public governmental bodies once they are employed as such;

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;

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17. 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 Chapter 610 RSMo;

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 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 public governmental body shall affirmatively state in writing that disclosure would impair its 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 a public governmental body, and information that is voluntarily submitted by a nonpublic 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 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 document 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 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; and

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 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

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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.

B. Except as set forth in Subsection C of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this article shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

C. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Subsection A. of this section. Such notice shall comply with the procedures set forth in Section 2-526 for notice of a public meeting.

D. Any meeting or vote closed pursuant to Subsection A of this section shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

E. Any votes taken during a closed meeting shall be taken by roll call.

F. Public records shall be presumed to be open unless otherwise closed pursuant to the provisions of this article.

G. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.

H. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

I. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo, such latter member shall state his objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or



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vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Section 610.027 RSMo.

J. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the Custodian of Records in the same format. The provisions of this section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the Custodian or at the member's office computer shall be a public record subject to the exceptions of Subsection A of this section.

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 should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said City this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor *Randall L. Rhoads*

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Counsel of Public Safety *Beth Murano*

Sec. 2-530. - Closed meetings, records, and votes.

- A. Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the City as may be required by law, all meetings, records, and votes of the City and 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 RSMo Section 610.011, 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 therefor. 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 (72) hour period before such decision is made available to the public. As used in this subsection, 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. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;~~
  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; Preparation, including any discussions or work product, on behalf of the City or its public governmental bodies or their representatives, for negotiations with employee groups;
  7. ~~5.—Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;~~
  - ~~Software codes for electronic data processing and documentation thereof;~~
  8. 15.—Welfare cases of identifiable individuals;

~~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;~~

9. Preparation, including any discussions or work product, on behalf of the City or its public governmental bodies or their representatives, for negotiations with employee groups;

~~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;~~

10. Software codes for electronic data processing and documentation thereof;

~~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 and its public governmental bodies once they are employed as such;~~

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;

~~Records which are protected from disclosure by law;~~

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;

~~Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;~~

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 and its public governmental bodies once they are employed as such;

~~The State militia or National Guard or any part thereof;~~

14. Records which are protected from disclosure by law;

~~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;~~

15. ~~15. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;~~

~~Welfare cases of identifiable individuals;~~

16. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

17. 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 Chapter 610 RSMo;

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 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 public governmental body shall affirmatively state in writing that disclosure would impair its 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;

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~~A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three (3) business days act upon such public records request, pursuant to [RSMo] Section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section;~~

19. 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 nonpublic 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 nondisclosure outweighs the public interest in disclosure of the records;

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(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 document shall be returned to the nonpublic governmental body or destroyed;~~Operational guidelines and policies 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 is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;~~

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 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 ~~except to the extent provided in this section~~; and

224. 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.

- B. Except as set forth in Subsection C. of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this article shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- C. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Subsection A. of this section. Such notice shall comply with the procedures set forth in Section 2-526 for notice of a public meeting.
- D. Any meeting or vote closed pursuant to Subsection A of this section shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
- E. Any votes taken during a closed meeting shall be taken by roll call.
- F. Public records shall be presumed to be open unless otherwise closed pursuant to the provisions of this article.
- G. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- H. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- I. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo, such latter member shall state his objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Section 610.027 RSMo.
- J. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the Custodian of Records in the same format. The provisions of this section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the Custodian

or at the member's office computer shall be a public record subject to the exceptions of Subsection A of this section.

(Code 1988, § 2-576; Ord. No. 5700, § 1, 2-19-2004; Ord. No. 5810, §§ 5, 6, 9-9-2004)

**State Law reference**— Similar provisions, RSMo 610.015, 610.021 and 610.022.

**BILL NO. 16-**

~~Sec. 2-530. — Closed meetings, records, and votes.~~ AN ORDINANCE AMENDING SECTION 2-530 OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS PERTAINING TO CLOSED MEETINGS, RECORDS AND VOTES, TO BE IN CONFORMITY WITH THE MOST CURRENT REVISED VERSION OF MISSOURI'S SUNSHINE LAW.

WHEREAS, the City of Lee's Summit, Missouri ("City") enacted Section 2-530 which relates to, among other things, the handling of closed meetings, records and votes, in a manner consistent with Missouri's Governmental Bodies and Records Law (hereinafter "Sunshine Law"); and

WHEREAS, Section 2-530 is based upon various provisions of Missouri's Sunshine Law, including Sections 610.015, 610.021 and 610.022 of the Revised Statutes of Missouri ("RSMo."); and

WHEREAS, Section 610.021, RSMo., was recently revised in such a manner that portions of Section 2-530 are now inconsistent with the current revision of Section 610.021, RSMo.; and

WHEREAS, the City Council of the City of Lee's Summit wishes to revise Section 2-530 so that will it conform to the current version of Section 610.021, RSMo.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Section 2-530 of the Code of Ordinances of Lee's Summit is hereby amended by repealing the current Section 2-530, and in enacting in lieu thereof a new Section 2-530:

A. Except to the extent disclosure is otherwise required by law, and subject to additional actions on the part of the City as may be required by law, all meetings, records, and votes of the City and 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 RSMo Section 610.011, 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;

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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 therefor. 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 (72) hour period before such decision is made available to the public. As used in this subsection, the term "personal information" means information relating to the performance or merit of individual employees;

~~4.~~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 (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 the City or its public governmental bodies or their representatives, for negotiations with employee groups;

~~10.~~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.~~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 and its public governmental bodies once they are employed as such;

~~14.~~14. Records which are protected from disclosure by law;

~~15.~~15. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

~~16.~~16. The State militia or National Guard or any part thereof;

~~17.~~17. 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

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~~parents, guardian or other custodian and the student if the student is over the age of eighteen (18) years;~~

~~15. Welfare cases of identifiable individuals;~~

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16. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

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17. 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 Chapter 610 RSMo;

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~~18. A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three (3) business days act upon such public records request, pursuant to [RSMo] Section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section;~~

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~~19. Operational guidelines and policies~~ 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 is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. ~~Nothing in this exception shall be deemed~~ Financial records related to close information regarding the procurement of or expenditures, purchases, or contracts made by an agency in implementing these relating to operational, guidelines or, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the agency, public governmental body, shall affirmatively state in writing that disclosure would impair its ability to protect the security or safety or health 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;

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19. 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 nonpublic 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:

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(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

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(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 nondisclosure outweighs the public interest in disclosure of the records. ~~This exception shall sunset on December 31, 2008;~~

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~~20.~~ (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 document shall be returned to the nonpublic governmental body or destroyed;

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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

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▲ 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 ~~except to the extent provided in this section;~~ and ▲

▲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 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. ▲

▲B. Except as set forth in Subsection C<sub>2</sub> of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this article shall be announced publicly at an open meeting of the governmental body and entered into the minutes. ▲

▲C. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Subsection A. of this section. Such notice shall comply with the procedures set forth in Section 2-526 for notice of a public meeting. ▲

▲D. Any meeting or vote closed pursuant to Subsection A of this section shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session. ▲

▲E. Any votes taken during a closed meeting shall be taken by roll call. ▲

▲F. Public records shall be presumed to be open unless otherwise closed pursuant to the provisions of this article. ▲

▲G. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. ▲

▲H. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency

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exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

I. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo, such latter member shall state his objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Section 610.027 RSMo.

J. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the Custodian of Records in the same format. The provisions of this section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the Custodian or at the member's office computer shall be a public record subject to the exceptions of Subsection A of this section.

~~(Code 1988, § 2-576; Ord. No. 5700, § 1, 2-19-2004; Ord. No. 5810, §§ 5, 6, 9-9-2004)~~

~~State Law reference — Similar provisions, RSMo 610.015, 610.021 and 610.022.~~

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 should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor Randall Rhoads

\_\_\_\_\_  
City Clerk Denise R. Chisum

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APPROVED AS TO FORM:

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Arial, 11 pt

Chief Counsel of Public Safety *Beth Murano*

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