

## RESOLUTION NO. 09-003

### A RESOLUTION APPOINTING A CUSTODIAN OF RECORDS OF THE OLIVE/GRAESER TRANSPORTATION DEVELOPMENT DISTRICT AND STATING THE DISTRICT'S INTENT OF COMPLIANCE WITH CHAPTER 610 OF THE REVISED STATUTES OF MISSOURI

**WHEREAS**, on December 8, 2009, the Circuit Court of the County of St. Louis, Missouri entered a Judgment and Order Organizing a Transportation Development District (the "**Order**") that established the Olive/Graeser Transportation Development District (the "**District**") as a political subdivision pursuant to and in accordance with the Missouri Transportation Development District Act, sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the "**TDD Act**"); and

**WHEREAS**, chapter 610 of the Revised Statutes of Missouri, as amended (commonly referred to as the "**Sunshine Law**"), states that it is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law; and

**WHEREAS**, Section 610.023.1 of the Sunshine Law requires each public governmental body to appoint a custodian to be responsible for the maintenance of that body's records and requires the identity and location of a public governmental body's custodian to be made available upon request; and

**WHEREAS**, Section 610.026 of the Sunshine Law requires each public governmental body to provide access to and, upon request, furnish copies of public records, subject to the provisions of such section; and

**WHEREAS**, Section 610.028.2 of the Sunshine Law requires each public governmental body to provide a reasonable written policy in compliance with sections 610.010 to 610.030 regarding the release of information on any meeting, record, or vote; and

**WHEREAS**, Section 610.026.1(1) of the Sunshine Law provides that fees for copying public records, except those records restricted under section 32.091, RSMo, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body, and that research time required for fulfilling records requests may be charged at the actual cost of research time; and

**WHEREAS**, the board of directors of the District (the "**Board of Directors**") hereby finds and determines that it is necessary and desirable that the District appoint a custodian of records and adopt a written policy regarding the release of information, all in accordance with the requirements of the Sunshine Law.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE OLIVE/GRAESER TRANSPORTATION DEVELOPMENT DISTRICT, AS FOLLOWS:**

**Section 1.** Notwithstanding anything herein to the contrary, the District shall comply with the Sunshine Law, as now existing or hereafter amended. In the event of a conflict between this Resolution and the Sunshine Law, as now existing or hereafter amended, the Sunshine Law and any other applicable provisions of state law shall control.

**Section 2.** It is the public policy of the District that meetings, records, votes, actions, and deliberations of the District be open to the public unless otherwise provided by law.

**Section 3.** The Secretary of the District, currently Stephen L. Kling, Jr., 10 S. Brentwood Blvd., Suite 200, St. Louis, Missouri 63105, is hereby appointed the custodian of the District's records (the "*Custodian*"). The Custodian shall provide access to and, upon request, furnish copies of the District's records, in accordance with the Sunshine Law and subject to any exceptions of the Sunshine Law (such as those regarding permitted closed records). The Custodian shall respond to all requests for access to or copies of the District's records within the time period provided by the Sunshine Law.

**Section 4.** The fees to be charged for access to or furnishing copies of the District's records shall be as follows:

Copy Fee: \$0.10 per page for a paper copy not larger than nine by fourteen inches.

Research and copy time: \$100.00 per hour.

Certification of Document: \$25.00, plus any applicable copy/research rates.

**Section 5.** The form attached hereto as Exhibit "A" and incorporated herein by reference, entitled "Request for Records," shall be provided by the Custodian to any person or entity requesting records of the District. Upon completion of such form and submission to the Custodian, the request shall be fulfilled in compliance with the Sunshine Law, as now existing or hereafter amended, and this Resolution.

**Section 6.** The Chair of the Board of Directors is hereby authorized and directed to execute this Resolution for and on behalf of and as the act and deed of the District. The Secretary or Assistant Secretary of the District is hereby authorized and directed to attest to this Resolution.

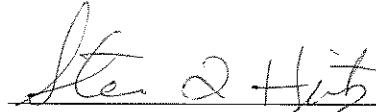
**Section 7.** The District shall, and the officers and agents of the District are hereby authorized and directed to, take such further action and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 8.** This Resolution shall be in full force and effect from and after its passage and approval.

Adopted this 16th day of December, 2009.

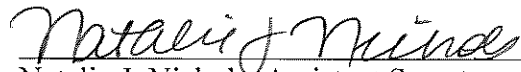
I, the undersigned, Chair of the Board of Directors of the Olive/Graeser Transportation Development District, hereby certify that the foregoing Resolution was duly adopted by the Board of Directors at a meeting held, after proper notice given, on December 16, 2009.

**OLIVE/GRAESER TRANSPORTATION  
DEVELOPMENT DISTRICT**

  
\_\_\_\_\_  
Steven F. Heitz, Chair of the Board of Directors

**SEAL:**

**ATTEST:**

  
\_\_\_\_\_  
Natalie J. Nichols, Assistant Secretary of the  
Olive/Graeser Transportation Development District

**EXHIBIT "A"**  
**Form for Records Request**

**REQUEST FOR RECORDS  
OF THE  
OLIVE/GRAESER TRANSPORTATION DEVELOPMENT DISTRICT**

This is a request for records under Chapter 610 of the Revised Statutes of Missouri, as amended (commonly known as the "Sunshine Law").

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Please check any of the boxes that apply to this request:

- I want to know in advance of any search or copying fees if they will exceed \$\_\_\_\_\_.
- If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.
- I request that the documents be certified. I understand that an additional fee applies to certification of documents.

(1) Describe the requested records as specifically as possible. When asking for records that cover only a particular period of time, such as last year or a specific month, identify that time period.

**I request that you make available to me the following records:**

(Alternatively, if you know the subject matter of the records, but do not have additional information:) **I request that you make available to me all the records that relate to:**

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(2) The records may be made available for you to inspect, at a reasonable date and time, at the office of the District's custodian of records: Stephen L. Kling, Jr., District Secretary, 10 S. Brentwood Blvd., Suite 200, St. Louis, Missouri 63105. Alternatively, if you want and are willing to pay for the copies of the records, the copies will be furnished to you. The fees for a records request are shown in the table below. The District may require a deposit based on estimated fees to fill a request or require all fees to be paid in advance.

**Please check the ONE box below that applies to this request:**

- I request that the above-described records be copied and **MAILED** to me at the address given above.
- I request that the above-described records be **EMAILED** to me at the address given above.
- I request that the above-described records be **FAXED** to me at the number given above.
- I request that the above-described records be **MADE AVAILABLE TO ME FOR MY INSPECTION** at the following date and time: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (circle one: a.m. / p.m.).

(3) If you believe your request serves the public interest, and is not just for personal or commercial interest, you may ask that the fees be waived:

**I request that all fees for locating and copying the records be waived. The information I obtain through this request will be used to serve the following public interest:**

\_\_\_\_\_  
 \_\_\_\_\_

Signature of person requesting documents: \_\_\_\_\_

**OFFICE USE ONLY**

Date request received: \_\_\_\_\_ Date filled: \_\_\_\_\_

Received by:  Mail  Phone  In person  Fax  Email

Contacted re: fees: \_\_\_\_\_ Contacted re: delay: \_\_\_\_\_

Fees:

	# of units	Cost per unit	Total Cost
Certification		\$25.00/doc	
Research and copy time		\$100.00/hr	
Copies (up to 9"x14")		\$0.10/page	
Postage/courier			
Records provided at cost of duplication (e.g., photos, documents larger than 9"x14", discs)			
<b>TOTAL COSTS</b>			

Amount paid: \_\_\_\_\_ Date paid: \_\_\_\_\_

Receipt issued? \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Office of Records Custodian