

Southeast
Missourian
Cape
Girardeau, MO
Circ. 16797
From Page:
3
3/29/2009
18164



265-800
**Presiding commissioner writes lawmakers,
urging 'no' vote on House Sunshine bill**

GERALD JONES wrote that the bill's rule change was 'inherently unfair'

By **PEG McNICHOL**
SOUTHEAST MISSOURIAN

Gerald Jones, Cape Girardeau County's presiding commissioner, says a bill aimed at strengthening Missouri's Open Meetings and Records Act would "impose undue hardships on county commissioners across the state."

He sent a letter to nearly 20 lawmakers, urging them to vote 'no' on House Bill 316, sponsored by Rep. Tim Jones, R-St. Louis County.

"As a presiding county commissioner and the owner of a newspaper of general circulation, I am keenly aware of the Sunshine Law and strongly support the law and its purposes," Jones wrote in a letter sent in an e-mail by commission assistant Robert McClary to the lawmakers and other county officials.

Jones' letter indicated he supported the current Sunshine Law, but "there are practical circumstances when the meeting of two commissioners or commissioners-elect should not be subject to notice or the Sunshine Law."

If passed, HB 316 would require a five-day notice for any public meeting of a public governmental body for such issues as a fee or tax increase, eminent domain, zoning, transportation development districts or tax increment financing. The rule would allow time for public comment. The current law requires only 24 hours' notice.

The bill would also require:

- automatic reimbursement to someone who has successfully gotten information disclosed from an investigative report
- only members of a public governmental body, their attorneys and staff assistants, and any necessary witnesses be permitted in any closed meeting of the governmental body;
- any association receiving public funding, such as dues paid by a city or county or

its officials, comply with the Sunshine Law's open meeting rules.

■ meetings and most records of the Missouri Ethics Commission to be open to the public.

Jones said the bill's intent to make public meeting rules apply to newly elected officials who haven't taken office, such as two of three commissioners, is "ridiculous."

"I met for over three hours with our newly elected commissioner and took a tour of county facilities to orient him to his new duties and of the general operation of the county," Jones wrote. "Under the proposal, this meeting would have required notice and a public meeting. This would have been awkward and certainly had a chilling effect on the newly elected official who may not want to ask 'dumb' questions in public."

Three-member system

Jones wrote that the bill would impose difficulties on the three-member commission system, which is that any two commissioners constitute a quorum, able to take votes and change rules, and that it was "inherently unfair" to "subject any meeting or phone call between any two commissioners to the Sunshine Law. Towns and cities have five or more members of the governing body, so any two members can talk about anything at any time."

If commissioners had to abide by a five-day notice for the cases listed in HB 316, "we could not discuss an agenda item at a Monday meeting then schedule it for a vote at a Thursday meeting, which is often the case," he wrote.

McClary forwarded an e-mail copy of the letter to 1st District Commissioner Paul Koeper and 2nd District Commissioner Jay Purcell.

Koeper declined to take a position on the bill. "I think they've both said their part," he said.

Purcell, who testified in support of the bill during a February hearing in Jefferson City





Southeast
Missourian
Cape
Girardeau, MO
Circ. 16797
From Page:
3
3/29/2009
18164



responded to several local law-makers and Rep. Tim Jones, the bill's sponsor, telling them he "respectfully disagreed" with Gerald Jones.

"Following the Sunshine Law's rules and procedures can sometimes delay decisions. But those delays are designed to keep the citizens informed and aware of what their government is doing," Purcell's note said.

"Commissioner Jones complains of a 'chilling effect' on discussion between elected officials. The 'chilling effect' is the citizens and public opinion. The Sunshine Law makes sure that elected officials are accountable for their decisions and gives the public a chance to participate. Any attempts to weaken the Sunshine Law and send us back to a time when decisions are made in the smoke-filled backrooms should be vigorously opposed."

The letter's addressees included Lt. Gov. Peter Kinder, freshmen Rep. Clint Tracy, Sen. Jason Crowell, Rep. Scott Lipke and Rep. Ellen Brandom.

Purcell is engaged in a lawsuit against the Cape Girardeau County Commission for alleged Sunshine Law violations. The suit is scheduled for an Eastern District Appellate Court hearing April 29.

pmcnichol@semissourian.com
388-3646