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Ambulance board's closed meeting not according to sunshine law:

by Becky Groff

An apparent violation of the Missouri sunshine law occurred at the Monday, May, 17, meeting of the Cedar County Ambulance District board when Greg Reynolds, board chairman added a closed session to the agenda the night of the meeting without posting a 24-hour.

When asked about the issue, Reynolds said he was unaware he had made the error, it was unintentional and will not happen again. He said he had consulted the sunshine law manual for calling out the reasons to ask for a closed session, but did not realize it needed to be posted.

After opening the meeting and taking roll call, the first item of business was to approve the agenda. Reynolds asked the other board members to add a closed session to the agenda pursuant to 610.021

section (3) hiring, firing, promotions or discipline of employees and section (12) sealed bids and related documents.

At the conclusion of the regular session, Reynolds said, "OK, we'll go into closed session." He was advised at that time he must take a roll call vote and enter all board members' responses into the minutes. The vote was three to two with Burris Rader and Robert Matney voting against and Don Fugate, Natalie Scrivner and Reynolds voting for it.

According to Jean Maneke, an attorney representing Missouri Press Association, notice of the closed session should have been posted at least 24 hours in advance of the meeting. The sunshine law states "all public governmental bodies shall give at least 24 hour's notice (excluding weekends and

holidays) of the time, date, place of each meeting, its tentative agenda and whether the meeting is opened or closed."

"Any time a body holds a meeting, open or closed on less than a 24-hour notice (and scheduling a closed meeting without notice would fall into this category), according to 610.020.4 they must have a good reason," Maneke said.

Adding a closed session to the agenda without notice is permissible, but according to Maneke it must be an emergency of some sort. "The nature of the good cause justifying the departure from the normal requirements shall be stated in the minutes," Maneke said. "If the board were sued, a judge would want to see what basis caused the body to believe it had an emergency such that it had to break state law. If the judge believes





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no real emergency existed that they couldn't wait 24 hours to take the vote, then the judge is going to find the action a violation of the sunshine law."

Rowena Yokley, bookkeeper and minute taker for the board, said she was not advised to post a notice of the closed session. Yokley's usual routine is to bring or mail the board's tentative agenda to local media, then posts the same at the Stockton ambulance facility and fax one to the El Dorado Springs ambulance facility for posting there, which was done for the regular meeting, but nothing was on the tentative agenda regarding a closed session.

Natalie Scrivner, board member, who was designated to take minutes of the closed session, was contacted Tuesday, May 18, regarding any votes taken at the closed session

and she reported there were none.

"I'm sorry that happened, there absolutely was no malice intended here," Reynolds said, "I'm

just trying to do my civic duty for the good of the county. There is no gain for me in doing something in the wrong. I will try to do better in the future."