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To ⁸⁰⁰ pay, or not to pay?

City council discusses how
to handle council members'
requests of public records

BY JOHN FORD
DAILY NEWS MANAGING EDITOR

On Tuesday, the Neosho City Council agreed that one of their own, Heather Bowers, has a right to receive any public records she's requested.

However, most council members said Bowers should have to pay for the records not relevant to current or future council discussion.

On Aug. 18, the council discussed with City Clerk Audrey Covey what procedure to follow when a request for information is submitted, but the person making the request isn't willing to pay

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fees associated with researching, gathering and copying that information. At that time, Covey was instructed to bring such issues before the council at her discretion.

Bowers has made a number of records requests, including documents relating to Darrell Gross and

Associates, the city's current consultant on the transportation development district (TDD). The company was first hired by the city in 1999 as a consultant for the tax increment financing (TIF) project.

One of the issues brought up in an hour and a half long discussion was whether

Bowers should have to pay for the documents relating to Gross's firm when it worked in the TIF project capacity as well as on the current TDD project, or have the fees waived.

"Why am I, as a council member, having to ask for these papers?" Bowers asked. "There are things that I am entitled to receive as a council member."

However, many public governmental bodies, including Neosho, charge for public records requests. Under the Missouri Sunshine Law, the governmental body may charge up to 10 cents per page for standard photocopying, as well as the actual cost of producing a copy of large documents, such as maps, photos and

graphics. The body may also charge a reasonable fee for the time necessary to search for and copy public records. Research time may be charged at the actual cost incurred to locate

the requested records.

Copying time shall not exceed the average

hourly rate of pay for clerical staff of the public body. A public body may reduce or waive costs when it determines the request is made in the public interest and is not made for commercial purposes.

City Clerk Audrey Covey wanted to assess a fee of \$14 for searching for, gathering and copying the records related to Darrell Gross and Associates Bowers requested. However, Bowers refused to pay the fee. Bowers has received the current contract with Gross and other documents — including contracts, reports and a salary study — free of charge.

Bowers has also requested documents about the Neosho Area Chamber of Commerce, including signed chamber contracts for the last four years, beginning in 2006; bookkeeping records including payments made to the chamber for 2006-2008; rent documentation for the chamber building from 2006-2008; and answers to questions regarding who pays the chamber's utility bills.

She has also requested city water billing records from 1990-1995 on Nov. 10. She has said she first requested to review these records in early 2007.

Bowers also wanted to know what the city paid Avonna Schirman, an interior design consultant hired by the city. At the Oct. 20 council meeting, Bowers asked City Finance Director Bob Blackwood how much Schirman was paid for her services regarding office furniture for Neosho City Hall. Schirman prepared a review of the furniture bids in mid-September for the city.

Blackwood left the October meeting briefly to find out the information, returning a few minutes later to tell the council there had been no payment made to Schirman at that time, saying either she had not billed the city or had sent a bill and the city had not yet paid it.

During questioning from the council, Covey said she spent about 20 percent of her time fulfilling records requests from Bowers alone.

The other three council members present — council member Matt Persinger was absent from Tuesday's meeting — agreed that Bowers has complete access.

At times, the discussion grew heated.

"Everybody has complete access under the Sunshine Law," said Neosho Mayor Jeff Werneke. "There's no withholding of records. Who pays the person responsible for the records? I would venture to guess that since you have been on the council, you have acquired more information, more data, more paperwork, than I have in the six years I've served. Where does it stop?"

"It stops with you guys stop trying to censor it!" Bowers exclaimed.

"At what point do you glut the system so much that valuable information is not available?" Werneke then asked.

"Who determines it is valuable?" Bowers asked. "If you think you can censor a member of this council, then I think that's a pretty good view on the politics here in Neosho and in April, it will be reflected when you lose your seat."

"So this is a political rally?" Werneke asked.

Later in the meeting, Bowers suggested City Manager Jan Blase be

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fired, and more people hired to meet records requests.

"So we should hire more people to acquire records for your purposes?" Werneke asked.

"To me, \$14 for records is too much," Bowers said.

Council member Warren Langland said he didn't have an issue with the questions Bowers was asking, but he did have an issue with taxing Covey's time to the point she wasn't able to perform her other duties.

"My job is bigger than her job," Bowers said.

"As a city council member, my job is bigger than a city clerk. I agree

she is overburdened."

Mayor Pro Tem Richard Davidson said some of Bowers' questions merely required simple yes or no answers, such as if the chamber pays rent or utility bills. But he did take issue about providing council members with documents free of charge when other members of the public have to pay.

"The Missouri Municipal League and the attorney general's office will tell you, being an elected official does not give you unfettered access."

Davidson said Bowers should be provided records free of charge if

doing so was in the public interest. But, he said, he would have a hard time voting to waive the fees, as the request itself was too vague.

The council denied the fee waiver 3-1, with Bowers dissenting.

Shortly after the vote, Bowers received a cell phone call, then left the meeting to tend to a child at home.

After she left, the council tabled a vote on waiving fees for her other requests, saying it would not be fair to vote on it without her present.

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More on Tuesday's council meeting will be in Thursday's edition.

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