

RESOLUTION NO. ~~2018-001~~ ^{R-18018-001}

A Resolution of the Board of Directors of Mapaville Fire Protection District (“District”) appointing a records custodian for, adopting a policy for, and establishing fees authorized for responding to Sunshine Law requests.

WHEREAS, the Missouri Sunshine Law, as contained in Missouri Revised Statutes Chapter 610 (“Sunshine Law”), provides that a public governmental body is to appoint a custodian to maintain its records and the identity and location of the custodian is to be made available upon request; and

WHEREAS, the District presently has only part-time employees and volunteers, along with Members of the Board of Directors who are also volunteers; and

WHEREAS, the Sunshine Law further provides that a public governmental body shall provide access to and, upon request, furnish copies of public records and may recover its reasonable expenses, in advance or after making copies; and

WHEREAS, the Sunshine Law further provides that a public governmental body shall provide a reasonable written policy regarding the release of information on any meeting, record or vote, and authorizes a public governmental body to close certain meetings, records and votes.

NOW, THEREFORE, BE IT RESOLVED:

1. That the District’s Fire Chief hereby is appointed custodian of the records of the District and that such custodian’s office is located at PO Box 195, 3687 Plass Road, Mapaville, Missouri 63065. In the event that the District’s Fire Chief shall be absent, then the Secretary and Assistant Secretary shall serve as custodian of the records in his/her absence. The aforesaid are collectively referred to herein as the “Custodian”, but reference to “Custodian” shall mean the Fire Chief unless the Fire Chief is absent, in which event it shall be deemed to refer to the Secretary and Assistant Secretary.
2. That any request for access to or copies of a public record of the District shall be submitted in person or by mail to the Custodian at the offices of the District as set forth in Section 1 above or, if an email address shall be established for the Custodian by the Board of Directors, by email directed to the Custodian at that email address.
3. That the Custodian should respond to all requests for access to or copies of a public record within the time period provided by law, and is authorized for that purpose to confer with the District’s attorney and other agents of the District as the Custodian believes reasonably necessary.
4. That the fees to be charged for research, locating, making or furnishing copies of records shall be the sum of the following:

a. Copies – the statutory rate (presently \$0.10) per copied page for each 8.5” x 11” sheet, black ink only.

b. Copies – the cost incurred by the District, but not less than the above stated statutory rate per copied page, for any size copy exceeding 8.5” x 11” and any color copying.

c. All of the value of time of any employee or agent of the District, including professionals employed by the District, to search, research, locate and determine any legal issues regarding any records, to determine the cost of same and the copies as herein provided, and to prepare an invoice(s). The terms “employee” or “agent” as herein used shall also include volunteers. The “value of time” shall include for each employee or agent of the District the full amount of the wages, salary, healthcare, pension and other benefits paid by the District on behalf of the employee or agent. The District’s Secretary may prepare and maintain a current fee schedule for the “value of time” of all of the employees and agents, and in the event of a volunteer the value shall be deemed to be \$15.00 per hour.

d. Any and all other costs and expenses incurred by the District to respond to the request and which it shall be entitled to recover as otherwise provided by law.

5. Any request to inspect or copy public records of the District shall be submitted in writing. The District’s Custodian may prepare written forms for use by any member of the public to submit a request, but the use of such form is not required.

6. Upon receipt of a written request, the Custodian shall make a reasonable estimate of the District’s fees to search, research, locate and copy the documents requested. Any person submitting a written request to inspect or copy records of the District shall be notified that they are responsible for all of the District’s fees as herein provided, or as this Resolution may be amended, and shall acknowledge that obligation and shall deliver to the District a deposit to secure payment of the sum of the expenses as reasonably estimated.

7. In the event that any person who has submitted a written request for records or documents fails in writing to acknowledge their obligations as herein provided, or fails to deliver to the District the amount of a required deposit, their request shall be deemed withdrawn or abandoned and the Custodian shall so notify the party submitting the request. The employees and agents of the District shall not deliver to any person copies of any records or documents requested until the full balance of the fees due as herein provided are paid, unless the Directors have reviewed the request and by a vote of the majority waived or made payment arrangements. In the event that the amount of the deposit is less than the full amount of the fees due, the District may pursue collection of such remaining balance and recover in addition to the principal interest thereon at the statutory rate (currently 9%) per annum and the District’s costs, including reasonable

attorney fees, and may retain and refuse to deliver all records and documents requested until such sums are fully paid.

8. It is the District's policy that:

a. All requests for inspection or copies of records or documents of the District shall be submitted in writing, signed by the person making the request, and include that person's correct mailing address and telephone number; and

b. All written requests shall be forwarded to the Custodian for review and a timely response as shall be provided herein or by law; and

c. That the Custodian shall review each such written request and, with advice of legal counsel as reasonably necessary, shall timely respond to the request, including but not by exclusion, notification of the District's fee policy as herein provided, or as amended; and

d. The District's Secretary shall prepare and maintain a fee schedule with effective rates for "value of time" of all employees and agents of the District as herein provided; and

e. The fee schedule as prepared by the District's Secretary shall be made available for inspection by any person requesting to review the same and, upon payment of the cost therefore, a copy thereof provided to any person making such a request; and

f. A copy of this resolution shall be kept and maintained at the offices of the District for and made available for inspection by any person requesting the same and, upon payment of the charges therefore as herein provided, a copy shall be provided to any person requesting same; and

g. The fees and expenses as herein provided shall be charged to every person requesting inspection or copies of the records or documents of the District unless pursuant to the terms of a separate resolution the Board of Directors has approved a written request for a waiver of or reduction of the fees; and

h. The Custodian shall make a reasonable estimate of the District's fees in advance, shall notify the person making the request of such estimate, and further notify the person making the request that such estimate shall not represent either a minimum or maximum amount due; and

i. The amount of the estimate shall be required to be paid in advance as a deposit in the event that the said estimate exceeds \$10.00, and may be required for any sum, unless the Board of Directors has approved a written request for a waiver of reduction of the deposit; and

j. Any records that are or may be closed pursuant to the Missouri Sunshine Law, or otherwise as provided by law, shall not be disclosed or copied and provided upon a written request except upon written approval of the District's Secretary, or in accordance with approval of the Board of Directors, or in accordance with advice of the District's legal counsel.

Adopted this 18th day of June, 2018.

Mapaville Fire Protection District

By: Donnette Pore
Secretary

Attest:

Paul W. P. Pore
President

