



Brunswick
Brunswick, MO
Circ. 1630
From Page:
1
10/1/2009
16564



241 802

State Attorney General addresses concerns

Brunswick City Attorneys Terry A. Tschannen and Andrea Vandeloecht received letters from the State Attorney General's office concerning closed meetings and the Sunshine Law.

The letter to Attorney Tschannen stated, "In reviewing the open meeting minutes from December 12, 2008, and May 11, 2009, it appears that Section 610.002, RSMo Cum. Supp. 2008, is not being followed. The letter reads "Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of each member of a quorum of the public governmental body. The vote of each member . . . on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting . . ." Another section referred to in the letter dictates, "any vote taken during the closed session must also be by roll-call vote". It was noted that the closed meeting minutes for the two dates referred to do not reflect roll-call votes.

The letter noted that several subjects discussed in the closed sessions did not directly relate to matters for which the Sunshine Law allows public governmental bodies to close meetings.

The letter to Attorney Vandeloecht referred to a specific meeting at which it was decided to issue a written reprimand to the city clerk and stated "any vote taken on a final decision . . . to discipline an employee . . . shall be made available with a record of how each member voted to the

(Continued on page 2).

Sunshine Law

(Started on page 1).

public within seventy-two hours of the close of the meeting . . . however . . . any employee so affected shall be entitled to prompt notice of such decision . . . before such decision is made available to the public". The city does not have to publish this information, but it has to be made available if requested.

The second issue of the letter concerned items discussed at closed sessions. Once in closed session, the public governmental body may not discuss any matter beyond the stated reason for the closed session. The attorney was told that purchase of a vacuum cleaner would not fall under any of the provisions. The letter cautioned that discussion of updating the ordinance book to take out ordinances that no longer apply should not be discussed in closed session.

In both letters was information that Attorney General Koster has hired a Public Education Director, Tom Durkin, who has been charged with educating governmental entities on the Sunshine Law and will be coming to every county in the state to give a seminar about the Sunshine Law. Durkin will be in touch with the Chariton County Commission. The attorneys were urged to see that the mayor and members of the Brunswick City Council attend the seminar.