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Council says meeting was open, posted; some citizens say otherwise ^{800 241 114}

Some citizens of the City of Clarksville have raised concerns that the city council has not been following Missouri's Sunshine Law, and according to Missouri Press Attorney Jean Maneke it seems to be the case.

The council had set a meeting for Tuesday, Sept. 8.

At approximately 1 p.m., the Press-Journal received a call from then acting City Clerk Jennifer Calvin, who said the meeting had been rescheduled for Wednesday, Sept. 9 at the same time. She said the meeting was rescheduled because she accidentally transposed the numbers in the date, making it read Sept. 9, 2008, as the meeting date.

John Harmon, who has been overseeing the city's water and waste water operations for more than a year, was asked to bring a report

to the board to the Sept. 8 meeting, but he was not informed the meeting had been rescheduled.

When Harmon arrived, he said the door was locked and there was a sign on the door stating the meeting had been cancelled.

He also said the light in the council chamber was off.

However, he could see council members through an open door to a back room, where they were apparently meeting.

Several others stopped by city hall only to learn the meeting was cancelled.

Although the meeting was rescheduled for the following day, Harmon and others said they did not see the revised meeting posting on the door. It should have been there by that time in order for the public to have the full 24-hour notice.

Furthermore, even though the council appeared to be meeting in the back room of city hall, there was no notice of that meeting except to say the 6:30 p.m. meeting had been cancelled.

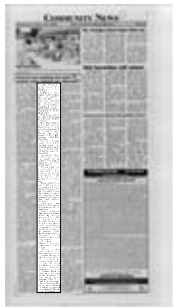
The next day, Alderperson Jennifer Dixon was the first person contacted and was asked if the meeting that had been cancelled was actually held. She said no. Then, when she was asked in a joking manner if the council had a secret meeting in the back room on Tuesday, she laughed and said no.

Later, Dixon said she answered the questions presented correctly since the meeting they were holding was the 5 p.m. meeting and it was separate from the one scheduled at 6:30 p.m. Yet, she chose to withhold that informa-





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tion when being interviewed because that specific question was not asked.

Aldersperson Erin Garrison admitted that the council had met. She said the council went ahead and met with Alliance after the meeting had been rescheduled because the two representatives had driven so far for the meeting.

There was a question as to when the meeting with Alliance had been scheduled.

When Mayor JoAnne Smiley was asked in August when the next council meeting would be, she said 6:30 p.m. Tuesday, Sept. 8. No mention of the 5 p.m. meeting on that date was made.

Calvin did not make mention of the 5 p.m. meeting when she called Press-Journal to say the 6:30 p.m. meeting had been rescheduled either.

The next day, Calvin said that 5 p.m. meeting wasn't set up until the first week in September and it was posted Sept. 1.

The mayor and other members of the council confirmed the 5 p.m. meeting was posted, but members of the public did not see the posting for that meeting.

When asked for a copy of the posting, it was not printed in the regular format as other agendas, and it did not state where it was posted or what time it was posted. It only had a date of Sept. 1, 2009 on the notice.

Calvin said it was different that regular posting because Smiley typed it up.

When Alderman Mike Brewer was asked where the meeting was posted, he said he didn't know for sure. But when he was told at least two people

said no meeting notice or agenda was posted for the 5 p.m. meeting, he suggested it might have been posted on the other door to city hall instead, so they could have missed it.

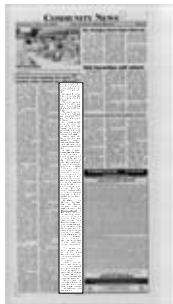
According to Maneke, that isn't the proper way of handling notices.

"Most public bodies have a specific place they always post notices -- and the law requires they be posted at least 24 hours before the meeting (and inferredly it needs to be left up for 24 hours after the meeting). (It reads), 'posting the notice on a bulletin board or other prominent place clearly designated for that purpose at the principal office of the body holding the meeting, or if not such office exists, at the building in which the meeting is to be held.'" Maneke said. "Most bodies have





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a notation on their file copy of the notice where it was posted and at what time it was posted.”

She said if the notice does not include the time in particular, it is defective.

The next question was if the door was really locked during the meeting as Harmon had said.

The mayor said the door to city hall was not locked and the 5 p.m. meeting was open to the public.

Erin Garrison said when she came into city hall, being the last through the door, she asked if the door should be locked and was told to leave it unlocked.

Smiley said she knows the door was unlocked because Alderman Stacey Yates had to get up a couple of times and go to the door.

In light of recent happenings, the Press-

Journal prepared a formal request for all notices to be sent to the Press-Journal when they are posted. Copies of all minutes from every meeting of the council and its subcommittees were requested to be automatically e-mailed or faxed to Press-Journal whether the newspaper has a representative at the meetings or not. In addition, all e-mail correspondence and any other information covered under the Sunshine Law was requested to be forwarded to the Press-Journal.

According to the Missouri Sunshine Law, “any Missouri taxpayer, citizen or aggrieved person, the Attorney General, or the county prosecutor may bring a court action to enforce the Sunshine Law. The lawsuit must be filed in the circuit court in the

county where the public governmental body has its principal place of business. A lawsuit must be filed within one year from when the violation is ascertainable, and in no event shall it be brought later than two years after the violation occurred.”

The board met with representative from Alliance Water Resources, which provides water and waste water services to municipalities.

Smiley said the board was revisiting the contract Alliance had presented previously regarding the possibility of contracting with Alliance for professional water and waste water services.

When asked how much the service would cost, the mayor said there is money enough in the budget to cover the services.