

THE DEBALIVIERE PLACE SPECIAL BUSINESS DISTRICT

OPEN MEETINGS AND RECORDS POLICY

Section 1. All meetings, records and votes of all boards, commissions, committees or governmental bodies of the DeBaliviere Place Special Business District (the “District”) are open to the public, except the governmental body may close any meeting, record or vote relating to the following:

(a) 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, 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 its behalf of with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011 of the revised Statutes of Missouri, as amended, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

(b) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate.

(c) Hiring, firing, disciplinary 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 must be made available with a record of how each member voted to the public within seventy-two 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 subdivision, the term “personal information” means information relating to the performance or merit of individual employees.

(d) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives, for negotiations with employee groups;

(e) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(f) Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted, or all bids are rejected.

(g) 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;

(h) Records which are protected from disclosure by law;

(i) Confidential or privileged communications between the governmental body and its auditor, including all auditor work product.

Section 2. All records that may be closed are hereby deemed closed records unless the governmental body votes to make them public. Before closing a meeting to the public, a majority of a quorum of the governmental body must vote to do so in a public vote. The vote of each member of the governmental body on the question of closing the meeting or vote and the reason for closing the meeting by reference to a specific exception listed in Section 1 herein shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

Section 3. The governmental body shall give notice of the time, date and place of a closed meeting or vote and the reason for holding it by reference to a specific exception listed in **Section 1** herein. The notice shall be the same as described in **Section 4** below. No other business may be discussed in a closed meeting, record or vote which does not directly relate to the specific reason announced to close the meeting or vote to the public. The governmental body holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the governmental body following the closed session.

Section 4. The governmental body shall give notice of the time, date, place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. The notice shall be placed in a prominent place which is easily accessible to the public and clearly designated for the purpose of providing notice at the Principal Office of the District: Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105, or at the principal meeting place of the body holding the meeting or within the District if the meeting place is not at the district's principal office. Notice shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of the meeting. If an emergency makes it impossible or impractical to give twenty-four hour notice, the reason must be reflected in the minutes, and as much notice as is

reasonably possible shall be given. Notice shall also be provided to any representative of the news media who requests notice of a particular meeting concurrent with the notice being made available to the members of the particular government body.

Section 5. The meeting place must be reasonably accessible to the public and the meeting time must be reasonably convenient to the public. At any meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the meeting at a designated location identified in the notice of the meeting. Reasonable efforts must be made to grant special access to the meeting to handicapped or disabled individuals. If it is not possible or not practical to hold the meeting at a time that is reasonably convenient to the public or a place that is reasonably accessible to the public, then the reason must be stated in the minutes.

Section 6. A formally constituted subunit of the District may conduct a meeting without notice as required by this policy during a lawful meeting of the Board of Commissioners of the District, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the meeting of the Board of Commissioners of the District and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the Board of Commissioners of the District.

Section 7. The Secretary of the District shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian of records will be located at Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. Fees for copying public records shall not exceed the actual cost of document search and duplication. Copies of records of the District shall be furnished to the public at a cost of no more than \$.10 per page. The hourly fee for duplicating requested records shall not exceed the average hourly rate of pay for clerical staff of the governmental body.

Section 8. All requests for records, notices, or information shall be in writing, addressed to the District, and sent to the principal office of the District, and shall be accompanied by a deposit of the estimated cost of reproducing the requested information. Oral requests, if received by the District, shall be immediately recorded in written form to document the same. Any request received by the District shall be initialed by the custodian of records, with the date and time of receipt noted.

Section 9. The Secretary of the District shall provide public access to all public records as soon as possible but no later than the end of the third business day following the date the request is received by the Secretary of the District. If access to the public record is not granted immediately, the Secretary of the District shall give a detailed explanation for the delay and the place and earliest time and date that the record will be available for inspection. If a request for access is denied, the Secretary of the District shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.