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County sets Sunshine policies

By TYLER FRANCKE

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FORSYTH — Following a public service request by a former county employee for a month's worth of e-mails, the Taney County Commission has instituted new guidelines for retaining electronic records.

The commission also reviewed last week a new Sunshine Law policy that would appoint a custodian of records in each county department and change fees for some document requests.

Dan Nosalek, a former planning and zoning inspector whose employment was terminated due to cuts in the 2011 budget, appeared at public meetings twice last month to accuse commissioners of breaking the Missouri Sunshine Law.

Nosalek contends that commissioners violated the law throughout the month of January by going into closed session numerous times.

State law does allow executive session in certain cases, such as when discussing performance of specific employees, and County Counselor Robert Paulson said he advised closed session because personally identifiable information could have been discussed. Nosalek said he doesn't buy it.

"The commissioners spent 75.5 hours in closed session during a 16-day period in the month of January," Nosalek said Monday.

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POLICIES

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"That's almost 60 percent of the available time. There's no way they spent that whole time discussing personnel."

Nosalek said he has been gathering data for a possible lawsuit against the county, and his request for all of the e-mails sent by commissioners and their assistants during January was part of that.

Paulson said Friday that he has been responding to Nosalek's request, but the work has been painstaking, requiring more than 30 hours to sift through correspondence he said has nothing to do with county business and therefore is not a public record.

"There are jokes in there, e-mail forwards, links to YouTube videos," Paulson said. "That stuff's not public

record."

The new policy sets forth a definition of what a public record is and concerns the retention of electronic records by county employees, including e-mails, word processing documents, spreadsheets and databases.

Under the new policy, Paulson said an employee must determine whether or not an e-mail or electronic document is a public record. If not, it can't be stored on a county computer.

Another policy, encompassing all the operations of all county governmental bodies as they pertain to the Missouri Sunshine Law, was also discussed by commissioners Thursday, though the matter was tabled until March 28.

Paulson said most of the policy was taken from the Sunshine Law. The policy does, however, go into greater detail explaining how the law

pertains to government business within the county.

Under the new policy, the head of each county department would be required to act as or appoint a custodian of records for their office. This person would be responsible for retaining the public records and meeting minutes, which also must be made available to the public, if requested.

The new policy also changes the wording of the fee policy for certain requests. Paulson said his review of Nosalek's e-mail request cost the county much more than the \$60 he was charged.

Paulson said the new policy would not affect Nosalek's request for the commissioners' e-mails, which the former inspector said Monday he still has not received.

"I made that request over a month ago," Nosalek said. "I'm still waiting."