

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 is an open meeting whether conducted in-person, via email, conference call or video conference, internet chat, or other electronic means.

What is a public meeting?

Quorum must be present

If no quorum, then governmental body
CANNOT 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

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 Sunshine Law

What is a public vote?

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

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

- Must personally vote (no proxies)

Number and type of 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)
- 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/absent
- Record/documentation of votes taken

For emergency meetings:

- Also include the good cause justification for not giving normal 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 or litigation, privileged communications, legal work product
- 2) Leasing, purchase or sale of real estate
- 3) Hiring, firing, disciplining or promoting particular 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
- 7) Testing/examination materials
- 8) Welfare cases of identifiable individuals
- 9) Preparation for labor negotiations (employee groups)
- 10) Software codes for electronic data processing

MORE EXEMPTIONS

- 11) Specs for competitive bidding
- 12) Sealed bids, drawing and proposals, until open, executed, rejected
- 13) Individually identifiable personnel records – does not apply to names, positions, salaries and length of service for all employees
- 14) Protected by other laws
- 15) Scientific and technological innovations with proprietary interests
- 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)

MORE EXEMPTIONS

More City Code exemptions:

Regarding meetings:

“Any meeting of the city community development loan and grant committee pertaining to financial data disclosed by an applicant for housing rehabilitation assistance shall be a closed meeting.”

City Code Sec. 2-25.1(6)

“Any other subject which may be discussed and voted upon at a closed meeting under RSMo ch. 610.”

City Code Sec. 2-25.1(8)

Regarding records:

“Any record of the city community development loan and grant committee pertaining to financial data disclosed by an applicant for housing rehabilitation assistance.”

City Code Sec. 2-25.3(15)

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 retained 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)

Any action taken in violation of the sunshine law may be voided by the court.

Your staff liaison is your friend.

QUESTIONS ?

Thank you for your service!

Earl Kraus

Assistant City Counselor

Earl.Kraus@como.gov

City of Columbia

701 E. Broadway, 2nd Floor

P.O. Box 6015

Columbia, MO 65205-6015

573-817-6449