

# Sunshine Law<sup>800</sup> Training Planned For City Boards

## ■ After Park Board 'Mistake'

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An ordinance that would have barred Washington boards and commissions from holding closed, executive sessions without first getting legal advice was allowed to die Monday night without a vote.

*"Let's not blame the park board for making a mistake. Let's set it up so the mistake doesn't happen again."*

— Sparky Stuckenschneider  
Board Member

The city council at its Oct. 4 meeting directed City Counselor Mark Piontek to draft the ordinance, but after discussion Monday night the council took no action on the measure.

Instead, the council called for Piontek to hold meetings with city board members and department heads to explain Missouri's Sunshine Law and advise them on instances when they legally can close a meeting.

The plan resulted from a violation of the open meetings law by the Washington Park Board Thursday, Oct. 1. The board closed its meeting to discuss management of a softball tournament which had developed into a contentious issue recently. The closed session did not meet the criteria in the Sunshine Law for closing a meeting.

Park board members attended Monday night's council meeting to address the council on the matter.

"The park board is not here to be defensive or point fingers," said Jerome "Sparky" Stuckenschneider, who acted as spokesman for the group. He said the board was looking for direction and discussion on how to prevent the situation from occurring again.

"We did not knowingly break the law," Stuckenschneider said. "We thought we did our homework and asked the right questions of the right people. Several city employees were there.

"Most of us are ignorant about the law," he continued. "The city council has an advantage. They have the city counselor attend the meetings and advise them. We do not have that.

"Let's not blame the park board for making a mistake. Let's set it up so the mistake doesn't happen again," Stuckenschneider said.

"We have a very good, active park board. We work well together. We made a mistake," Stuckenschneider said. He added that the city needs to better train its board members about the law.

Councilman John Rhodes, who raised the Sunshine Law violation.  
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lation at the Oct. 4 meeting, said the comments then weren't meant to be accusatory.

"Who was it who gave you advice that you could go into the meeting?" Rhodes asked, "so we know who to train."

"We went to the city administrator and assistant administrator with concerns," said Tessie Stefens, board chairman.

Several council members stressed the need to educate department heads and appointed and elected board members about the law.

Piontek said he's held training sessions in the past and is willing to again, at no charge to the city, but the problem has been finding dates when everyone can attend.

Connie Groff, council member, said it wasn't the council's intent to single out the park board. "It just came out that way."

Rhodes said minutes taken in the closed board meeting should be made public so people can see what was discussed.

Councilman Tim Overschmidt asked City Administrator Jim Briggs if he or Brian Boehmer, assistant city administrator, should have advised the board.

"If I had to do it over, I would have advised the entire board on when they

could go into an executive session," Briggs said. "There's no excuse on my part. I should have been more direct in advising them."

Rhodes said that was the most disappointing thing, noting that the city's top two administrators either "didn't know or didn't care."

"With all your experience, you didn't give them very good direction," Rhodes said.

## Ordinance Dies

Later in the meeting when the ordinance came up for discussion, several members objected to it.

Groff called it "almost demeaning" to board members by implying they don't have good judgment. "This is kind of a slap in the face."

Piontek said he can't recall a situation like this happening before because appointed boards rarely have reasons to go into executive sessions.

Mayor Dick Stratman said the ordinance would take the responsibility away from board members if they get advice from the attorney. But Piontek said that's not an automatic defense under the law.

Rhodes said the council passes a lot of ordinances, but when "something comes up we don't remember the ordinance."

"I think we were reacting to something on short notice," Groff said.

The discussion shifted to who should be responsible for educating board members. It was suggested that staff come back with a report.

"Let Mark educate the department heads and they can educate their board members," Stratman said.

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