

Bill

NO. 25-11

ORDINANCE NO. 2  
25-11

**AN ORDINANCE AMENDING CHAPTER 120 PERTAINING TO  
ACCESS TO PUBLIC MEETINGS AND RECORDS**

WHEREAS, effective August 28, 2025, the Missouri General Assembly has amended the Missouri Open Meetings and Records Law (the "Sunshine Law") with the adoption of H.B. 145 & 59; and

WHEREAS, the Board of Alderman desires to update its ordinances on the subject to comply with the changes to the Sunshine Law; and,

WHEREAS, the Board of Alderman, after careful and due deliberation, has concluded that the adoption of the proposed amendments would be in the interests of the health, safety, and welfare of the citizens of the City.

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

**Section 1.** Chapter 120 of the Twin Oaks Municipal Code, Open Meetings and Records Policy is hereby amended by repealing Chapter 120 in its entirety and replacing it with a revised Chapter 120, to read as follows:

**ARTICLE I  
In General**

**Section 120.010. Definitions.**

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

**BOARDS AND COMMISSIONS or BOARD OR COMMISSION** — The Twin Oaks Board of Aldermen, Planning and Zoning Commission, Board of Adjustment, or any other legislative, administrative, quasi-judicial, or governmental entity created by ordinances of the City, any advisory committee or commission appointed by the Mayor or Board of Aldermen, or other public governmental body of the City as defined in Section 610.010 RSMo.

**CLOSED MEETING, CLOSED RECORD or CLOSED VOTE** — Any meeting, record or vote closed to the public.

**FULFILLING PUBLIC RECORDS REQUEST or FULFILLING** — Researching, searching, reviewing, redacting, duplicating, copying, programming, and/or providing access to public records as detailed in Section 120.100 of this Chapter.

**PUBLIC BUSINESS** — All matters which relate in any way to performance of the City's functions or the conduct of its business.

**PUBLIC MEETING** — Any meeting of a board or commission at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, internet chat, or internet message board. A "public meeting" includes any vote of all or a majority of the members of a board or commission by electronic communication or any other means, conducted in lieu of holding a duly noticed public meeting where the members of the board or commission are gathered at a single location. The term "public meeting" does not include an informal gathering of members of a board or commission for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter.

**PUBLIC RECORD** — Any record, whether written or electronically stored, retained by or of any board or commission including any report, survey, memorandum, or other document or study prepared for the board or commission by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a board or commission or on behalf of a board or commission. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a board or commission consisting of advice, opinions, and recommendations in connection with the deliberative decision-making process of said board or commission, unless such records are retained by the City or presented at a public meeting. Any documents or study prepared for the City by a consultant or other professional service as described in this Section shall be retained by the City in the same manner as any other public record.

**PUBLIC VOTE** — Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any board or commission.

**QUORUM** — A majority of the members elected or appointed to a board or commission.

**REQUESTER** — A person requesting access to public records.

**ROLL CALL VOTE** — Any Public Vote taken so as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the board or commission.

**VIDEO ATTENDANCE OR VIDEOCONFERENCING** — Communication where at least one member of a board or commission participates in the public meeting via an electronic connection made up of three components: (1) a live video transmission of the member of the board or commission not in physical attendance; (2) a live audio transmission allowing the member of the board or commission not in physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the board or commission not in physical attendance to hear those in physical attendance at a meeting at the normal meeting place.

#### **Section 120.020. Meetings, Records, and Votes to be Public — Exceptions.**

All meetings, records, and votes are open to the public, except that any meeting, record, or vote relating to one (1) or more of the matters referenced in Section 610.021 RSMo, as amended, shall be and are hereinafter declared to be closed unless the Board of Aldermen votes to make them public.

#### **Section 120.030. Electronic Transmissions — Public Record — When.**

Any member of a board or commission 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 board or commission so that, when counting the sender, a majority of the 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 contained in Section 610.021, RSMo (see Section 120.020 above).

#### **Section 120.040. Meeting Notice.**

- A. All boards and commissions shall give notice of the time, date, and place of each meeting and provide a tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered.
  1. If the meeting will be conducted by telephone or other electronic means, the meeting notice shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting.

2. If a board or commission plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on the City's website in addition to posting at City Hall and shall notify the public how to access that meeting.
3. Reasonable notice shall include:
  - a. Making available copies of the notice to any representative of the news media who requests notice of meetings of a particular board or commission concurrent with the notice being made available to the members of that board or commission; and
  - b. Posting the notice on a bulletin board or other prominent place at City Hall which is easily accessible to the public and clearly designated for that purpose, or at the building in which the meeting is to be held if not at City Hall.
- B. Notice conforming with applicable requirements of Subsection (A) above shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any public meeting unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City allows for the audio, video, or other recording of any open meeting; however, any person recording a meeting must do so in a way reasonably calculated to minimize disruption to the meeting or the board or commission's ability to conduct the meeting. The City or each board or commission may establish further guidelines regarding the way such recordings may be conducted by members of the public. No recording of any meeting or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the Board of Aldermen. Any person who violates the provisions of this subsection shall be punishable as set forth in Section 100.220.
- D. Each board or commission 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 a specific exception of section 610.021 RSMo as authorized pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. A formally constituted subunit of a parent board or commission may conduct a meeting without notice during a lawful meeting of the parent board or commission, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent board or commission.

**Section 120.045. Notice Required For Public Meeting On Tax Increases, Eminent Domain, Creation Of Certain Districts, And Certain Redevelopment Plans.**

- A. The Board of Aldermen or any entity created by the Board shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four (4) days' notice, exclusive of weekends and holidays when the facility is closed, before any public meeting where a vote of the Board of Aldermen is required to:
  1. Implement a tax increase; or
  2. With respect to a retail development project, utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project.
- B. This Subsection shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two (2) separate readings on different days for their passage.

- C. The provisions of Section 120.040.B pertaining to 24-hours' notice shall not apply to the actions in Subsection A.
- D. No vote shall occur until after a public meeting is held at which interested parties and citizens shall have an opportunity to be heard.
- E. No vote on such issues shall be held until proper notice has been provided under this Section.
- F. Any legal action challenging these notice requirements shall be filed within thirty (30) days of the date of the subject meeting. This thirty-day period is jurisdictional. Upon expiration of the 30-day period, no court shall have jurisdiction to hear any claim challenging the meeting or the vote and such meeting shall be deemed to have been properly noticed and held.
- G. As used in Subsection A.1, a "tax increase" shall not include the setting of the annual tax rates under Sections 67.110 and 137.055, RSMo.

**Section 120.050. Closed Meetings — How Held.**

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the board or commission. The vote of each member of the board or commission 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 subsection of Section 610.021 RSMo shall be announced publicly at an open meeting of the board or commission and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Boards and commissions shall not discuss any business in a closed meeting or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. When holding a closed meeting, a board or commission will close only an existing portion of the meeting facility necessary to house the members of the Board or other board or commission in the closed session, allowing members of the public to remain to attend any subsequent open session held by the board or commission following the closed session.

**Section 120.060. Minutes of Meetings and Records of Voting.**

- A. *Votes recorded.* Except as provided in Section 120.020, Section 610.021 RSMo., rules authorized pursuant to Article III of the Missouri Constitution, and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the board or commission. Any votes taken during a closed meeting shall be taken by roll call.
- B. *Roll Call Vote, Board of Aldermen.* All votes taken by roll call in Board of Aldermen meetings shall be cast by Board members who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a Board meeting, due to an emergency of the Board, with a quorum of the Board members physically present and in attendance and less than a quorum of the Board members participating via telephone, facsimile, internet, or any other voice or electronic means, the nature of the emergency justifying that departure from the normal requirements shall be recorded 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.
- C. *Minutes.* All boards and commissions shall take minutes of open and closed meetings which minutes shall be retained by the custodian including, but not limited to, a record of any vote taken at such

meeting as provided above.

1. Minutes shall include the date, time, place, members present, members absent, and a record of votes taken.
2. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or "abstain" if not voting, to the name of the individual member of the board or commission.

**Section 120.070. Accessibility Of Meetings.**

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
- C. The City shall make every reasonable effort to provide special access to all public meetings for individuals with disabilities.

**Section 120.080. Segregation Of Exempt Material.**

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

**Section 120.090. Custodian Designated — Response To Request For Access To Records.**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians of the City as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The City shall make public records available for inspection and copying by the public. No person shall remove original public records from the office of a board or commission or the custodian without written permission of the designated custodian. No board or commission shall grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a board or commission. This period may exceed three (3) days for reasonable cause. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record(s) will be available for inspection.
- D. If records are requested in a certain format, the City shall provide the records in the requested

format, if such format is available.

- E. If a request for access is denied, upon request, the custodian shall provide the requester a written statement of the grounds for such denial, citing the specific provision of law under which access is denied, no later than the end of the third business day following the date that the request for the statement is received.
- F. Law enforcement records of the St. Louis County Police Department providing services to the City, including arrest reports, incident reports, and investigative reports, are records of the St. Louis County Police Department and not of the City. The City Clerk is not the custodian of such records for the St. Louis County Police and shall direct any requester to the St. Louis County Police Department.

**Section 120.100. Fees For Fulfilling Public Records Request — Failure to Pay Fees; Clarify Request.**

- A. Except as otherwise provided by law, the City shall provide access to and, upon request, furnish copies of the public records of its boards and commissions subject to the following:
  - 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. 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 City shall produce the copies using employees of the City that result in the lowest cost for search, research and duplication time. Prior to producing copies of the requested records, if requested by the person seeking the records, the City will provide an estimate of the cost. Documents may be furnished without charge or at a reduced charge when the Board of Aldermen 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 City and is not primarily in the commercial interest of the requester.
  - 2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (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 City 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.
- B. *Pre-payment of Fees.* Payment of fees by the requester shall be required prior to the City fulfilling the request. If the requester fails to remit all fees within ninety (90) days (or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)) of a request for payment of the fees by the City, the request for public records shall be considered withdrawn, prior to fulfilling the request.
  - 1. The City shall include notice to the requester that if the requester fails to remit payment of the fees within ninety (90) days, or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000), then the request for public records shall be considered withdrawn by the City.
- C. *Clarification.* If the City responds to a request for public records by seeking clarification of the

request (“Clarification Request”) and no response to the City’s Clarification Request is received by the City within ninety (90) days (or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)) of sending the Clarification Request, then such request for public records shall be considered withdrawn.

- I. The City’s Clarification Request 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 requested fees are greater than one thousand dollars (\$1,000)), then the request shall be considered withdrawn.
- D. *Repeat requests.* If the same or a substantially similar request for public records is made within six (6) months after the expiration of the ninety (90) days (or one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)), and no fee was remitted for such request or no response was received to the request for clarification, then the City may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.
- E. Any request for records to the City that is pending on August 28, 2025, shall be considered withdrawn if the requester fails to remit all fees by January 1, 2026.
- F. The provisions of this subdivision shall not apply if a lawsuit has been filed against the City with regard to the records that are the subject of the request under this subdivision.

#### **Section 120.105. Meetings Using Video Conference Technology.**

- A. *Policy Statement.* While it is legally permissible for members of the City’s boards and commissions to attend meetings and vote via video conference transmission, a member’s use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their City officials face-to-face, members of a board or commission should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference should be to accommodate the boards and commissions, as a whole, to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of its members. A secondary function of video attendance should be to ensure that all members may participate in the business of their respective board or commission that is an emergency or highly important in nature or arose quickly or so uniquely so as to make attendance at a regular meeting practically impossible. Except in emergency situations or other extraordinary circumstances such as Sections G or H below, all efforts should be made to ensure that a quorum of the members of the board or commission be physically present at its normal meeting place.
- B. *Quorum.* Per §610.015 RSMo, a video attendee shall count towards establishing a quorum. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes. A video attendee’s absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a loss of quorum.
- C. *Physical Location.* Except as provided in Sections I or J below, members of the public may not participate in a public meeting of a board or commission via video conference. The public wishing to attend a meeting, and elected officials not video attending, shall participate at the physical location where meetings of the board or commission are typically held (the “meeting place”), or as provided in a notice provided in accordance with the Sunshine Law. The board or commission shall cause there to be provided at the meeting place communication equipment consisting of an audio and video display, and a camera and microphone so that (1) the member(s) of the board or commission in video attendance, (2) the members of the board or commission at the meeting place, and (3) the public at the meeting

place, may participate in the meeting in accordance with established rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and communicate with those in video attendance.

- D. *Voting.* Pursuant to §610.015 RSMo, elected members of a board or commission in video attendance are deemed present for purposes of participating in a roll call vote to the same effect elected members of a board or commission in attendance at the meeting place are deemed present. As indicated in subsection B above, if any component of the video conference communication fails during the meeting, the video attendee whose connection failed shall be deemed absent immediately upon such failure, and if the board or commission was in the act of voting, the voting shall stop until all components of the video attendance are again restored at which time the video attendee's presence is to be again recorded in the minutes.
- E. *Closed Meetings.* In a meeting where a member of a board or commission is in video attendance and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the board or commission's roll call vote to close the meeting, the video attendee must ensure confidentiality at their location including safeguarding against accidental overhearing by others of the audio or video of the closed session. Failure to ensure the requirements of this subsection may result in corrective action by the full membership of the board or commission in accordance with City regulations including disqualification of the member from future video attendance.
- F. *Minutes.* In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, in video attendance; the members in physical attendance; and members, if any, absent.
- G. *Frequency of Use of Video Attendance.* Except as set forth in Subsections H and I, a member of a board or commission shall not video attend more than three (3) meetings in a rolling twelve-month period. In keeping with the policy stated in section (A) above, video attendance should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member proposing video attendance but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.
- H. *Emergency meetings.* If emergency circumstances create impossibility for the members of a board or commission to attend at the meeting place, the board or commission may meet, and if necessary, roll call vote, by video attendance. Examples of such emergency circumstances include, but are not limited to, pandemic, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, flood, or blizzard. To the extent possible in such circumstances, the board or commission shall use reasonable efforts to cause a physical location to be provided for public attendance and participation or provide access via audio/video feed.
- I. *Public Attendance Limitations; Statewide or National Emergency.* Pursuant to the authority granted in §610.020.1 & 2, RSMo, and in §120.070 of the Twin Oaks Code, in the event of a declaration of a national, regional, or statewide state of emergency ("state of emergency") where the circumstances underlying the state of emergency make it unsafe or unhealthy for members of the public to access City Hall and thereby attend in person a meeting of a board or commission, and as such, make it impossible or impractical to provide a safe physical location for public attendance and participation, the board or commission may take all necessary and appropriate steps to limit "in person" attendance by the public at City Hall for the meeting so long as the City:
  - 1. Allows for virtually simultaneous public access and attendance through conference call, web meeting, video conferencing, online meeting, livestreaming, or other similar technology;
  - 2. Posts a notice of the meeting (including the tentative agenda) on the Twin Oaks website in addition to City Hall that notifies the public how to access the meeting. Depending on the circumstances, this may include a phone number the public can use to dial in to listen to the meeting or the web address where a video feed can be accessed;



3. Includes on the tentative agenda the nature of the emergency of the board or commission justifying that departure from the normal requirements and which emergency situation shall be stated in the minutes; and
4. Encourages public comment via email, text, chat or other medium that does not interfere with the board or commission's conduct of the meeting or the audio of the meeting.

For purposes of this subsection, the underlying circumstances of the state of emergency shall be deemed to have made it impossible or impractical for the board or commission to hold the meeting in a place that is physically accessible to the public under §610.021(1) and §120.070 and, thus, the board or commission shall, through the City's use of the technology available, make the meeting accessible to the public via audio or audio/video streaming.

## ARTICLE II

### Miscellaneous Provisions

#### **Section 120.110. Destruction Of Records And Non-Record Materials.**

- A. All records made or received by or under the authority of or coming into the custody, control or possession of City Officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
  1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value. Sound recordings made for the purpose of preserving information for minutes or as a record of administrative hearing shall not be destroyed until minutes have been transcribed and approved or until the record on hearing has been transcribed or appeal time has expired.
  2. Non-record materials or materials not included within the definition of records, may, if not otherwise prohibited by law, be destroyed at any time, with the approval of the Missouri Local Records Board.
  3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Records Manual at the discretion of the custodian or the Board of Aldermen.

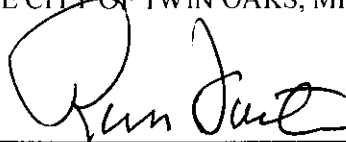
#### **Section 120.120. Legal Defense Provided.**

- A. The City will provide at its expense for the legal defense of any member of the Board of Aldermen, the City Clerk or that person's deputies or any member of a board or commission of the City involved in any court action to enforce the provisions of Sections 610.010 through 610.030, RSMo.
- B. Such legal defense shall be in addition to and not in substitution of any defense provided by an insurance carrier of the City or of the official charged with a violation.
- C. The provision for legal defense by the City shall not be construed as a waiver of any sovereign, official or other immunity defenses afforded by Missouri law and all such defenses shall remain in full force and effect.
- D. Because this Chapter along with any other written policies adopted in compliance with

Sections 610.010 to 610.030 RSMo, are open to public inspection, any member a board of commission or employee of the City who complies with this or other written policy is not guilty of a violation of the provisions of Sections 610.010 to 610.030 RSMo, or subject to civil liability for any act arising out of their adherence to the written policy of the City.

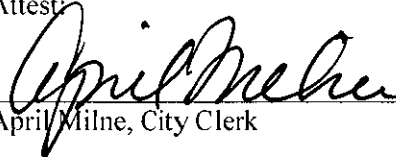
**Section 2.** This ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 3<sup>rd</sup> DAY OF SEPTEMBER 2025.

A handwritten signature in black ink, appearing to read "Russ Fortune", written over a horizontal line.

Russ Fortune, Mayor

Attest:

A handwritten signature in black ink, appearing to read "April Milne", written over a horizontal line.

April Milne, City Clerk

ARTICLE I  
In General

**Section 120.010. Definitions.**

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

BOARDS AND COMMISSIONS or BOARD OR COMMISSION — The Twin Oaks Board of Aldermen, Planning and Zoning Commission, Board of Adjustment, or any other legislative, administrative, quasi-judicial, or governmental entity created by ordinances of the City, any advisory committee or commission appointed by the Mayor or Board of Aldermen, or other public governmental body of the City as defined in Section 610.010 RSMo.

CLOSED MEETING, CLOSED RECORD or CLOSED VOTE — Any meeting, record or vote closed to the public.

~~COPYING — If requested by a member of the~~FULFILLING PUBLIC RECORDS REQUEST or  
FULFILLING — Researching, searching, reviewing, redacting, duplicating, copying, programming, and/or providing access to public, ~~copies provided records~~ as detailed in Section

~~120.100 of this Chapter, if duplication equipment is available.~~

PUBLIC BUSINESS — All matters which relate in any way to performance of the City's functions or the conduct of its business.

~~PUBLIC GOVERNMENTAL BODY — Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:~~

- ~~1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.~~
- ~~2. Any department or division of the City.~~
- ~~3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rule-making or quasi-judicial power.~~
- ~~4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.~~
- ~~5. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapter 352, 353 or 355, RSMo., or unincorporated association which either:~~
  - ~~a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or~~



b. ~~Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.~~

PUBLIC MEETING — Any meeting of a ~~public governmental body subject to this Chapter~~

board or commission at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, ~~Internet~~internet chat, or ~~Internet~~internet message board. A "public meeting" includes any vote of all or a majority of the members of a board or commission by electronic communication or any other means, conducted in lieu of holding a duly noticed public meeting where the members of the board or commission are gathered at a single location. The term "public meeting" ~~shall~~does not include an informal gathering of members of a ~~public governmental body~~board or commission for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, ~~but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.~~

PUBLIC RECORD — Any record, whether written or electronically stored, retained by or of any ~~public governmental body~~board or commission including any report, survey, memorandum, or other document or study prepared for the ~~public governmental body~~board or commission by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a ~~public governmental body~~board or commission or on behalf of a ~~public governmental body~~board or commission. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a ~~public governmental body~~board or commission consisting of advice, opinions, and recommendations in connection with the deliberative decision-making process of said ~~body~~board or commission, unless such records are retained by the ~~public governmental body~~City or presented at a public meeting. Any documents or study prepared for a ~~public governmental body~~the City by a consultant or other professional service as described in this Section shall be retained by the ~~public governmental body~~City in the same manner as any other public record.

PUBLIC VOTE — Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any ~~public governmental body~~board or commission.

QUORUM — A majority of the members elected or appointed to a board or commission.

REQUESTER — A person requesting access to public records.

ROLL CALL VOTE — Any Public Vote taken so as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the board or commission.

VIDEO ATTENDANCE OR VIDEOCONFERENCING — Communication where at least one member of a board or commission participates in the public meeting via an electronic connection made up of three components: (1) a live video transmission of the member of the board or commission not in physical attendance; (2) a live audio transmission allowing the member of the board or commission not in



physical attendance to be heard by those in physical attendance; and (3) a live audio transmission allowing the member of the board or commission not in physical attendance to hear those in physical attendance at a meeting at the normal meeting place.

**Section 120.020. Meetings, Records ~~And, and~~ Votes ~~To Be to be~~ Public — Exceptions.**

~~A.~~ All meetings, records, and votes are open to the public, except that any meeting, record, or vote relating to one (1) or more of the ~~following matters, as well referenced in Section 610.021 RSMo, as other materials designated elsewhere in this Chapter amended,~~ shall be and are hereinafter declared to be closed unless the ~~public governmental body~~Board of Aldermen votes to make them public:.

- ~~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 governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo.; however, the amount of any monies 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 or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.~~
- ~~3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy two hour period before such decision is made available to the public. As used in this Subsection, the term "personal information" means information relating to the performance or merit of individual employees.~~



- ~~4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.~~
- ~~5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.~~
- ~~6. Welfare cases of identifiable individuals.~~
- ~~7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.~~
- ~~8. Software codes for electronic data processing and documentation thereof.~~
- ~~9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.~~
- ~~10. 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.~~
- ~~11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.~~
- ~~12. Records which are protected from disclosure by law.~~
- ~~13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.~~
- ~~14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.~~
- ~~15. Records relating to reports of allegations of improper governmental activities under Section 29.221, RSMo.~~
- ~~16. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.~~
- ~~17. The following information, which has the potential to endanger the health or safety of an individual or the public if disclosed:
  - ~~a. Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.~~~~



- ~~b. Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.~~
  - ~~c. Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.~~
- ~~18. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.~~
- ~~19. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.~~
  - ~~a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.~~
  - ~~b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.~~
  - ~~c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public 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 monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.~~

~~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.~~

~~23. Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.~~

#### **Section 120.030. Electronic Transmissions — Public Record — When.**

Any member of a ~~public governmental body~~board or commission 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~~board or commission 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 ~~exception of exceptions contained in~~ Section 610.021, RSMo: (see Section 120.020 above).

#### **Section 120.040. ~~Notices Of Meetings~~Meeting Notice.**

A. All ~~public governmental bodies~~boards and commissions shall give notice of the time, date, and place of each meeting and ~~its~~provide a tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, ~~and if,~~

1. ~~If~~ the meeting will be conducted by telephone or other electronic means, the ~~notice of the meeting~~ notice shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting.

2. If a ~~public body~~board or commission plans to meet by ~~Internet~~internet chat, ~~Internet~~internet message board, or other computer link, it shall post a notice of the meeting on ~~its~~the City's website in addition to ~~its principal office~~posting at City Hall and shall notify the public how to access that meeting.

3. Reasonable notice shall include ~~making:~~

A-a. Making available copies of the notice to any representative of the news media who requests



notice of meetings of a particular ~~public governmental body~~board or commission concurrent with the notice being made available to the members of ~~the particular governmental body~~that board or commission; and ~~posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.~~

b. Posting the notice on a bulletin board or other prominent place at City Hall which is easily accessible to the public and clearly designated for that purpose, or at the building in which the meeting is to be held if not at City Hall.

- B. Notice conforming with ~~all of the applicable~~ requirements of Subsection (A) ~~of this Section above~~ shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any public meeting ~~of a governmental body~~ unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City ~~shall allow~~allows for the ~~recording by audiotape, videotape~~audio, video, or other ~~electronic means recording~~ of any open meeting; however, any person recording a meeting must do so in a way reasonably calculated to minimize disruption to the meeting or the board or commission's ability to conduct the meeting. The City or each board or commission may establish further guidelines regarding the ~~manner in which way~~ such ~~recording is~~recordings may be conducted ~~so as to minimize disruption to by members of the meeting public.~~ No ~~audio~~-recording of any meeting, ~~record~~ or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the ~~City; any~~Board of Aldermen. Any person who violates the provisions of this provisions subsection shall be ~~guilty of an ordinance violation punishable as set forth in Section 100.220.~~
- D. Each ~~governmental body~~board or commission 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 a specific exception ~~allowed of section 610.021 RSMo as authorized~~ pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. A formally constituted subunit of a parent ~~governmental body~~board or commission may conduct a meeting without notice during a lawful meeting of the parent ~~governmental body~~board or commission, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent ~~governmental body~~board or commission.

**Section 120.045. Notice Required For Public Meeting On Tax Increases, Eminent Domain, Creation Of Certain Districts, And Certain Redevelopment Plans.**

A. ~~For~~The Board of Aldermen or any entity created by the Board shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four (4) days' notice, exclusive of weekends and holidays when the facility is closed, before any public meeting where a vote of the Board of Aldermen is required to ~~implement~~;

1. Implement a tax increase; ~~or with~~

2. With respect to a retail development project ~~when the Board of Aldermen votes to~~, utilize



the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project ~~or plan, the Board of Aldermen or any entity created by the City shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four~~

- ~~B. (4) days before such entity may vote on such issues, exclusive of weekends and holidays when the facility is closed; provided that this Section~~ This Subsection shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two (2) separate readings on different days for their passage.
- ~~C. The provisions of Subsection (4) of Section 610.020, RSMo., 120.040.B pertaining to 24-hours' notice shall not apply to any matters that are subject to the provisions of this Section. actions in Subsection A.~~
- ~~D. No vote shall occur until after a public meeting on the matter is held at which interested parties in interest and citizens shall have an opportunity to be heard. If the notice required under this Section is not properly given, no~~
- ~~E. No~~ vote on such issues shall be held until proper notice has been provided under this Section.
- ~~F. Any legal action challenging the these notice requirements provided herein shall be filed within thirty (30) days of the date of the subject meeting, or. This thirty-day period is jurisdictional. Upon expiration of the 30-day period, no court shall have jurisdiction to hear any claim challenging the meeting or the vote and such meeting shall be deemed to have been properly noticed and held. For the purpose of this Section~~
- ~~G. As used in Subsection A.1, a "tax increase" shall not include the setting of the annual tax rates provided for under Sections 67.110 and 137.055, RSMo.~~

#### **Section 120.050. Closed Meetings — How Held.**

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the ~~public governmental body board or commission~~. The vote of each member of the ~~governmental body board or commission~~ 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 ~~subsection of Section of this Chapter 610.021 RSMo~~ shall be announced publicly at an open meeting of the ~~governmental body board or commission~~ and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. ~~Public governmental bodies Boards and commissions~~ 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~~ When holding a closed meeting shall, a board or commission will close only an existing portion of the meeting facility necessary to house the members of the ~~public governmental body Board or other board or commission~~ in the closed session, allowing members of the public to remain to attend any subsequent open session held by the ~~public governmental body board or commission~~ following the closed session.



**Section 120.060. ~~Journals Of Minutes of~~ Meetings ~~And~~ Records ~~Of~~ Voting.**

**A. ~~Votes recorded.~~** Except as provided in Section 120.020, Section 610.021 RSMo., rules authorized pursuant to Article III of the Missouri Constitution, and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body, board or commission. Any votes taken during a closed meeting shall be taken by roll call. ~~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.~~

**A. ~~Roll Call Vote, Board of Aldermen.~~** All votes taken by roll call in ~~meetings of a public governmental body consisting of~~ Board of ~~members who are all elected~~ Aldermen meetings shall be cast by Board members ~~of the public governmental body~~ who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a Board meeting ~~of the public governmental body~~, due to an emergency of the public body Board, with a quorum of the Board members ~~of the public body~~ physically present and in attendance and less than a quorum of the Board members ~~of the public governmental body~~ participating via telephone, facsimile, ~~Internet~~ 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 recorded in the minutes. Where such

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

**C. ~~A journal or Minutes.~~** All boards and commissions shall take minutes of open and closed meetings which minutes shall be ~~taken and~~ retained by the public governmental body custodian including, but not limited to, a record of any vote taken at such meeting. ~~The minutes as provided above.~~

**B.1. Minutes** shall include the date, time, place, members present, members absent, and a record of votes taken. ~~When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.~~

**2.** ~~When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or "abstain" if not voting, to the name of the individual member of the board or commission.~~

**Section 120.070. Accessibility Of Meetings.**

**A.** Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. ~~Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.~~

**B.** When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

**C.** The City shall make every reasonable effort to provide special access to all public meetings for



County Police Department and not of the City. The City Clerk is not the custodian of such records for the St. Louis County Police and shall direct ~~individuals requesting such records~~ any requester to the St. Louis County Police Department.

**Section 120.100. Fees For ~~Copying~~Fulfilling Public Records — ~~Limitations~~Request — ~~Failure to Pay Fees~~Clarify Request.**

A. Except as otherwise provided by law, ~~each public governmental body~~ the City shall provide access to and, upon request, furnish copies of the public records of its boards and commissions subject to the following:

- ~~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 ~~public governmental body~~ City. 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~~ City shall produce the copies using employees of the ~~body~~ City that result in the lowest ~~amount of charges cost~~ for search, research and duplication time. Prior to producing copies of the requested records, if requested by the person requesting seeking the records may request, the public governmental body to City will provide an estimate of the cost ~~to the person requesting the records.~~ Documents may be furnished without charge or at a reduced charge when the ~~public governmental body~~ Board of Aldermen determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the ~~public governmental body~~ City and is not primarily in the commercial interest of the requester.
- ~~2.~~ Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (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~~ City 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.

~~B. Payment of such copying fees may be requested prior to the making of copies.~~

B. Pre-payment of Fees. Payment of fees by the requester shall be required prior to the City fulfilling the request. If the requester fails to remit all fees within ninety (90) days (or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)) of a request for payment of the fees by the City, the request for public records shall be considered withdrawn, prior to fulfilling the request.

1. The City shall include notice to the requester that if the requester fails to remit payment of the fees within ninety (90) days, or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000), then the request for public records shall be considered withdrawn by the City.



- C. Clarification. If the City responds to a request for public records by seeking clarification of the request ("Clarification Request") and no response to the City's Clarification Request is received by the City within ninety (90) days (or within one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)) of sending the Clarification Request, then such request for public records shall be considered withdrawn.
1. The City's Clarification Request 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 requested fees are greater than one thousand dollars (\$1,000)), then the request shall be considered withdrawn.
- D. Repeat requests. If the same or a substantially similar request for public records is made within six (6) months after the expiration of the ninety (90) days (or one hundred fifty (150) days if the requested fees are greater than one thousand dollars (\$1,000)), and no fee was remitted for such request or no response was received to the request for clarification, then the City may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.
- E. Any request for records to the City that is pending on August 28, 2025, shall be considered withdrawn if the requester fails to remit all fees by January 1, 2026.
- F. The provisions of this subdivision shall not apply if a lawsuit has been filed against the City with regard to the records that are the subject of the request under this subdivision.

#### **Section 120.105. Meetings Using Video Conference Technology.**

- A. Policy Statement. While it is legally permissible for members of the City's boards and commissions to attend meetings and vote via video conference transmission, a member's use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their City officials face-to-face, members of a board or commission should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference should be to accommodate the boards and commissions, as a whole, to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of its members. A secondary function of video attendance should be to ensure that all members may participate in the business of their respective board or commission that is an emergency or highly important in nature or arose quickly or so uniquely so as to make attendance at a regular meeting practically impossible. Except in emergency situations or other extraordinary circumstances such as Sections G or H below, all efforts should be made to ensure that a quorum of the members of the board or commission be physically present at its normal meeting place.
- B. Quorum. Per §610.015 RSMo, a video attendee shall count towards establishing a quorum. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes. A video attendee's absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a loss of quorum.
- C. Physical Location. Except as provided in Sections I or J below, members of the public may not participate in a public meeting of a board or commission via video conference. The public wishing to attend a meeting, and elected officials not video attending, shall participate at the physical location where meetings of the board or commission are typically held (the "meeting place"), or as provided in a notice provided in accordance with the Sunshine Law. The board or commission shall cause there to be provided at the meeting place communication equipment consisting of an audio and video display, and a camera and microphone so that (1) the member(s) of the board or commission in video



attendance, (2) the members of the board or commission at the meeting place, and (3) the public at the meeting place, may participate in the meeting in accordance with established rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and communicate with those in video attendance.

- D. *Voting.* Pursuant to §610.015 RSMo, elected members of a board or commission in video attendance are deemed present for purposes of participating in a roll call vote to the same effect elected members of a board or commission in attendance at the meeting place are deemed present. As indicated in subsection B above, if any component of the video conference communication fails during the meeting, the video attendee whose connection failed shall be deemed absent immediately upon such failure, and if the board or commission was in the act of voting, the voting shall stop until all components of the video attendance are again restored at which time the video attendee's presence is to be again recorded in the minutes.
- E. *Closed Meetings.* In a meeting where a member of a board or commission is in video attendance and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the board or commission's roll call vote to close the meeting, the video attendee must ensure confidentiality at their location including safeguarding against accidental overhearing by others of the audio or video of the closed session. Failure to ensure the requirements of this subsection may result in corrective action by the full membership of the board or commission in accordance with City regulations including disqualification of the member from future video attendance.
- F. *Minutes.* In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, in video attendance; the members in physical attendance; and members, if any, absent.
- G. *Frequency of Use of Video Attendance.* Except as set forth in Subsections H and I, a member of a board or commission shall not video attend more than three (3) meetings in a rolling twelve-month period. In keeping with the policy stated in section (A) above, video attendance should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member proposing video attendance but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.
- H. *Emergency meetings.* If emergency circumstances create impossibility for the members of a board or commission to attend at the meeting place, the board or commission may meet, and if necessary, roll call vote, by video attendance. Examples of such emergency circumstances include, but are not limited to, pandemic, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, flood, or blizzard. To the extent possible in such circumstances, the board or commission shall use reasonable efforts to cause a physical location to be provided for public attendance and participation or provide access via audio/video feed.
- I. *Public Attendance Limitations; Statewide or National Emergency.* Pursuant to the authority granted in §610.020.1 & 2, RSMo, and in §120.070 of the Twin Oaks Code, in the event of a declaration of a national, regional, or statewide state of emergency ("state of emergency") where the circumstances underlying the state of emergency make it unsafe or unhealthy for members of the public to access City Hall and thereby attend in person a meeting of a board or commission, and as such, make it impossible or impractical to provide a safe physical location for public attendance and participation, the board or commission may take all necessary and appropriate steps to limit "in person" attendance by the public at City Hall for the meeting so long as the City:
- 1) Allows for virtually simultaneous public access and attendance through conference call, web meeting, video conferencing, online meeting, livestreaming, or other similar technology;
  - 2) Posts a notice of the meeting (including the tentative agenda) on the Twin Oaks website in



addition to City Hall that notifies the public how to access the meeting. Depending on the circumstances, this may include a phone number the public can use to dial in to listen to the meeting or the web address where a video feed can be accessed;

- 3) Includes on the tentative agenda the nature of the emergency of the board or commission justifying that departure from the normal requirements and which emergency situation shall be stated in the minutes; and
- 4) Encourages public comment via email, text, chat or other medium that does not interfere with the board or commission's conduct of the meeting or the audio of the meeting.

For purposes of this subsection, the underlying circumstances of the state of emergency shall be deemed to have made it impossible or impractical for the board or commission to hold the meeting in a place that is physically accessible to the public under §610.021(1) and §120.070 and, thus, the board or commission shall, through the City's use of the technology available, make the meeting accessible to the public via audio or audio/video streaming.

## ARTICLE II

### Miscellaneous Provisions

#### Section 120.110. Destruction Of Records And Non-Record Materials.

- A. All records made or received by or under the authority of or coming into the custody, control or possession of City Officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
  1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value. Sound recordings made for the purpose of preserving information for minutes or as a record of administrative hearing shall not be destroyed until minutes have been transcribed and approved or until the record on hearing has been transcribed or appeal time has expired.
  2. Non-record materials or materials not included within the definition of records, may, if not otherwise prohibited by law, be destroyed at any time, with the approval of the Missouri Local Records Board.
  3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Records Manual at the discretion of the custodian or the Board of Aldermen.

#### Section 120.110. Legal Defense Provided.

- A. The City will provide at its expense for the legal defense of any member of the Board of Aldermen, the City Clerk or that person's deputies or any member of a ~~public governmental body~~board or commission of the City involved in any court action to enforce the provisions

of Sections 610.010 through 610.030, RSMo.

- B. Such legal defense shall be in addition to and not in substitution of any defense provided by an insurance carrier of the City or of the official charged with a violation.
- C. The provision for legal defense by the City shall not be construed as a waiver of any sovereign, official or other immunity defenses afforded by Missouri law and all such defenses shall remain in full force and effect.
- D. Because this Chapter along with any other written policies adopted in compliance with Sections 610.010 to 610.030 RSMo, are open to public inspection, any member a board of commission or employee of the City who complies with this or other written policy is not guilty of a violation of the provisions of Sections 610.010 to 610.030 RSMo, or subject to civil liability for any act arising out of their adherence to the written policy of the City.