

Heartland Port Authority of Central Missouri
Board of Commissioners

Jefferson City Area Chamber of Commerce

Tuesday, October 15, 2019

7:30am

Tentative Agenda

1. Roll Call
2. Approval of Agenda
3. Approve Minutes
4. Public Comment
5. Old Business
 - 5.1. MASBDA Grant – Bonnot
 - 5.2. Missouri River Port Tours Reschedule – Mihalevich
 - 5.3. Sunshine Policy – Mihalevich
6. New Business
7. Staff Report
 - 7.1. MPAA Meeting- Bonnot
8. Commissioners Reports & Invited Guests
 - 8.1. American Patriot Holdings Meetings Report – Fischer
9. Adjournment

Next Meeting Tuesday, November 19 - 7:30am

MINUTES

Heartland Port Authority of Central Missouri

Board of Commissioners Meeting
Tuesday, August 20, 2019 7:30am.
Arthur P. Grimshaw Board Room

PRESENT:

BOARD:

| | | |
|------------------|-----------------|--------------|
| Calvin Broughton | Kris Scheperle | Gary Wheeler |
| Roger Fischer | Roger Schwartze | |
| Jim Jordan | Hank Stratman | |
| Rick Mihalevich | Doug Mertens | |

STAFF:

Missy Bonnot, Duane Schriemann

GUESTS:

Representative Rudy Veit; Bruce Dawson, Greddell Engineering; Taylor Gibbs, Congressman Luetkemeyer's Office; Emily Cole, News Tribune; Jeff Hoelscher, Cole County Commission

REGULAR BUSINESS:

1. Roll Call: Missy Bonnot

All Board members were present.

2. Approval of Agenda: Chairman Mihalevich

Roger Fischer made a motion to approve agenda and Roger Schwartz seconded. Motion passed.

3. Approve Minutes: Chairman Mihalevich

Gary Wheeler made a motion to approve and Roger Schwartze seconded. Motion passed.

4. Public Comments: Chairman Mihalevich

Representative Veit commented regarding the support of Governor Parson with the Heartland Port as well as U.S Senator Roy Blunt.

5. Old Business: Chairman Mihalevich

5.1. USDA Grant - Randy could not attend meeting and Missy provided update. The \$180,000 USDA-RBDG Planning Grant application was submitted in May. Due to the high number of applications and the competitiveness USDA asked us to reduce the request to \$120,000. The grant would be used for Preliminary Design and NEPA Clearances. The board discussed utilizing this grant without having the proposed site conveyed from the legislature. The group determined there was no need to spend money on the site prior to land conveyance. A motion was made by Gary Wheeler to ratify the document and signature and for Missy to work with Matt Moore on timing of when the grant needs to be expended and to inform Matt of the status of the land conveyance with the General Assembly. Jim Jordan seconded. Motion passed.

5.2 MASBDA Grant - Missy reported we submitted our grant application and were awarded \$183,700 from MASBDA with a 10% match which is \$18,370. Missouri Soybean Association has committed to providing \$5,000 so the remainder is \$13,370. The remainder grant match would come from Jefferson City, Cole County and Callaway County. Decision Innovation Solutions will be providing a Comprehensive Market Study and Detailed Business Model. Kris Scheperle made the motion to ratify the Agreement and Gary Wheeler seconded. Motion passed. The work will be completed by the end of February.

5.3 Missouri River Port Tours Reschedule – Rick reported he once again will work to schedule port tours. The ports targeted are Kansas City, New Brunswick, Boonville and St. Joseph.

6. New Business: Chairman Mihalevich

6.1 Sunshine Policy - Rick reported we need to have a sunshine policy in place to handle sunshine requests. Duane provided a template and we will review draft at next Board Meeting.

6.2 Stakeholders Meeting – Braden Criman with U.S. Department Transportation, offered at the April meeting to set up a stakeholders meeting for informational purposes. The group discussed who would be invited and we might consider this in the future.

7. Staff Report:

7.1 Bank Account-Missy reported the Port Board has a checking account with Central Bank. The Chamber fronted \$1,000 to get the account started. It was determined we need to have a 2019 budget and a 2020 budget by January 1. Wheeler, Schwartz and Mihalevich volunteered to serve on a budget committee.

8. Commissioners Reports and Invited Guests:

8.1 Commissioner Reports-Roger Fischer reported a meeting with American Patriot Holdings and the Governor took place on August 12th in Jefferson County and included representatives from the ports in Kansas City, St. Louis and Jefferson City. The Governor is very supportive of ports and the containerized vessels.

8.2 Roger Fischer discussed the MASBDA Grant and would like to contact Missouri Corn growers to ask for a monetary contribution to go towards the required match. Calvin Broughton made a motion to contact the Mo Corn Growers and ask for \$5,000 contribution. Hank Stratman seconded. Motion passed.

9. Adjournment: Chairman Mihalevich

Kris Scheperle made a motion to adjourn. Roger Schwartz seconded. Motion passed.

Next meeting Tuesday, September 17th, 2019

Minutes submitted by: _____

Missy Bonnot, Director of Economic Development
Jefferson City Area Chamber of Commerce

HEARTLAND PORT AUTHORITY OF CENTRAL MISSOURI

SUNSHINE ACT COMPLIANCE POLICY

I. Purpose of the Sunshine Act, Sections 610.010 to 610.032, RSMo.

To further the public policy of Missouri that meetings, records, votes, actions and deliberations of public governmental bodies be open to the public unless otherwise provided by law. The Sunshine Act is to be liberally construed and its exceptions strictly construed to promote this public policy.

Except as otherwise provided by law, all public meetings of public governmental bodies shall be open to the public, all public records of public governmental bodies shall be open to the public for inspection and copying and all public votes of governmental bodies shall be recorded.

II. Applicability

The Sunshine Act applies to all public governmental bodies. A public governmental body is any legislative, administrative or governmental entity created by the constitution or statutes of Missouri, by order or ordinance of any political subdivision or Authority, judicial entities when operating in an administrative capacity, or by executive order.

III. Relevant Terms

- A. **Record.** Pursuant to Section 109.210(5) of the State and Local Records Law, a "record" is any "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 a transaction of official business."
- B. **Closed Meeting, Closed Record, Closed Vote.** Any meeting, record or vote closed to the public.
- C. **Authority.** Heartland Port Authority of Central Missouri.
- D. **Sunshine Law.** Section 610.010 to 610.032, RSMo, governing meetings of public governmental bodies.
- E. **Public Business.** All matters which relate in any way to the performance of the Authority's functions or the conduct of its business.
- F. **Public Meeting.** Any Authority meeting at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, internet chat, or internet message board; however, "public meeting" shall not include informal gatherings of members of the Authority for social or ministerial purposes, but shall include a public vote of all or a majority of the members of the Authority by electronic

communication or other means, conducted in lieu of holding a public meeting with the members of the Authority gathered at one location in order to conduct public business.

- G. Public Record.** Any record, whether written or electronically stored, retained by or of the Authority, including any report, survey, memorandum or other document or study prepared and presented to the Authority by a consultant or other professional service provider paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with the Authority or on behalf of the Authority; provided, however, that "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of the Authority consisting of advice, opinions, and recommendations in connection with the deliberative decision making process of the Authority, unless such records are retained by the Authority or presented at a public meeting. Any document or study prepared for the Authority by a consultant or other professional service as described in this paragraph shall be retained by the Authority in the same manner as any other public record.
- H. Public Vote.** Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of the Authority.

Written Policy A reasonable written policy regarding the release of information under the Sunshine Act that, if complied with, renders an employee of that public governmental body not guilty of violating the Sunshine Act nor subject to civil liability for any act arising out of its adherence to the written policy.

IV. Public Meetings

A. Notice of Public Meetings

Notice shall be given of the time, date, place of meeting and anticipated agenda for all Public Meetings at least twenty-four (24) hours in advance of any Public Meeting through the posting of such notice on a bulletin board located in a public area in the principal office of the Authority holding the meeting, and if the meeting will be conducted by telephone or other electronic means, the notice shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If the Authority plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access such meeting.

If it is anticipated that all or a portion of a Public Meeting of the Authority is to be closed, the notice for the meeting shall set forth the reason for its closure by reference to the specific exception allowed pursuant to the provisions of Section 610.021, RSMo (See Section 7 below).

Copies of the meeting notice shall be made available at the same time notice is given to the members of the Authority to all members of the media who have submitted such a request to the Authority.

The twenty-four (24) hour notice period shall not include weekends and holidays when the Authority's offices are closed.

B. Emergency Meeting

A Public Meeting may be held with less than twenty-four (24) hours notice if there is good cause to render such notice impossible or impractical. If such good cause exists, as much notice as is reasonably possible shall be given. Following the opening of the Public Meeting, the nature of the cause justifying the department from the normal requirements shall be stated in the minutes.

C. Location of Public Meetings

Public Meetings should be held at the principal office of the Authority or otherwise stated meeting place, unless otherwise specified in the notice. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate attendance by members of the public. Where it is necessary to hold a Public Meeting in a location that is not reasonably accessible to the public, the reason for the selection of the meeting location shall be stated in the minutes at the opening of the meeting. At any Public Meeting conducted by telephone or other electronic means, the meeting notice shall identify the mode by which the meeting will be conducted and the designated a location at which the public may meet and attend the meeting. If the Authority plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access such meeting.

D. Minutes of Public Meetings

The minutes of all Public Meetings should be taken and maintained by a custodian designated by the members of the Authority. The minutes shall include, at a minimum, the date, time, place, Authority members present, Authority members absent, and a record of any votes taken. If a roll call vote is taken, the minutes shall indicate the vote of each Authority member as yea, nay, or abstain, if not voting.

E. Recording of Proceedings at Public Meetings

Public Meetings may be recorded by audiotape, videotape or other electronic means by members of the public at that individual's or group's expense. In those instances where a recording of a Public Meeting is made by the Authority, the Authority should make copies of such recordings available to the public upon written request to the Custodian at a price established by the Authority and in the format requested by the public, if such format is available. The price established may include (1) the cost of the staff time required for making copies and programming, which shall not exceed the average hourly rate of pay for staff of the Authority, and (2) the cost of the tapes, disks, videotapes or films used for its duplication.

V. Closed Meetings

- A.** A Closed Meeting, portion of a meeting, or vote may be held in connection with the discussion or disclosure of certain matters described under the Sunshine Law including, but not limited to, the following:
- 1.** Legal actions, causes of action or litigation involving the Authority and any confidential or privileged communications between the Authority or its representatives and its attorneys;
 - 2.** Leasing, purchase or sale of real estate by the Authority where public knowledge of the transaction might adversely affect the legal consideration therefor;
 - 3.** Hiring, firing, disciplining or promoting of particular employees by the Authority when information relating to an employee's performance or merit is discussed or recorded;
 - 4.** Preparation, including any discussions or work product, on behalf of the Authority or its representatives for negotiations with employee groups;
 - 5.** Software codes for electronic data processing and documentation thereof;
 - 6.** Specifications for competitive bidding, until either the specifications are officially approved by the Authority or are published for bid;
 - 7.** Sealed bids and related documents, until the bids are opened and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
 - 8.** Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment;
 - 9.** Records that are protected from disclosure by law;
 - 10.** Meetings and public records relating to scientific and technological innovations in which the owner has proprietary interest;
 - 11.** Confidential and privileged communications between the Authority and its auditor, including all auditor work product;
 - 12.** Existing or proposed security systems and structural plans of real property owned or leased by the Authority, and information that is voluntarily submitted by a person or entity owning or operating an infrastructure to the Authority for use of the Authority in devising its plans for the protection of that infrastructure, the public disclosure of which would threaten public safety;

13. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network, of the Authority; and
14. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the Authority and a person or entity doing business with the Authority.

B. Public Presence at Closed Meetings

Members of the public shall be allowed to remain at a designated area on-site but outside of the room in which a Closed Meeting, closed portion of a Public Meeting, or Closed Vote is conducted, so as to allow members of the public to attend any subsequent portion of the Public Meeting that is not close.

C. Notice of Closed Meetings & Vote Required

A Closed Meeting, closed portion of a meeting or Closed Vote may be held if proper notice is given. In addition to the general notice requirements, the notice shall set forth the reason for closing the meeting, portion of the meeting or vote, with references to the specific section and subsection of the Sunshine Law allowing such action.

Prior to closing a Public Meeting, a portion of a Public Meeting or a vote, the presiding member of the Authority shall state forth and include in the minutes of the Public Meeting, the specific section and subsection of the Sunshine Law upon which the decision to close the meeting, portion of the meeting or vote is based.

A Public Meeting or a vote may be closed to the public for any of the reasons enumerated above. Upon a roll call vote, a majority of the members physically present and in attendance at the meeting must vote in favor of a motion to close the meeting or vote, before such a meeting or vote is closed; provided, however, that in the case of an emergency of the Authority, such vote to close a meeting may be cast by a majority of all participating members (whether physically present and in attendance or participating via telephone, facsimile, internet, or any other voice or electronic means, if the nature of the emergency justifying departure from the normal requirements is stated in the minutes of the meeting. The vote of each member of the Authority on the question of closing a Public Meeting or vote and the specific reason for closing that Public Meeting or vote by reference to a specific section and subsection of the Sunshine Law shall be announced publicly at the Public Meeting and entered into the minutes of the Public Meeting.

In the event any member of the Authority makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion,

if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision of the Sunshine Law, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The Authority shall enter the objection in the minutes of the meeting. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to the Sunshine Law.

Public Meetings shall be closed only to the extent necessary for the specific reason announced to justify the Closed Meeting, closed portion of a meeting, or Closed Vote. During the Closed Meeting or Closed Vote, the members of the Authority shall not discuss business unrelated to the reason announced to justify closing the meeting, portion of a meeting, or vote.

A Closed Meeting, closed portion of a Public Meeting or Closed Vote may be held with less than the required notice if there is good cause to render such notice impossible or impractical, in which case the Authority must give as much notice as is reasonably possible prior to closing the meeting or vote. The nature of the cause justifying the departure from the normal requirements shall be stated and included in the minutes of the Public Meeting.

D. Minutes of Closed Meetings

1. The minutes of all Closed Meetings, closed portions of Public Meetings, and Closed Votes shall be taken and maintained by the custodian of the Authority or a person designated by the custodian.
2. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. Any Closed Votes shall be taken by roll call and the minutes shall indicate the vote of each member of the public body as yea, nay or abstaining if not voting.

VI. Public Records

A. Requests for Public Records

The Public Record Custodian ("Custodian") is responsible for maintenance of Authority's Records. The Custodian may designate this duty. Requests for access to the Public Records shall be made to the Custodian. Requests may be made verbally (in person or by telephone) or in writing (by mail or electronically). If records are requested in a certain format, the Custodian shall provide the requested records in the requested format, if such format is available. If, for reasonable cause, by the end of the third (3rd) business day following the day of the Custodian's receipt of the request for access to those Public Records (i.e., day of receipt plus 3 days), access is not made available, the Custodian shall provide a

written explanation of the cause of the delay and the place, time and date that the Public Records will be available for inspection. If request for access to any Public Record of the Authority is denied, the person seeking access may request a written statement of the grounds for denial. The written statement should cite to the specific provisions of the Sunshine Law under which the access has been denied.

B. Classification of Records

1. Records which may always be closed to the public pursuant to the Sunshine Law with the applicable statutory reference, include:
 - a. Legal work product;
 - b. Minutes of closed meetings regarding the hiring, firing, discipline or promotion of an employee of the Authority (however, any vote taken must be made public within 72 hours of such vote);
 - c. Any Records pertaining to the state militia or National Guard;
 - d. Any Record concerning non judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, alcoholism or drug dependency diagnosis or treatment;
 - e. Any Record relating to scholastic probation, expulsion or graduation of an identifiable individual including records of that individual's test scores;
 - f. Any Record relating to testing and examination materials prior to the exam being given;
 - g. Any Record relating to welfare cases of identifiable individuals;
 - h. Any Record relating to the preparation, including discussions or work product, on behalf of the Authority or its representatives for negotiations with employee groups;
 - i. Any Record relating to software codes for electronic data processing and documentation thereof;
 - j. Any individual identifiable personnel Record, performance rating or Record pertaining to an employee or applicant for employment (however, this exemption shall not apply to (i) names, positions, salaries and lengths of service of officers and employees employed by such person or (ii) the name of any private source donating or contributing money to the salary of a chancellor or president of any

public college or university in the State of Missouri and the amount of money contributed by the source);

- k.** Any Record which is protected from disclosure by law;
- l.** Any Record, with the exception of a record of a Closed Vote, relating to scientific and technological innovations in which the owner has a propriety interest;
- m.** Any Record relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- n.** Any Record of a confidential or privileged communication between the Authority and its auditor, including all auditor work product;
- o.** Existing or proposed security systems and structural plans of real property owned or leased by the Authority, and information that is voluntarily submitted by a person or entity owning or operating an infrastructure to the Authority for use by the Authority to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety;
- p.** Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the Authority (however, this exemption shall not apply to otherwise public records in a file, document, data file or database containing public records); and
- q.** Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body.

2. The following Closed Records must be made available to the public as provided by the Sunshine Law and-as described below:

- a.** Minutes, votes and settlement agreements regarding legal actions or litigation must be made public upon the final disposition or upon the signing of a settlement agreement unless ordered closed by a court but even if a court orders a settlement agreement closed, the amount of any money paid by or on behalf of the Authority must be disclosed;

- b.** Any vote involving the exercise of the power of eminent domain shall become public or be announced immediately following the action on the motion to authorize the institution of such legal action;
- c.** Any information regarding the lease, purchase or sale of real estate where public knowledge might adversely affect legal consideration for the real estate may be closed, but the minutes, votes and records regarding these actions shall be made public within 72 hours after the execution of the lease, purchase or sale contract for the real estate;
- d.** Any final vote regarding the hiring, firing, promotion or discipline of an employee must be made available with a record of each member's vote within 72 hours of the vote provided that the affected employee is entitled to prompt notice within that 72 hour period;
- e.** Specifications for competitive bidding until the specifications are officially approved or published for bid may be closed, but once the specifications are officially approved or published for bid, they must be opened;
- f.** Sealed bids and related documents may be closed until they are opened by the Authority. Sealed proposals and related documents or any documents related to a negotiated contract may be closed until the contract is executed or all proposals are rejected;
- g.** Any final audit report issued by the Authority's auditor;
- h.** Records related to the procurement of or expenditures relating to security systems purchased with Authority funds;
- i.** Records related to the procurement of or expenditures relating to any computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the Authority for such computer, computer system, computer network, or telecommunications network; and
- j.** The record of a person or entity using a credit card held in the name of the Authority or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the Authority.