

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 218-25

AN ORDINANCE

amending Chapter 2 of the City Code as it relates to closed records; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 2 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 2-25.3. Closed records.

(a) All city records to the extent they relate to the following shall be closed records to the extent allowed by law:

- (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 settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interest or acting on 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 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 610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed.
- (2) Legal work product shall be considered a closed record.
- (3) 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 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.

- (4) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is recorded. However, the record of 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 actions occurred; provided, however, that an 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 section, the term "personal information" means information relating to the performance or merit of individual employees.
- (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.
- (7) Welfare cases of identifiable individuals.
- (8) Preparation, including any discussion or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
- (9) Software codes for electronic data processing and documentation thereof.
- (10) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- (11) 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.
- (12) 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.

- (13) Records which are protected from disclosure by law.
- (14) Public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- (15) Any record of the city community development loan and grant committee pertaining to financial data disclosed by an applicant for housing rehabilitation assistance.
- (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; provided, however, that all final audit reports issued by the auditor including the annual independent financial audit report shall be open records and the city manager may declare individual internal audit reports to be open records.
- (18)
 - (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.
 - (d) Operational guidelines, and policies and specific response plans developed, adopted or maintained by any city department 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 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. ~~Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by any city department in implementing these guidelines or policies. The city council finds that disclosure of such records would impair the city's ability to protect the safety or health of persons and further states that the public interest in nondisclosure outweighs the public interest in disclosure of the records.~~

- (19) Existing and proposed security systems and structural plans of real property owned or leased by the city, 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. The city ~~manager-council~~ finds that disclosure of such records would impair the city's ability to protect the security and safety of persons and real property, and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section.
- (20) The portion of any 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~~
- (21-22) 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 information for visitors who make a camping, lodging, or shelter reservation for any park maintained by the city unless the records are requested by the visitor or authorized for release by the visitor, and except that this exemption shall not apply to the municipality and zip code of residence of the visitor.

(24) Records to protect the specific location of a plant or animal species considered endangered, threatened, critically imperiled, imperiled, or vulnerable when the known location may cause the species to be at an increased risk of peril.

(b) All city records to the extent they relate to the following may be closed records to the extent allowed by law:

(1) Any portion of a record that contains individually identifiable information of a minor under eighteen (18) years of age except when such record is requested by the division of labor standards within the department of labor and industrial relations for the purpose of enforcing chapter 294.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2025.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor