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Internal county memo stirs controversy

**By JANN CLARK
Staff Writer**

A memo to the county's record keeper has caused a stir at the Taney County Commission but according to state statute it's not illegal or unusual for commissioners across the state to keep a county's 'executive session' minutes to a bare minimum.

A recent email from a commission office employee to a county clerk office employee has the commission at odds again over how to proceed with draft executive session minutes dating back to 2009.

Presiding Commissioner Chuck Pennel brought the issue to light last week by circulating an email that discussed the removal of comments from all draft executive session minutes dating back to July 6, 2009.

Pennel said Monday that he learned about the email from an employee in the County Clerk's Office. Pennel said the situation is 'inexcusable.' Pennel said there should have been a meeting to discuss the issue.

"It's totally out of order,"

Pennel said. "I wonder what they wanted to eliminated...Why is such an action being taken without a vote. It's suspicious looking."

County Attorney Bob Paulson said it isn't uncommon or illegal for the commission to go through the executive session minutes and take out all comments in order to protect the rights of those the commission is discussing.

Under state statute, there are 17 categories for discussion that make it legal for a

governing body to go into an executive session meeting. It is also legal for a governing body to restrict comments recorded in those executive session minutes, the statute shows.

It is also legal for the public, under the Sunshine Law, to request a copy of executive session minutes and a governing body has three days to provide a copy of those minutes to the person or persons requesting those documents.

The governing body can take longer if an item is in question.

Paulson said no one had questioned the actions of the

commissioners in the executive sessions or what they had discussed in executive session. Paulson said an email went to the county's record keeper and all three commissioners were notified of the request with a request for a response.

"The less you have the better," Paulson said. "There are good reasons for not going 'word for word.' No minutes were changed. All three commissioners got the notice. That shows that the process works. I don't understand why it's an issue."

Eastern District Commissioner Danny Strahan said he didn't know anything about it. Western District Commission Jim Strafuss said it's obvious that he's the one who made the request and he's not backing away from it. Strafuss said it's normal and customary to make suggestions to edit draft minutes.

"This stems from years of conflict by previous commissions on the proper format of executive session minutes,"

Strafuss said. "I directed the email. I try to do everything so there's a paper trail. I have no issue with my staff or that of the county clerk. The purpose was to try and get government to move faster."

Strafuss said the draft executive session minutes

date back to last year and haven't been addressed. No matter what, Strafuss said it takes a vote to change draft minutes. He knows it. He said he's trying to move a stalemated process along.

"I inherited yet another process in county government that's not in order," Strafuss said. "I'm trying to turn chaos into order."

Pennel also says the process is flawed. "It's sad to say we have been very inconsistent about approving executive session minutes for many years. We went through them earlier in the year and did clean some up. But I just wonder why an action is being taken without a meeting."

County Clerk Donna Neeley said she was on vacation when the email issue came up. She instructed her employee not to do anything with the minutes. She said it's not uncommon for commissioners to request things be added or removed but that doesn't mean it will happen.

Neeley said the executive session minutes 'don't have much and shouldn't have much.' She said they (commission) have to vote on any changes.

"I would have said no," Neeley said. "The commission has to come to me with a request. If an item has nothing

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to do with county business it won't be in there. The less the better."

Neeley said she requires the date, the time, the reason for executive session, the motion (if there was one) and a vote (if there was one) - that's it. Anything else is extra.

Pennel said he isn't in favor of changing the contents of the executive session minutes. Pennel, who came under fire earlier this year for not gaining commission approval for the release of a \$12,500 check to an engineering firm, said there should have been a meeting.

"Since Jim has come on board he has taken things into his own hands like there's only one commissioner," Pennel said. "And if that doesn't work he goes to Danny. It's like a dictatorship."

Strafuss said the email issue is a 'non-story.' Strafuss said, "I'm offended that Commissioner Pennel is implying that there's a cover up. I would like his last few months in office to be productive ones rather than him slinging accusations. I believe this would have been a non-issue if this wasn't a re-election year and one that Pennel lost."