

AN ORDINANCE ADOPTING STATE APPROVED RECORDS RETENTION POLICY AND DESIGNATING CERTAIN RECORDS OF THE NORMANDY FIRE PROTECTION DISTRICT AS "CLOSED RECORDS" ACCORDING TO THE MISSOURI OPEN MEETINGS LAW, AND ESTABLISHING PENALTIES FOR THE UNAUTHORIZED VIEWING, PHOTOCOPYING OR USE OF CLOSED RECORDS.

WHEREAS, Normandy Fire Protection District of St. Louis County was regularly incorporated by a Decree of the Circuit Court of St. Louis County pursuant to the applicable provisions of Chapter 321 of the Revised Statutes of Missouri, as amended and

WHEREAS, Normandy Fire Protection District of St. Louis County operates a modern Fire Department with several pieces of emergency equipment for the purpose of controlling and extinguishing fires within its boundaries and which also provides ambulance service for the benefit of the people who it serves, and

WHEREAS, Normandy Fire Protection District desires that its "Closed Records" be fully identified and protected, and furthermore deems it necessary and proper that it establish a Document Retention Policy consistent with the policy established by the Missouri Secretary of State, to insure the proper maintenance of the District's records.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF NORMANDY FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

Section 1. DEFINITIONS. For purposes of this Ordinance, the following definitions shall apply:

(a) "Person or persons" means a natural person including employees of Normandy Fire Protection District.

(b) "Access" means viewing, observing, photocopying, taking notes or extracting data.

Section 2. DOCUMENT RETENTION. Normandy Fire Protection District hereby adopts and implements the model "Fire District Retention Manual" of the Missouri Secretary of State, as same exists as of the date of this Ordinance. Copy of the Fire District Retention Manual is attached to this Ordinance. With respect to the ambulance operations of the District, Normandy Fire Protection District hereby adopts and implements the "Ambulance District Retention Manual" of the Missouri Secretary of State, as same exists as of the date of this Ordinance. Copy of the Ambulance District Retention Manual is attached to this Ordinance. In the case of conflict of terms, the Fire District Retention Manual shall govern.

District shall retain all employment application materials received or prepared in connection with any hiring decision for a period of one (1) year after the position for which application is received has been filled, at which time all such materials shall be disposed of.

Section 3. CLOSED RECORDS -- EXISTING RECORDS. The following existent records of Normandy Fire Protection District are declared to be Closed Records in accordance with Section 610.021 of the Revised Statutes of Missouri:

(a) Written communications from or between the District and the District's attorney or insurer disclosing confidential facts or litigation advice or in any way relating to litigation strategy, regarding any legal action in which the District was, is or may become a party, and all legal work product

(b) All correspondence, reports, investigative files and materials, and other writings concerning and prepared in connection with any discipline or demotion of any

employee of the District, whether prepared by an Officer of the District, by the Board of Directors or by counsel, when information relating to the performance or merit of individual employees is involved. Such documents shall become public records in the event that discipline or demotion is challenged by court action.

(c) All payroll records, including all computer-generated or other reports disclosing employees' wage withholding, and pension and retirement investment account loans and status, EXCEPT that there shall be prepared and maintained a report listing each employee's position, gross salary and length of service which shall be and remain a public record.

(d) The official personnel file and official medical file of each of the District's employees.

(e) Ambulance Call Reports, and any other written material identifying any person treated or transported by personnel of the District and disclosing any diagnosis or the nature of any physical or mental illness for which the patient was treated.

(f) Written communications from or between the District and the District's attorney or bargaining representative disclosing matters relating to bargaining with the Bargaining Unit representing the District's employees, and all legal work product prepared in connection with such bargaining.

(g) Documentation of software codes for the District's electronic data processing systems.

(h) Written communications from or between the District and the District's auditor or attorney disclosing confidential facts relating to the preparation of the District's audit or review of District's financial records, reporting or systems in connection therewith, and all auditor work product.

Section 4. CLOSED RECORDS – NEW RECORDS. Documents, records and reports prepared or generated after the effective date of this Ordinance shall if within any description of a Closed Record set forth in Section 3 hereof, be considered Closed Records of Normandy Fire Protection District from and after the date of preparation without further action of the Board of Directors. The Board of Directors, by resolution complying with law, may designate other records to be Closed Records of the District, including records described in subparagraphs (2), (7), (11) and (12) of Section 610.021, Revised Statutes of Missouri, and upon such specific designation such records shall be subject to the terms of this Ordinance. All documents not described in Section 3 hereof which are hereafter designated as Closed Records shall be prominently marked with the legend "CLOSED RECORD".

Section 5. MAINTENANCE AND PROTECTION OF CLOSED RECORDS. It shall be the responsibility of Normandy Fire Protection District's designated Records Custodian to provide for the secure storage of all Closed Records, as herein defined.

Section 6. UNAUTHORIZED ACCESS OR USE FORBIDDEN. Except as provided in Section 7 hereof, no person shall view, have access to, make use of information or facts contained in, photocopy, or make extracts from, any Closed Record of the Normandy Fire Protection District. Any person who is permitted access to a Closed Record hereunder shall make use of same only for the specific purpose authorized, and shall not disclose Closed Records, or information acquired therefrom, to any person whatsoever.

Section 7. PERMITTED ACCESS. The following employees are permitted to have access to Closed Records of the type, and for the purpose hereinafter described:

(a) Members of the Board of Directors, and legal counsel, are permitted access to all Closed Records, upon request made to the Records Custodian, for any purpose relating to the business of Normandy Fire Protection District.

(b) The designated Records Custodian of Normandy Fire Protection District is permitted access to all Closed Records for any purpose relating to the business of Normandy Fire Protection District.

(c) The Assistant Records Custodian of the Normandy Fire Protection District, to be designated from time to time by the Board of Directors from among the Assistant Chiefs of the District, shall have access to all Closed Records which must reasonably be accessed during a period of more than twenty-four hours when the Records Custodian shall be unavailable to access same, for any purpose relating to the business of Normandy Fire Protection District.

(d) All Officers of Normandy Fire Protection District, except Acting Officers, shall have access to the Closed Records described in subparagraph (b) of Section 3 of this Ordinance, for any purpose relating to discipline or demotion, but only during such time as discipline or demotion of a specific employee is under consideration, and shall have access to the Closed Records described in subparagraph (b) of Section 3 of this Ordinance, for any purpose relating to discipline or employee relations.

(e) Any employee of Normandy Fire Protection District, and any representative of the Bargaining Unit of the District's employees upon proof of authorization by a specific employee, may have access to such employee's official personnel file and official medical file upon request to the Records Custodian.

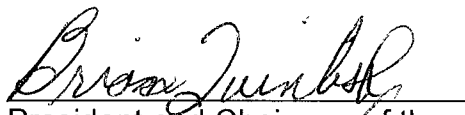
(f) Access may be granted to a particular Closed Record or Records to persons other than those described above, but only by written directive of a majority of members of the Board of Directors, or upon presentation of a subpoena or other court process of a court having jurisdiction to compel the production of such records.

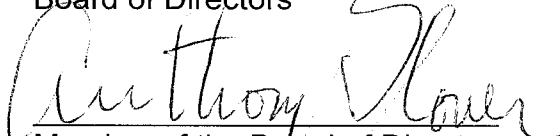
Section 8. PENALTY FOR VIOLATIONS. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be fined an amount not less than \$100.00 nor more than \$500.00 for each offense, and subject to a term of imprisonment not to exceed thirty (30) days.

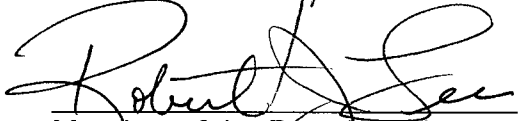
Section 9. EMERGENCY ENACTMENT. This Ordinance being deemed of an emergency nature, it shall be in full force and effect from and after its passage.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE
NORMANDY FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI
THIS 3 DAY OF MARCH, 1999.

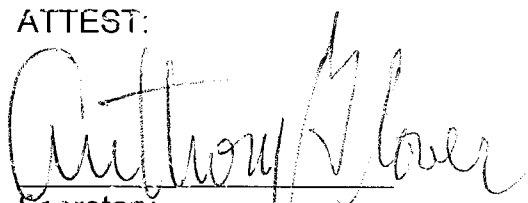
First Reading 2/17/99
Second Reading 3/3/99


President and Chairman of the
Board of Directors


Member of the Board of Directors


Member of the Board of Directors

ATTEST:


Secretary