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Robbins files Sunshine Law lawsuit

Roger Robbins of Country Club Village has filed a lawsuit about the Missouri Sunshine Law in Andrew County Circuit Court against Kent Shipley, board chairman of Country Club Village and Larry Herner, Zoning and Planning Board chairman of Country Club Village.

The suit was filed on March 12.

Robbins' suit claims the violations occurred involving a Zoning and Planning Board and Board of Trustees meeting on Oct. 14, and the suit claims that no notice was prominently posted 24 hours before the meeting.

There will be a status review hearing at 9 a.m. June 26 in Savannah.

Robbins is the plaintiff in the case. Robbins has authority to bring this action under state law. Each defendant is an Andrew County resident. Each defendant is sued in his individual and official capacities. The Board of Trustees and Zoning and Planning Board act through the action of a majority of its members, and three of its members are sufficient to constitute a quorum to conduct Village business.

State law comprises "the Missouri Sunshine Law, and contain

statutory requirements respecting the conduct of public business by public governmental bodies, and are, therefore, applicable to the proceedings and actions of the Village Boards," the lawsuit says.

This provision of the Sunshine Law states, "At least 24 hours (excluding weekends and holidays) before a public meeting, the public body must prominently post a notice of the meeting in its principal office. The notice must include" the meeting's time, date, and place; the agenda of an open meeting; and if the meeting is open or closed.

The plaintiff asks that the court enter a judgment finding that the board chairs each committed "knowing and purposeful violation of the Missouri Sunshine Law," "declaring void any and all actions taken during or as a result of the violations set for the above," "assessing civil penalties of up to \$1,000 against each defendant board chairperson for each knowing violation," "awarding the plaintiff court cost and reasonable fees," and "permanently enjoining each defendant chairperson"





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from further violations of the Sunshine Law in the future and awarding such other and further relief as the court shall deem proper.”

Shiple was served with a summons on March 22.

He said, “The alleged violation occurred on October 14, 2008, our regular scheduled monthly meeting that is always the second Tuesday of the month, as required by the VCC Municipal Code Book. The meeting was called to order and the first item on our agenda is resident concerns. It was at this time that Mr. Robbins approached the board with his digital camera attempting to show the bulletin board in our foyer did not contain a notice of our meeting. The photo was taken through the glass of the entry and appeared to be taken at night. Our clerk then stated that when she came in to work that morning she found the postings on the floor behind the bulletin board.

“Mr. Robbins wanted to know if we were continuing with our meeting,” Shiple said. “The board felt adequate notice had been given, and we would proceed.

“Robbins left the building at this time,” Shiple explained. “We listened to one more resident concern and then discussed the early events. Deciding to be safe, we promptly adjourned the meeting without taking any action on any issue and rescheduled for a few days later.”

Shiple emphasized the timing of the suit, since Robbins is running for the Board of Trustees. The election is April 7.

“In the board’s opinion, this is a frivolous suit, and the board strongly supports the Missouri Sunshine Laws, strictly adheres to the law, and it is for that very reason the Board of Trustees decided to adjourn the meeting when the issue had been raised rather than take a chance on violating the law.”