



**Executive Board Minutes,
Meetings and Other Requirements
of The Missouri Sunshine Law**

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The Missouri Sunshine Law

- A. Public policy – records, meeting and votes are open to the public unless otherwise provided
- B. Law is “liberally construed” and exceptions “strictly construed”



Meetings

- A. Defined
 - 1. A meeting subject to the Sunshine Law is one where “public business is discussed or public policy formulated”
 - 2. A meeting does not include an informal gathering for social purposes when there is no intent to avoid the law



Meetings

- B. Includes meeting held by conference call, videoconference, Internet chat or Internet message board
1. Telephone conference – except for Board committees, roll call votes are restricted to those Board members who are physically present
 2. By statute, all votes taken at closed meetings must be made by roll call
 3. May include e-mail discussion



Meetings

- C. Notice of Public Meeting
1. Must include date, time, place and tentative agenda
 2. Must be posted 24 hours prior to commencement of meeting (exclusive of weekends and holidays)
 - If not 24 hours, nature of good cause justifying departure from requirements must be stated in minutes



Meetings

C. Notice

1. Must be posted in areas of access to public in building
2. Closed meeting must also comply with these requirements, except notice need only state general reason for closed meeting (i.e., personnel issues or legal matters) not specific topics



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Meetings

D. Executive (Closed) Session

1. Statute provides situations under which meeting may be closed (21 exceptions)
 1. Legal actions
 - Includes potential litigation
 2. Individually identifiable personnel records
 3. Hiring, firing, disciplining or promoting of particular employees where personal information is discussed
 - Any final vote public within 72 hours



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Meetings

D. Executive (Closed) Session

4. Real estate matters
 - Becoming public upon execution of the transaction
5. Sealed bids, proposals and documents related to negotiated contracts
2. Vote to close must be made in Open Session, and state exception
3. Board member may vote against closed meeting



Meetings

E. Executive (Closed) Session Minutes

1. Must keep minutes of closed meeting
 - What must be included
 - Date, time, place, members present and absent, votes attributed
2. Certain votes will become public later, i.e., Personnel, Real Estate
3. Suggestions for Taking and Maintaining



Public Records

A. Defined – “retained by or of” a public government body

- Includes records created or maintained by private contractors on behalf of district
- What is a “public governmental body”
- Includes all minutes



Public Records

B. Procedures

1. Fee limited to 10¢ a page plus average hourly rate of pay for clerical staff
2. Have to be provided within three business days of request



Public Records

C. E-Mails

1. Are they public records?
2. Members of the Board who electronically transmit messages relating to public business must concurrently transmit the message to the member's office computer or the custodian of records
3. This section only applies to messages sent or copied to majority, including the sender



Fines and Liability

- Purposeful violation - civil penalty of up to \$5,000 and costs and attorney fees
- Knowing violation – subject to a civil penalty of up to \$1,000 and a court may award costs and attorney fees
- Court shall have discretion in the amount of the fine based on the size of the jurisdiction, the seriousness of the offense, and whether the Board or member has previously violated the law



Summary

- Common Mistakes

1. *“We do not have to keep minutes of the closed session.”*
2. *“The minutes have not been approved by the Board, so I do not have to release them.”*
3. *“I have to prepare a separate report and prepare a narrative response to this public record request.”*



Summary

- Common Mistakes

4. *“Only two Board members are available to come, but we can get three to participate and vote by phone so we can still have our meeting and take official action.”*
5. *“The District can charge the newspaper \$1.00 per page for copies if we want.”*
6. *“If I e-mail all Board members and mark it ‘confidential,’ it will not be a public document.”*



Thank You

Questions

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