



SUNSHINE REQUEST POLICY

Clinton County, Missouri

"Continued transparency keeps the public informed."

David Woody
clerk@clintoncomo.org

ABSTRACT

It is the policy of Clinton County, Missouri that *continued transparency keeps the public informed*. It is the policy of Clinton County to strictly follow the Missouri Sunshine Law (RSMO Chapter 610) and adopt a Public Record Request Policy.

The purpose of this policy is to establish the standard operating procedures for records requests and to inform the public of the proper process to request and receive documents. This policy will also explain the rules, fees, and other important information, referencing the Missouri Sunshine Laws, regarding everything involved with a sunshine request with Clinton County. This policy has been looked over and agreed upon by the County Commissioners, therefore binding all of the county to this policy.

A copy of this policy can be acquired on our county website:

<http://clintoncomo.org/government/courthouse/county-clerk/>

or a physical copy can be obtained from the County Clerk's Office:

If there are any questions or concerns regarding a sunshine request or this policy, you can reach out to the Clinton County Clerk's Office at the information below:

ATTN: Clinton County Clerk
207 NORTH MAIN STREET
ROOM 103
PLATTSBURG, MO 64477
Phone: 816-539-3713
Email: clerk@clintoncomo.org

Respectfully,



David Woody, Clinton County Clerk, Custodian of Records

Custodian Designation, How to Request, Fees

1. Custodian of Records and Coordination of Responses

The County Clerk is designated as the "Custodian of Records" for Clinton County pursuant to RSMO 610.023, Section 1, requirement for identification and location. Such designation does not mean that the County Clerk will necessarily have all records in his or her possession, but simply is an indication to whom requests for copies of records and information regarding the County government shall be directed. Any official or employee of the County, other than the County Clerk, who receives a request, is directed to inform the County Clerk of the request in a timely fashion so that a proper response may be coordinated as well as documenting all requests through a centralized location.

2. How Records are Requested and Fees

All requests for records, notices, or information shall be in writing, and shall be accompanied by a deposit of the estimated cost of reproducing the requested information. If the cost is not ascertainable by the requestor and at the discretion of the County Clerk, the County Clerk will pull the records and apprise the requestor of the fees for the records. The records will be available upon payment of the fee. Any request received by the Clerk shall be initialed by the clerk with the date and time of the receipt noted. Clinton County has an official "Sunshine Law Request" Form, which guides the requestor through the specific issues of requesting public records. **At the discretion of the County Clerk, the requirement for a written request for records or information may be waived for a standard document or report that is readily available for the staff efficiency, time savings and convenience to the public.**

3. Response Desired to be Noted on Request

The requesting party shall indicate on the request how a response is desired. In absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same form as the original request. (Example: If someone stops by the County Courthouse and requests copies of documents, it will be assumed that the requesting party will stop by the County Courthouse later to pick up the documents. However, if someone mails a request to the County Courthouse, it will be assumed that a mailed response is desired) If the requestor desires a document to be certified, the requestor shall note that on the Sunshine Law Request form.

4. Response within three (3) business days

The Custodian of Records shall respond to the Requestor within 3 days (72 hours) of its receipts. A "business day" is a day when the County Courthouse is open for the conduct of County business during normal business. While it is desirable that the entire transaction be completed within 3 business days, there will be circumstances where clarification or explanation of the request is necessary, or where it will be necessary to provide only part of the requested information while searches are made to find copies of other documents requested. Any questions on the release of the requested records shall be referred to the County Attorney for a legal opinion.

5. Documentation of Response

The Custodian of Records shall document the response by 1. Create a physical copy of the response 2. Annotate what documents were provided on the request. 3. Save an electronic copy of the request and documents provided.

6. Request for Searches

A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the county for the county to certify it has provided "all" or "every" document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation and can be expensive. Generally, the Custodian of Records is not expected to engage in extensive searches or compilations. Any search request that will require more than 15 minutes of the Custodian's time will be refused without a substantial advance deposit for the estimated time required to search for the records.

7. Inspection of Records

To reduce the cost to both the requesting party and the County, the Custodian of Records may permit a physical inspection of the records by the requesting party to help specify what documents are needed. The Custodian may impose such security as is deemed appropriate to guarantee that no record is removed from the County files.

Closed Records, Subpoenas, Penalty for Disclosure

1. Closed Records and Votes

All records of the County, which are permitted to be closed records by reason of the Sunshine Law or by any other Statute of Missouri, or by any statute, or regulation of the United States government, shall be maintained as closed records. No such closed full records shall be released to any person who is not a part of the County government. If closed records are requested by a county employee/elected official, other than the Prosecuting Attorney, they can receive a copy with the discussion redacted and only showing the reason for the closed session and any final decisions. The public can also receive a copy the same as the county employee/elected official. Requests for closed records to be opened to public inspection will be considered on a case-by-case basis by the County Commission.

2. Subpoenas for Closed Records

No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the County Attorney for a response, and for a motion to quash the subpoena. The only exception to this requirement that will be recognized is a subpoena from a grand jury.


3. Penalty for Disclosure of Closed Records

Any person employed or working for the county or who has been entrusted with a record that is marked or indicates that it is "confidential: or a "closed record," or who has been invited to participate in a closed meeting who nonetheless discloses any closed record, or any information about the contents of any closed meeting to any person shall be subject to the termination of his or her employment.

Adopted on September 23, 2021 by Clinton County.




Jay Bettis, 1st District Commissioner


Richard Riddell, 2nd District Commissioner


David Woody, County Clerk


Patrick Clark, Presiding Commissioner