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Resident Questions Board About Possible Sunshine Law Violation

By Tim Schmidt
Record Editor

A Warrenton resident alleges city officials violated Missouri's Sunshine Law by discussing and voting in a closed session on an annexation request by the Village of Innsbrook.

During the public comment portion of the June 15 aldermanic meeting, Randy Cullom said he believes the discussion and vote should have occurred in the open session.

During the June 1 closed session, aldermen voted unanimously to send a letter supporting Innsbrook's proposal to annex the Highway F right of way from the Highway M intersection to its entrance.

In the June 10 issue, *The Record* published the action taken in the closed meeting.

The vote was held under the real estate exception to the Sunshine Law, which specifically allows governmental bodies to close a meeting to discuss the lease, purchase or sale of real estate.

The Sunshine Law sets out the specific instances when a meeting, record or vote may be closed, such as if the discussion involves litigation, personnel or real estate.

Cullom, however, said in his opinion, the Innsbrook annexation didn't fit that exception in the law.

"Aldermen need to understand they are limited on what they can and cannot do in closed session," said Cullom, whose mother, Jerri,

lost her re-election bid for the Ward 1 alderman seat in April after serving six years on the board.

When responding to Cullom at the June 15 meeting, city attorney Chris Graville said he didn't remember that a vote was taken. Later, when responding to a reporter's inquiry, he

acknowledged that he mis-spoke, and the vote should have been made under a different closed meeting exception, such as litigation. He added the discussion and subsequent vote had merit to be made in closed session.

"I should have listened better, looked at the minutes closer," Graville said.

Jean Maneke, an attorney representing the Missouri Press Association, agreed that the vote made by War-

renton aldermen should not have been done in closed session.

"Meetings to discuss annexation are not meetings that can be closed under the real estate exception to the Sunshine Law," Maneke said. "If a public body isn't buying, selling or leasing real estate, any discussion should be held in an open meeting unless there's a different exception that applies and would allow them to close the meeting. And if that is the case, that exception should have appeared in the notice and the minutes."

In the same closed meeting on June 1, the board also voted 6-0 to support the city of Truesdale's request to vol-

untarily annex the highway right of way between the Truesdale Packaging Company's driveway and heading west to NAPA Auto Parts.

As part of the annexation process required by MoDOT, any municipality within five miles had to be contacted in regard to the request.

Aldermen in Truesdale and Wright City each voted in support of the Innsbrook annexation during meetings on May 26 and May 27, respectively. The Warren County Commission also agreed to support the annexation by a 3-0 vote on June 14.

All three governmental bodies voted on the annexation in open sessions.