



INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS'

LOCAL UNION NO. 36

3605 Kearney Street

Tel: (417) 865-4210 Fax: (417) 865-1172

March 14, 2016

Superintendent of Schools

RE: School Construction

Dear Superintendent of Schools:

I am making a formal request under the Sunshine Act, requesting information on the companies that have completed work on your school district in the last 12 months or is ongoing at the present. Specifically I am requesting the name of the contractors who have performed (*if the project is completed in the last 12 months*) work or who are listed as a sub-contractor to perform HVAC or Roofing work on any school that is currently being constructed.

Consider this my formal request, under the Freedom of Information Act, that you provide information on the companies that have performed work in the last 12 months, or are going to be performing work on your schools.

If you could email me with the information I would greatly appreciate it.

If you have any questions please do not hesitate to contact me.

Sincerely,

Kris Harmon

Director of Marketing

SMART LOCAL #36

573-821-8733 Cell

(417) 865-4210 Office

kharmon@sheetmetal36.org



Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

March 17, 2016

Mr. Kristopher Harmon
kharmon@sheetmetal36.org
Smart Local #36
3605 Kearney Street
Springfield, MO 65803

Dear Mr. Harmon:

This letter will respond to your email dated March 14, 2016. Your email requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

“...information on the companies that have completed work on your school district in the last 12 months or is ongoing at the present. Specifically I am requesting the name of contractors who have performed (*if the project is completed in the last 12months*) work or who are listed as a sub-contractor to perform HVAC or Roofing work on any school that is currently being constructed.”

Initially, in order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In this case, the “public governmental body” is the Board of Education for the School District of Springfield, R-12. The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record” -- *any record*, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.”

Thus, the term "public record" includes only those records, either written or electronic, that are already in existence that the public governmental body is "holding" or "retaining" in its possession. *Jones v Jackson County Circuit Court*, 162 S.W.3d 53, 59 (Mo App 2005).

The District will not provide you with public documents which may be encompassed by your request that are closed records. Included in these closed public documents are the following:

- The minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and not otherwise required to be revealed;
- Privileged communications between the Board of Education or its representatives and its attorneys pursuant to Section 610.021(1) RSMo;
- Records involving the hiring, firing, disciplining or promoting of particular employees by the Board of Education when personal information about the employee is discussed or recorded, except those public records which have been made public pursuant to Section 610.021(3) RSMo;
- Records involving software codes for electronic data processing and documentation thereof pursuant to Section 610.021(10) RSMo;
- Documents related to a negotiated contract until a contract is executed, pursuant to Section 610.021(12) RSMo;
- Documents which constitute individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, pursuant to Section 610.021(13) RSMo;
- Records which are protected from disclosure by law pursuant to Section 610.021(14) RSMo;
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- 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 District pursuant to Section 610.021(20) RSMo;
- 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 Board of Education and a person or entity doing business with the Board pursuant to Section 610.021(21) RSMo.

Retrieval, Processing and Copying Fees

In matters such as these, the District charges the reasonable fees allowed by the Missouri Sunshine Statute, Section 610.026 RSMo. Duplication fees include a per copy cost, not to exceed ten cents per regular sized page and an hourly fee for the time spent duplicating the documents. Retrieval and processing fees are based on the average hourly rate of pay for the staff involved in the retrieval and processing process.

With this explanation in mind, the Board responds as follows to your request:

The records you have requested will be made available. The cost for the retrieval and processing of the public records you have requested is one hundred dollars (\$100.00). We will provide you with the requested records upon receipt of a check in the above amount.

Thank you for your request.

Sincerely,

Kathy L. Looten

Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III