

Missouri Sunshine Law

Outline

Authority

Public meetings

Public votes

Notice, Agenda, Minutes

Closed Meetings

Public Records

Authority

Chapter 610, RSMo

City Code, section 2-25.1 (closed meetings)

City Code, section 2-25.3 (closed records)

What is a public meeting?

Any meeting of a public governmental body where public business is discussed, decided, or policy formulated

Includes commissions, boards, subcommittees
(and quasi-public governmental bodies)

What is a public meeting?

A meeting will be considered an open meeting regardless of whether it is in-person, email, via conference call or video conference, internet chat, or other electronic means.

The City requires in person meetings

What is a public meeting?

Quorum must be present

If no quorum, then governmental body CAN'T do
official business.

What is a public meeting?

- **DOES** include luncheon meetings
- **DOES** include any electronic (email or otherwise) votes in lieu of holding a public meeting
 - (City requires in person meetings)

What is a public meeting?

- **DOES NOT** include an informal gathering of members of a public governmental body for ministerial or social purposes
 - *UNLESS* intent is to avoid the purposes of the Sunshine Law

What is a public vote?

Any vote that happens in person, by telephone, or by any other electronic means, at any public meeting

Public votes must also be open to the public for inspection and duplication

- Must personally vote (no proxies)

Votes needed for approval may depend on your board or commission

- When in doubt, roll call vote

Public meeting notice

Notice of all open or closed meetings must be posted at least 24 hours in advance (except emergencies)

Post on bulletin board at City Hall, in prominent place where holding the meeting, and on website

What should a public meeting notice include?

- Date
- Time
- Place of each meeting
- Method of meeting (City only allows in-person meetings)
- Tentative agenda (for open meetings)
 - That reasonably advises public of the matters to be considered
- Where public can observe and attend the meeting
 - For open meetings

Public meeting minutes

Minutes of all open and closed meetings shall be taken.
Includes making a record/documentation of all votes.

What else should the minutes include?

- Date
- Time
- Place of meeting
- Members present and absent
- Record/documentation of votes taken

For emergency meetings:

- Also include the good cause justification for not giving proper notice or why meeting was held in place not accessible to the public.

What is a closed meeting?

A public meeting may only be closed if it falls under one of the § 610.021 exemption categories

Meetings *may* be closed (“is authorized”)
§ 610.021; City Code 2-25.1

Records “*shall* be closed to the extent authorized by law”
City Code 2-25.3

EXEMPTIONS UNDER § 610.021, RSMo

(City Code Sec. 2-25.1 closed meetings, &/or
Sec. 2-25.3 closed records)

- 1) Legal actions, causes of action or litigation, legal work product
- 2) Leasing, purchase or sale of real estate
- 3) Hiring, firing, disciplining or promoting employees
- 4) State militia or national guard (not in City Code)
- 5) Non-judicial mental or physical health proceedings of identifiable individuals
- 6) Scholastic records, except to parents for children under 18 (testing/examination materials)
- 7) Welfare cases of identifiable individuals
- 8) Preparation for labor negotiations (employee groups)
- 9) Software codes for electronic data processing
- 10) Specs for competitive bidding

MORE EXEMPTIONS

- 11) Sealed bids, drawing and proposals, until open, executed, rejected
- 12) Individually identifiable personnel records – does not apply to names, positions, salaries and length of service for all employees
- 13) Protected by other laws
- 14) Scientific and technological innovations with proprietary interests
- 15) Community development loan & grant applicant financial data
- 16) Municipal hotlines (abuse and wrongdoing)
- 17) Confidential communications with auditors
- 18) Guidelines and policies regarding public safety
- 19) Proposed security systems and structural plans of real property
- 20) Security systems and access codes of real property

MORE EXEMPTIONS

21) Info on computer systems and networking

22) Credit card numbers and personal identifiers

23) Records submitted to public higher education associated with proposals to license IP or perform research that contains certain business info that may endanger competitiveness (not in City Code)

24) Records involving foster care (not in City Code)

25) Municipal utility customer information, except commercial customer name, address & service info (not in City Code)

What's needed to go from an open to a closed meeting?

To go into closed meeting:

- Announce publicly the specific subsection under § 610.021 authorizing closure
- Have motion, second, & majority of a quorum vote for closing (roll call vote)
- Record each member's vote and the subsection in minutes.

What's needed to go from an open to a closed meeting?

During the closed meeting:

- Record individual member's vote on each item in closed minutes (roll call votes), unless required to be in open minutes.
- *CANNOT* discuss any business which does not directly relate to the specific reason for the closed meeting.

What is a public record?

Any record (electronic or otherwise) retained by a public governmental body, including those prepared by outside consultants or contractors.

Any member who transmits a message relating to public business via e-mail must also transmit the message to the member's "public office computer" or the custodian of records.

§ 610.025

Each record is public unless it falls under an exemption.

Penalties for violating Sunshine

A public governmental body or a member who “**knowingly**” violates the Missouri Sunshine Law is subject to a fine of **up to \$1,000**.

A public governmental body or a member who “**purposely**” violates the law is subject to a fine of **up to \$5,000**.

In addition, **costs and reasonable attorney fees** may be assessed against the governmental body or member.

(attorney fees can exceed the fine)

Your staff liaison is your friend.

Housing and Community Development Commission

- Shall meet once a month, but chair may cancel
- Need simple majority for a quorum
- Chair may excuse a member's absence if requested before meeting
- Member automatically forfeits office if:
 - 3 consecutive unexcused regular meeting absences, or
 - 25% unexcused regular meeting absences in calendar year
- (City Code Sec. 2-284)

Columbia Community Land Trust

Not-for-profit corporation

Established in 2016 via City Ordinance #022919 and filing with Missouri Secretary of State

Organized to preserve the long-term affordability of housing units created through public subsidies

“Quasi-public governmental body” under Sunshine Law
§ 610.010 (4)

QUESTIONS ?

Thank you for your service!

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