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SUNSHINE LAW

Review

Missouri Sunshine Law

OPEN MEETINGS AND RECORDS LAW



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August 6, 2018

Missouri's Sunshine Law

- Chapter 610 of the Revised Statutes of Missouri.
- Originally enacted in 1973.
- Intended to open governmental meetings, records, and votes to the public and provide transparency to government actions and operations.
- “. . .meetings, records, votes, actions and deliberations. . . shall be open to the public unless otherwise provided by law. . . Provisions of the law “shall be liberally construed and their exceptions strictly construed to promote this public policy.”

Who is Subject to the Sunshine Law?

- **Public governmental bodies**

City Council

- **Committees, boards, and commissions**

Park Board, Council Committees, Planning Commission,
Board of Adjustment

- **Advisory committees**

Public Safety Advisory Board, Beautification, Tree Board

- **Quasi-public governmental bodies**

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What is Subject to the Sunshine Law?

- Public meetings
- Public business
- Public records
- Public votes



Does it Apply to Everything?

- Exceptions (610.021)
 - (1) Litigation, Attorney Client Communications.
 - (2) Real estate transactions
 - (3), (13) Personnel matters
 - (10), (20), (21) software code and network configuration
 - (9) preparation for negotiations for collective bargaining
- How do the exceptions work?
 - Release of documents and votes
 - Closed sessions of City Council



Sunshine Law: Public Record Procedures

- Reasonable written policy
 - See handout for City resolution.
- Records custodian (AKA City Clerk)
- Written request
 - See handout for form.
- Response to requests
- Inspection and copying
- Permitted fees and charges
- Waiving fees and charges
- Denying requests

Sunshine Law: Closed Meeting and Voting Procedures

- Listed on agenda
- Motion to go in to closed session
- Stay on topic
- Only roll call votes
- Keep basic minutes
- Motion to go out of closed session



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Adapting Sunshine Law to Modern Technology

- There have been significant developments in technology and how it is used by local governments since the Sunshine Law was originally drafted.
 - Text Messaging
 - E-mail
 - Social Media
 - Cloud Computing



Sunshine Law: Complaints

- Processed by the AG's office.
- City will typically receive a letter of notification requesting a written response along with additional info.
- City should cooperate and resolve quickly.
- Rarely get a clear answer.



Penalties for Violation

- **Knowing violation:**
 - the City or the individual could be faced with a penalty of up to One Thousand Dollars (\$1,000.00).
 - What is knowing?
- **Purposeful violation:**
 - The City or an individual could be subject to a civil penalty of up to Five Thousand Dollars (\$5,000.00).
 - Attorneys' fees possible.

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QUESTIONS?