

**TENTATIVE AGENDA
MEETING OF THE CITY COUNCIL
CITY OF LADUE, ST LOUIS, COUNTY MISSOURI
COUNCIL CHAMBERS
9345 CLAYTON ROAD
LADUE, MISSOURI 63124
MONDAY, APRIL 25, 2016
4:00 P.M.**

The Hon. Nancy Spewak, Mayor, to preside and call the meeting to order.

Adoption and Approval of the Agenda

Approval of the Minutes: Minutes of the Regular and Closed Meetings of March 28, 2016.

Oath of Office: Mayor Spewak will suspend the regular order of business for the purpose of the City Clerk administering the Oath of Office to the City Council Members elected at the Municipal Election held on April 5, 2016.

Public Forum: The Mayor will recognize any visitors who wish to address the Mayor and Council on City matters. **(Speakers will be limited to 3 minutes)**

Public Hearing: None

Zoning and Planning Matters:

ZP -1 : Resubdivision of Lot 10 of Briarcliff Subdivision – Consideration of Denial or Referral to Zoning and Planning Commission in accordance with Chapter 94 of the Ladue Municipal Code Section 94-3.

Old Business: None

New Business

Proposed Legislation:

Bill No. 2128 – An ordinance providing regulations for deer hunting by archery methods within the City of Ladue.

Bill No. 2129 – An ordinance approving the leasing by the City of Ladue, Missouri of certain real property in connection with the financing of the construction of a new Fire House #1; approving the execution and delivery of a base lease, a lease purchase agreement, an escrow agreement, and a tax letter of instructions in connection with the financing; appropriating funds for rental payments; authorizing certain other actions and approving execution of certain other documents; and providing further authority.

Resolution No. 2016-02 – A resolution adopting a records retention and destruction policy.

Financial Matters:

- F-1** Report of the Finance Director regarding significant items in the financial reports.
- F-2** The Mayor and Council to review and approve the Vouchers for Payment for the month of March 2016.
- F-3** The Mayor and Council to review the combined Treasurer's and Collector's Report for March 2016.
- F-4** The Mayor and Council to review the Financial Report for March 2016.
- F-5** The Mayor and Council to review the Cash Flow Summary for March 2016.
- F-6** The Mayor and Council to review the Land Lots and Delinquent Tax List.

Department Reports:

- D-1 Fire Department:** Mayor and Council to review the Fire Department Activity Report for the month of March 2016.
- a. Update on the completion of the first year of Executive Fire Officer Program.
 - b. Update on Fire House #1 planning.
 - c. Review 2015 annual report.
- D-2 Police Department:** Mayor and Council to review the Police Activity Report for the period of January 1 – March 31, 2016.
- D-3 Public Works:** Mayor and Council to review the report of the Director of the Public Works Department.
- a. Building Office report for the period through March 2016.
 - b. Request for approval of Building Permit Extensions for:
 1. 16 Salem Estates Drive, Permit #150373, extended to October 31, 2016
 2. 36 Glen Eagles Drive, Permit #150888, extended to March 7, 2017
 3. 19 St. Andrews Drive, Permit #140477, extended to October 1, 2016
 4. 52 Fair Oaks Drive, Permit #150897, extended to October 9, 2016
- D-4 Municipal Court:** Mayor and Council to review the report of the Municipal Court for March 2016.
- D-5 Administration/City Clerk:**
- a. Report from the City Attorney.
- D-6 Appointments:** Request for approval of appointments to the Storm Water Advisory Committee Sub-Committee (Storm water Development Standards Review):
- Ray Potter, Chairman
 - Ann Carter
 - Mary Ann Rober
 - Patrick Hensley
 - Trae Meyr
 - Andrea Sukanek (staff liaison)
 - Will Penney (staff liaison)

Liquor Licenses:

L-1: An application from the Racquet Club, 1600 Log Cabin Lane for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises, in the original package with Sunday sales. The report from the police department finds no reason why the license should not be issued.

L-2: An application from Gourmet To Go, 9828 Clayton Road, for renewal of their liquor license to sell intoxicating liquors in the original package. The report from the police department finds no reason why the license should not be issued.

L-3: An application from L'Ecole Culinaire, Ltd., 9807 S. Forty Drive, for renewal of their license to sell intoxicating liquors by the drink. The report from the police department finds no reason why the license should not be issued.

L-4: An application from St. Louis Country Club, 400 Barnes Road, for renewal of their liquor license to sell intoxicating liquor by the drink for consumption on the premises with Sunday sales. The report from the police department finds no reason why the license should not be issued.

Adjournment: Next meeting dates: Monday, May 16, 2016 and Monday June 20, 2016, Dogwood Parade and Festival April 30, 2016.

Note: Pursuant to Section 610.022 RSMO., the City Council could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMO. and/or personnel matters under section 610.021 (13) RSMO. and/or employee matters under section 610.021 (3) RSMO. and/or real estate matters under section 610.021 (2).

Posted Date:

Time:

By:

BILL NO. 2128

ORDINANCE NO. _____

AN ORDINANCE PROVIDING REGULATIONS FOR DEER HUNTING BY ARCHERY METHODS WITHIN THE CITY OF LADUE.

WHEREAS, the City Council has determined that it is appropriate to allow deer hunting by archery methods to control the deer population in the City of Ladue and to protect persons and property from damage caused by deer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1: The Code of Ordinances of the City of Ladue shall be amended by adding a new Article III to Chapter 18 thereto, as follows:

CHAPTER 18, ARTICLE III – DEER CONTROL POLICY AND HUNTING REGULATIONS

SECTION 18-27: PURPOSE/SCOPE AND DEFINITIONS

- A. After careful review of a recent deer survey estimating the deer population within the City of Ladue, the City Council has determined that it is appropriate to allow deer hunting by archery methods to control the deer population in the City of Ladue and to protect persons and property from damage caused by deer, and, therefore, desires to enact this deer control policy to establish safety regulations for deer hunting within the City. The regulations contained within this Article shall not be applicable to Police Officers, military or other licensed security agents when engaging in the performance of their duties.
- B. As used in this Chapter, the following terms shall have the following prescribed meanings:

ARCHERY DEVICE: Any longbow, compound bow and cross bow.

CROSSBOW: A device for discharging quarrels, bolts or arrows, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM: Any rifle, shotgun, pistol, or any similar device or mechanism by whatever name known which is designed to expel a projectile or projectiles, including air rifles, air pistols and pellet guns. The term "firearm" shall not apply to devices designed and used exclusively for commercial or industrial purposes.

UNDER THE INFLUENCE: Under the influence shall be defined by the State regulation applied to motor vehicle operation.

SECTION 18-28: ESTABLISHING REGULATIONS OF DEER HUNTING WITHIN THE CORPORATE LIMITS OF THE CITY OF LADUE DURING DEER HUNTING SEASON SET BY THE DEPARTMENT OF CONSERVATION

- A. The use of or discharge of firearms is prohibited in the City of Ladue.
- B. Discharging or releasing arrows from archery devices within the City limits is limited to deer hunting permitted under this Article.
- C. Prior to any hunting activity, the property owner, lessee, or person in charge of the property or premises shall notify City Hall of his or her intent to hunt on his or her property and submit to the City a Notification of Intent to Hunt form provided by the City including submitting all required information, documentation, and certifications. The City Clerk is hereby authorized to develop such form in accordance with the requirements herein. At minimum, the notification form shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, the names of all proposed hunters, certification of understanding and agreement to abide by all relevant rules and understanding, indemnification of the City, and documentation of proper licensing and training.
- D. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Ladue.
- E. The hunt shall conform to all State regulations as defined by the Missouri Department of Conservation.
- F. Permission To Hunt.
 - 1. It shall be unlawful for any person carrying an archery device of any type to knowingly enter into the premises of another or to discharge any of the aforesaid devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Subsection shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee or person in charge of said premises or property.
 - 2. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee or person in charge.
 - 3. The hunter on any property upon which the permission to hunt has been granted shall be held responsible for the actions of those persons to whom such permission has been granted by the landowner, lessee or person in charge.
 - 4. No person without lawful authority or without the expressed or implied consent of the owner, lessee or his agent shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Ladue; or being upon the property of another, shall fail or refuse to leave such property when requested to do so by owner, lessee or person in charge of said property.

5. Contiguous neighbors must be notified in writing by the property owner on forms provided by the City of the approximate date and time period of the hunt and the property owner must be able to show with appropriate documentation receipt by the contiguous neighbors of the notification of the approximate date and time period of the hunt. The City Clerk is hereby authorized to develop forms for use in notification of contiguous neighbors in accordance with the requirements herein. For purposes of this Subsection, "*contiguous*" shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas or other public thoroughfares shall not be considered contiguous.

- G. In addition to any requirements imposed by Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer and the location of the harvest within two (2) business days of such harvest by calling Ladue City Hall during normal business hours or by delivering written notification to City Hall.

- H. Prior to discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number.

- I. Nothing in this deer control policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting and shall place on the vehicle's dashboard an "Archery Hunting in Progress" notice, on a form/placard provided by the City, during the hunting activity. The City Clerk is hereby authorized to develop forms/placards for use in notification of a hunt in progress in accordance with the requirements herein.

- J. Prior to hunting within the City limits of Ladue, every individual seeking to hunt shall provide proof that each individual possess a current state license to hunt from the Missouri Department of Conservation and a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

SECTION 18-29: SPECIFIC ACTIONS PROHIBITED AND REQUIRED

- A. It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.

- B. It shall be unlawful for any person to discharge an archery projectile at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.

- C. It shall be unlawful for any person to discharge an archery device within two hundred (200) yards of any church, school or playground. It shall be unlawful for any person to discharge an archery device within thirty (30) yards of any dwelling, building, structure or vehicle unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure or vehicle.

- D. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.
- E. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front yard property line.
- F. No arrow or other projectile used to hunt deer pursuant to this deer control policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public right-of-way.
- G. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line.
- H. No hunting is authorized on tracts of land under three (3) acres in area, except that adjacent property owners may combine their parcels to satisfy the three (3) acre minimum requirement and the property line discharge restrictions contained in this Section 18-29 C., E. and G. All other provisions of the deer control policy shall apply to combined lots.
- I. It shall be unlawful (1) for any person under the age of eighteen (18) years old to hunt within the City limits of Ladue, (2) to hunt within the City without a valid state license to hunt from the Missouri Department of Conservation or (3) to hunt within the City without completing a hunter safety course provided by or approved by the Missouri Department of Conservation.
- J. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the City limits of Ladue.

SECTION 18-30; DEER RETRIEVAL

- A. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession.
- B. Nothing in this Section or Article authorizes the act of trespass.
- C. It shall be the hunter's responsibility to immediately notify any property owner other than the specific property owner who previously authorized the hunt of the fact that an injured or dead deer is located on his or her property.
- D. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.
- E. In the event that a hunter cannot obtain the permission of a property owner to conduct a

reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation.

SECTION 18-31: FIELD CLEANING

- A. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing the animal.
- B. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.
- C. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in plastic bags in private trash depositories or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of biohazardous waste.
- D. The transportation of a carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

SECTION 18-32: PENALTY FOR VIOLATION

- A. Any person, entity or group of individuals who shall perform an act in violation of this Article or who shall fail to follow the rules and/or regulations contained in this Article shall be deemed to have committed a misdemeanor.
- B. The penalty for violating any provision of this Article shall be the assessment of a fine, imprisonment or both as provided for and in accordance with Section 1-9, General penalty; continuing violations, of the Ladue Code.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED THIS _____ DAY OF _____, 2016.

PRESIDENT, CITY COUNCIL

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2016.

NANCY SPEWAK, MAYOR

ATTEST:

CITY CLERK

BILL NO. 2129

ORDINANCE NO. 2129

AN ORDINANCE APPROVING THE LEASING BY THE CITY OF LADUE, MISSOURI OF CERTAIN REAL PROPERTY IN CONNECTION WITH THE FINANCING OF THE CONSTRUCTION OF A NEW FIRE HOUSE #1; APPROVING THE EXECUTION AND DELIVERY OF A BASE LEASE, A LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT, AND A TAX LETTER OF INSTRUCTIONS IN CONNECTION WITH THE FINANCING; APPROPRIATING FUNDS FOR RENTAL PAYMENTS; AUTHORIZING CERTAIN OTHER ACTIONS AND APPROVING EXECUTION OF CERTAIN OTHER DOCUMENTS; AND PROVIDING FURTHER AUTHORITY.

WHEREAS, the City Council of City of Ladue (the "City Council") has heretofore determined and does now hereby confirm, find and determine that it is necessary and in the public interest to construct a new Fire House #1 on certain land currently owned by the City of Ladue (the "City") which is the site of the existing Fire House # 1 (the "Land") and to finance the construction, furnishing and equipping of the new Fire House #1 by means of a tax-exempt, lease purchase financing involving the leasing of the Land to Clayton Holdings, LLC and the leasing back by Clayton Holdings, LLC to the City of the Land together with the improvements to be constructed thereon (the "Improvements"), all in accordance with the financing proposal submitted by Clayton Holdings, LLC dated 1/28/2016 and approved in City Ordinance No. 2126 (the "Financing"); and

WHEREAS, in connection with the aforesaid Financing, the City Council finds it necessary to authorize; execution and delivery of certain documents including, without limitation: (1) a Base Lease dated as of April 1, 2016 between the City as Lessor/Grantor and Clayton Holdings, LLC, a copy of which is attached as Exhibit A to and incorporated by reference in this Ordinance (the "Base Lease"), pursuant to which the City will lease the Land together with any other Improvements located or to be located thereon (collectively, the "Project") to Clayton Holdings, LLC; (2) a Lease Purchase Agreement dated as of April 1, 2016 between the City as Lessee/Grantee and Clayton Holdings, LLC as Lessor/Grantor, a copy of which is attached as Exhibit B to and incorporated by reference in this Ordinance (the "Lease"), pursuant to which Clayton Holdings, LLC will lease the Project back to the City on an annually renewable basis and the City will make rental payments sufficient, during the term of the Lease (the "Rental Payments"), to pay the principal and interest portions of the Rental Payments as the same become due; and (3) an Escrow Agreement dated as of April 1, 2016 among the City, Clayton Holdings, LLC and Commerce Bank, as Escrow Agent (the "Escrow Agent"), a copy of which is attached as Exhibit C to and incorporated by reference in this Ordinance (the "Escrow Agreement"), pursuant to which Clayton Holdings, LLC in consideration of the Rental Payments to be made will deposit with the Escrow Agent for use by the City in the construction of the Project a sum sufficient to pay, among other things, the costs of the construction, furnishing and equipping of the new Fire House #1; and

WHEREAS, the City Council has further found and determined that it is necessary and in the City's best interest in connection with the Financing that the City take certain other actions and approve the execution of certain other documents as provided in this Ordinance; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council; and

WHEREAS, this bill having been read by title two times in open meeting prior to its passage;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, as follows:

Section 1. Definitions. Capitalized terms used and not defined in this Ordinance shall have the meanings ascribed to them in the Lease.

Section 2. Findings and Determinations. The findings and determinations set forth in the Recitals above are hereby incorporated in this Ordinance by reference for all purposes as if set forth in this Ordinance at this place.

Section 3. Approval of Base Lease. The City Council hereby approves the leasing of the Land to Clayton Holdings, LLC in accordance with and for the term provided in the Base Lease. The City Council hereby approves the Base Lease in substantially the form of Exhibit A to this Ordinance and authorizes the Mayor to execute and deliver the Base Lease on behalf of the City with such changes therein as shall be approved by the Mayor consistent with this Ordinance, such signature thereon being conclusive evidence of the approval thereof.

Section 4. Approval of Lease, Escrow Agreement. For the purpose of providing funds to pay: (a) costs to demolish and remove the improvements currently located on portions of the Land; (b) costs to construct, install, renovate, furnish and equip a new Fire House # 1 in accordance with the Plans and Specifications; and (c) costs associated with the Financing, the City Council hereby approves the Lease and the Escrow Agreement in substantially the forms of Exhibit B and Exhibit C to this Ordinance and authorizes the Mayor to execute and deliver the Lease and the Escrow Agreement on behalf of the City with such changes therein as shall be approved by the Mayor consistent with this Ordinance, such signatures thereon being conclusive evidence of the approval thereof.

Section 5. Limited Obligations. The Lease and the Rental Payments thereon shall be limited obligations of the City and neither the Lease nor the Financing shall constitute a debt or liability or pledge of the full faith and credit of the City, the State of Missouri, or any political subdivision thereof, and neither the Lease nor the Financing shall constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. The delivery of the Lease shall not directly or contingently obligate the City to make any payments beyond those appropriated for its then current Fiscal Year.

Section 6. Qualified Tax-Exempt Obligation. The City Council hereby designates the Lease as a "qualified tax-exempt obligation" as defined in section 265(b) (3) (B) of the Code. The aggregate face amount of all tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds) issued or to be issued by the City and all subordinate entities thereof during the calendar year in which the Original Term of the Lease begins is not reasonably expected to exceed \$10,000,000. The City and all subordinate entities thereof will not issue in excess of \$10,000,000 of tax-exempt obligations (including the Lease but excluding

private activity bonds other than qualified 501(c)(3) bonds) during the calendar year in which the Original Term begins without first obtaining an opinion of Special Tax Counsel that the designation of the Lease as a "qualified tax-exempt obligation" will not be adversely affected.

Section 7. Approval of Tax Letter of Instructions. The City Council hereby approves the Tax Letter of Instructions in substantially the form of Exhibit D to this Ordinance and authorizes the Mayor to acknowledge, execute and deliver the Tax Letter of Instructions on behalf of the City with such changes therein as shall be required by Special Tax Counsel and approved by the Mayor consistent with this Ordinance, such signature thereon being conclusive evidence of the approval thereof.

Section 8. Appropriation of Funds; Further Authority. The City Council hereby appropriates funds from the general fund or such other permitted fund of the City sufficient to pay the Rental Payments due and payable during the Original Term of the Lease, and further authorizes and directs the officers, agents and employees of the City, including the Mayor, City Attorney, City Finance Director, and City Clerk, to execute such further documents and take such further actions as any of them may deem necessary or advisable to effectuate the purposes and intent of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Base Lease, the Lease and the Escrow Agreement.

Section 9. Official Intent. The City expects to incur expenditures relating to the Financing, including, without limitation, expenditures incurred and paid sixty days or less prior to the date hereof and reasonably expects to reimburse all or a portion of these expenditures with proceeds of the Base Lease deposited in the Project Fund pursuant to the Base Lease and the Escrow Agreement in an estimated amount of \$4,046,016 and the City intends that this Section 9 and declaration constitute a declaration of official intent under Treasury Regulation §1.150-2.

Section 10. Severability. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portions that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 11. Effective Date. This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED THIS _____ DAY OF _____, 2016.

President, City Council

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2016.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

RESOLUTION NO. 2016-02

A RESOLUTION ADOPTING A RECORDS RETENTION AND DESTRUCTION POLICY.

WHEREAS, records of the City shall be preserved and managed in accordance with the provisions of the State and Local Records Law, Sections 109.200 – 109.310 RSMo.; and

WHEREAS, the City Council finds it is best practice to enact a written policy in compliance with the State and Local Records Law for the preservation and management of records of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LADUE, MISSOURI, AS FOLLOWS:

Section 1. The Records Retention and Destruction Policy, in substantially the form as **Exhibit A** attached hereto and incorporated herein by reference (the “City’s Records Retention and Destruction Policy”), is hereby adopted as the City of Ladue’s written policy.

Section 2. This Resolution shall take effect and be in full force from and after its passage by the City Council and approval by the Mayor.

Adopted by the City Council and approved by the Mayor on this ____ day of _____ 2016.

Nancy Spewak, Mayor

ATTEST:

Laura Rider, City Clerk

Exhibit A

CITY OF LADUE, MISSOURI RECORDS RETENTION AND DESTRUCTION POLICY

The City of Ladue, Missouri hereby adopts the following regulations and procedures for the retention and destruction of City records (hereinafter, "Policy").

Section 1. Definitions. As used in this Policy, the following definitions shall apply:

City—the City of Ladue, Missouri.

City Council—shall mean the board of aldermen of the City.

Committee—the Records Control Committee of the City established pursuant to this Policy.

Confidential—any Record that is protected by attorney-client privilege or attorney work product doctrine, qualifies as a "closed record" under Chapter 610 of the Missouri Revised Statutes or is otherwise protected from disclosure by applicable law.

Destroyed or Destruction—shall include the destruction, disposal, or other disposition of a Record. Acceptable methods include, but are not necessarily limited to, compaction, burying, incineration, shredding, sale, or transfer of ownership, all as authorized by the Committee.

Local Records Board—the board established by the State of Missouri pursuant to Section 109.255 of the Missouri Revised Statutes to set retention times for local government records.

Missouri Municipal Records Manual—the standards approved by the Local Records Board on December 18, 1973 and promulgated by the Secretary of State, or any amendments thereof.

Nonrecord—library and museum material made or acquired and preserved solely for reference or exhibition purposes; extra copies of documents preserved for convenience of reference; stocks of publications; processed documents; and any document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics made or received for reasons other than the transaction of official business. Examples include superseded manuals, materials documenting employee fringe activities such as charitable funds or social meetings, work papers and drafts of reports, extra copies of printed materials, and blank forms.

Record—a document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Examples include notice of meetings, employee medical records, time sheets, time cards, and attendance reports.

Section 2. Control of Records. Records of the City, including records of departments, the City Council, boards, committees, or commissions, shall be preserved in accordance with the provisions of Sections 109.200 – 109.310 of the Missouri Revised Statutes, as amended (hereinafter "the State and

Local Records Law”), the provisions of standards lawfully established thereto, including the Missouri Municipal Records Manual, the lawful regulations made pursuant to the provisions of this Policy, and the requirements mandated by any other applicable state and federal statutes and regulations.

Section 3. Records Control Committee. A Records Control Committee is hereby established which shall consist of the City Custodian of Records, Finance Director, and City Attorney. Each City department, board, commission, committee, and the City Council may designate an employee as a records liaison to coordinate with the Committee as needed.

Section 4. Authority to Establish Regulations, Limitations.

1. The Committee shall have the power to make rules, regulations, and recommendations regarding the administration of its affairs, and administer the care, preservation, or Destruction of Records.
2. However, no regulation or rule shall become effective which:
 - a. Conflicts with the provision of the State and Local Records Law or of standards lawfully established thereto, including the Missouri Municipal Records Manual or the retention requirements mandated by other state and federal statutes and regulations; or
 - b. Provides for the destruction of any Record in violation of the retention period set forth in the Missouri Municipal Records Manual or state and federal statute or regulation.

Section 5. Period for Retaining Records. Notwithstanding any regulation established by the Committee pursuant to Section 4, the City shall retain all Records for a period not less than the applicable retention periods provided by the Local Records Board in the Missouri Municipal Records Manual, or the retention requirements mandated by other state and federal statutes and regulations, whichever is longer.

Section 6. Application for the Destruction of Records.

1. The director or head of any City department, board, commission, or the City Council or their designees shall, as needed, submit to the Committee signed applications for the Destruction of Record(s) no longer needed in the transaction of current business and deemed to be of insufficient administrative, legal, fiscal, or historical value to warrant their further retention. No such Record shall be Destroyed without prior review and approval of the Committee. If it is deemed by the Committee that a record has historical value but does not need to be retained by the City any longer, the record will be offered to the Chairman of the Archives Committee.
2. Nonrecords do not require the application and approval process described in subsection 1 of this Section 6. However, in determining whether materials are Records or Nonrecords, it is recommended that the director or head of any City department, board, commission, or the City Council or their designees seek a determination from the Committee or the City Attorney as to whether materials are considered Records for the purposes of this Policy and any applicable state and federal laws.

Section 7. Approval for the Destruction of Records.

1. The Committee shall review any application submitted pursuant to Section 6 and, if it finds the Records involved have been retained for longer than the applicable period stated in the Missouri Municipal Records Manual and are no longer needed in the transaction of current business and are of insufficient administrative, legal, fiscal, or historical value to warrant their further retention, shall then vote to authorize the Destruction, as well as the manner in which the Records will be Destroyed.
2. In the event an application seeks authorization for the Destruction of a Record which does not have a period of retention specified in the Missouri Municipal Records Manual or other lawfully established standard, the Committee shall seek approval for its Destruction from the Local Records Board as provided for in the Records Retention Manual. Upon receipt of approval for the Destruction of such Record, the Committee may proceed to Destroy such Record but shall comply with Section 8.3 below.

Section 8. Destruction of Records and Nonrecords.

1. Once approval is granted by the Committee pursuant to Section 7 of this Policy, non-confidential Records approved for destruction shall be Destroyed as approved by the Committee and pursuant to regulations not inconsistent with applicable standards.
2. Confidential Records shall be Destroyed by incineration or by shredding with a one-fourth-inch cut, or less, or as otherwise approved by the Committee. It is recommended that Confidential Records be Destroyed in the presence of an authorized representative of the City department, board, commission, or City Council who shall certify by signature the Destruction of the Records. This certification should include a description of the Record that was Destroyed, quantity of the Record Destroyed, inclusive dates covered by the Record, the manner in which the Record was Destroyed, and the date the Record was Destroyed. These certifications shall be permanent records of the City and shall be filed with the Custodian of Records of the City.
3. The Committee shall keep and maintain on behalf of the City a centralized description of all Records Destroyed, which shall include a description of each Record described and shall be in substantially the form of Attachment I attached hereto and incorporated herein ("Record Destruction Log"). Such description shall include the type of Record Destroyed, the quantity Destroyed, inclusive dates covered by the Record, the manner in which the Record was Destroyed, the date the Record was Destroyed, and any other information the Committee deems relevant. The Committee shall provide a copy of the Record Destruction Log to the City Council for review from time to time as the Committee approves Destruction of Records but no less often than every six (6) months.
4. Nonrecords may be Destroyed in any manner deemed appropriate by the City department, board, committee, commission, or the City Council who created and retains the Nonrecord.

Section 9. Storage and Preservation of Records.

1. The City shall store and preserve all Records for the retention period required for the class applicable to the individual Record. All such Records shall be stored in an orderly and systematic manner not inconsistent with applicable law, including the Missouri Municipal Records Manual and other state and federal statutes and regulations, and any rules, regulations, and recommendations of the Committee. Acceptable methods of storage include, but are not limited to, electronic or digital storage, hard paper files, or microfilm.
2. When the Committee recommends and the City Council determines that a Record requiring permanent retention should be microfilmed or otherwise reproduced through photographic, video, electronic, or other reproduction processes, including a computer-generated electronic or digital retrieval system, the Committee shall ensure compliance with the requirements stated in Section 109.241(4) of the Revised Statutes of Missouri; this Section requires the public official having custody of the reproduced Records to certify to the Committee, before Destroying the originals, that the official has made provisions for preserving the microfilms or electronically created Records for viewing and recalling images to paper or original form, as appropriate, and that the official has done so in a manner guaranteeing the proper retention and integrity of the Records in accordance with standards established by this Policy and applicable law. Certification should include a statement, written plan, or reputable vendor's certificate, as appropriate, that any microfilm or document reproduced through electronic process meets the standards for archival permanence established by the United States of American Standards Institute or similar agency, or Local Records Board. If Records are microfilmed, original camera masters shall not be used for frequent reference or reading purposes, but copies shall be made for such purposes.
3. There are certain Records which the Committee may determine are so important to the essential operations of the City or to the protection of the rights and property of citizens that the Records are considered vital. If the Committee determines that a Record is vital to the City, the Committee may recommend and the City Council may approve that a duplicate copy of such Record be stored at a separate secured location, such as a bank vault or other off-site private storage facility, where the Record will be safeguarded in a way that it would be preserved if one of the locations were destroyed. Examples of vital Records include Records essential to the continued functioning or reconstitution of the City during and after an emergency (emergency operating records) and those records essential to protecting the legal and financial rights of the City and of the individuals directly affected by its activities (rights and interest records).
4. No matter the method of storage, all records and the mediums on which they are stored should be clearly labeled with a description of the Record, including name and type of record, quantity, and the inclusive dates covered by the stored Records.

