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Commissioners breached Sunshine Law

Grubaugh, Huff settle with AG's office.

DONNA OSBORN
Headliner News

Attorney General Chris Koster announced Sept. 4 that Christian County Commissioners John **GRUBAUGH** and Tom Huff admitted to violating the Missouri Sunshine Law in a settlement agreement in the nearly two-year case. According to a news release from Koster, Grubaugh and Huff "admitted violating the Sunshine Law by failing to tell the public, before the meeting where the commission appointed a county counselor, that the commission intend-




ed to consider that appointment at that meeting, and also failed to publish minutes of the meeting that included a description of the commission's decision to appoint a county counselor, and a record of any vote taken on that appointment."

Grubaugh said Sept. 4 that even though he admitted in the settlement to breaking the law, it was unintentional.

"We had no intention of violating the law," Grubaugh said.

The suit was originally filed by then Attorney General Jay Nixon Jan. 18, 2008, and emerged out of a controversy surrounding the appointment of John Housley as county counselor in December

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2006. The settlement announcement came just one day after Billings resident Ernest O’Gaffney, who filed a similar complaint a year earlier, was buried.

“Missourians have a right to know what’s going on in their government,” Koster said in the news release. “Democracy itself is compromised whenever government officials operate in secret.”

The settlement agreement requires Grubaugh and Huff to take actions necessary to ensure Sunshine Law compliance. Koster said the commissioners will participate in training sessions conducted by the Attorney General’s Office; maintain a written Sunshine Law policy; appoint a specific employee to monitor compliance and send meeting notices and meeting minutes to the Attorney General each month.

Grubaugh said that administrative assistant Julia Maples will monitor compliance.

“Julia will be doing those things,” he said. “I’ve talked to (her) on how we would do that.”

He said he hasn’t taken any Sunshine Law training sessions yet, but will, at his first opportunity.

“I haven’t recently, but I will, it is part of the agreement,” he said.

Koster said Grubaugh and Huff also agreed to the maximum civil penalty of \$1,000 for knowingly violating the Sunshine Law, with the sus-

pension of a portion of that penalty contingent upon them successfully fulfilling the obligations of the settlement agreement. According to information from the county treasurer’s office, a fine of \$100 for each commis-

sioner was paid Sept. 4 by Todd Johnson, their attorney.

Johnson said the fines are based “on the statute of a knowing violation,” and that the commissioners didn’t really admit to “knowing violations.”

“(The Attorney General’s office) didn’t say that any of these acts were knowing violations,” Johnson said.

A third commissioner, Bill Barnett, settled the same lawsuit more than a year ago in a similar agreement. Barnett hired a separate attorney and paid for his own legal expenses. According to information from the County Clerk’s office, the Sunshine litigation cost taxpayers more than \$53,000.

Grubaugh said that \$10,700 was spent on the Attorney General’s litigation; the remainder on O’Gaffney’s suit now on appeal after the court ruled in favor of the county on a technicality. Grubaugh also said that he and Huff did hire Dee Wampler as their personal attorneys in the litigations but did not disclose how much either had paid, citing “privileged” information. Johnson handled the litigation on behalf of the county.

Christian County Treasurer Karen Matthews, who was embroiled in the controversy early on with her opposition to how the commissioners

handled Housley’s appointment, said she was glad the suit is over.

“It has been a long time coming but the wheels of justice have finally turned,” she said. “As a taxpayer, I appreciate Bill Barnett settling his case over a year ago and paying for his own lawyer when Tom and John could have done the same thing. They chose to drag it out at taxpayer expense to the tune of \$53,000 according to the County Clerk’s office.”

Grubaugh said the protracted suit lasted so long because the Attorney General’s office wasn’t interested in settling.

“The AG never talked to Tom Huff or myself,” Grubaugh said. “And never showed any interest in settling despite our inquiries and efforts.”

County Clerk Kay Brown also fell out of favor with the commissioners at the time when she questioned how meetings were noticed and how records were kept.

“The claim was originally filed by Mr. O’Gaffney,” Brown said. “I was labeled as the one responsible for it. I was just doing my job the best I knew how.”

Brown said that the lawsuit was contentious, but its results benefit the public.

“Now the commission has put the notices outside in the box and that is very good,” she said. “That was a good thing that was done.”

And Grubaugh said he’s learned from the episode.

“This has been an educational experience,” he said.

