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KIC may have violated state Sunshine Law

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The meeting of the City of Kennett's Industrial Committee in which Mayor Roger Wheeler, Sr., was allegedly authorized to change the offer from a 70/30 split for the sale of the spec building and land to Frey Farms Produce has potentially violated the Sunshine Law, according to Jean Maneke, attorney for the Missouri Press Association.

According to Wheeler, during the meeting, the Industrial Committee authorized him to make an offer of \$500,000 for the spec building and 103 acres of land.

As previously reported by the Daily Dunklin Democrat, when Wheeler was asked where the \$500,000 figure came from, as well as his authorization to negotiate the offer, which was previously being handled by the Chamber of Commerce, Wheeler said he "had a phone conversation with the Industrial Committee and Industrial [Development] Authority, and agreed on the \$500,000 offer."

Minutes from the phone call meeting have been requested, however, none have been provided. When Wheeler was asked if there were minutes, he replied, "I'm sure there are," suggesting that Kennett City Clerk Brenda Privett would have them. Privett was asked about the minutes, however, she said she does not have them, as she was not involved in the phone

call meeting.

City Attorney Terry McVey, who provided the minutes from the closed session meetings, said he did not have the minutes from the phone call meeting either, because he was not involved with it.

According to Maneke, all government committees must take minutes of their meetings, according to the Sunshine Law. Maneke also said since the meeting was held via telephone, and the members of the Industrial Committee are elected officials, she does not believe the votes would be valid.

According to the Missouri Attorney General's Web site, "The Sunshine Law generally allows members of a public governmental body to participate in a meeting and vote without being physically present, for example, by telephone. But if a public governmental body consists of members who are all elected, Section 610.015 requires that members be physically present and in attendance at a meeting when votes are to be taken by roll call. In an emergency, members may vote by phone, Internet or other means, but only if a quorum of the members are physically present at the meeting location."

Wheeler's response to questions about the validity of the phone call meeting was, "It didn't matter with the \$500,000 [offer because] we didn't go there anyway."

As for the question regarding the change of negotiations from the Chamber of Commerce to the mayor, Wheeler said,

"The Industrial Authority and Industrial Committee is an advisory committee to the City Council. While they made recommendations, the City Council still has the final authority.

"The Chamber of Commerce never really had any authority in the matter, they served as an advisory committee to the City Council."

A point was brought up that, according to the minutes of the closed meetings, the Chamber of Commerce was authorized to negotiate the 70/30 split, to which Wheeler replied, "through the Economic Development Committee I suppose, yeah."

"At that meeting at the Chamber of Commerce office, there were several offers put on the table, one of them being \$350,000," Wheeler said, however, in the closed meeting minutes that were provided to the Daily Dunklin Democrat from McVey, with Feb. 1, being the first meeting provided, this figure was not stated. The only figure stated in the minutes from that meeting was an 80/20 split that was authorized by the Council.

When was asked if the potential violation of the Sunshine Law could void the contract between the City of Kennett and Frey Farms Produce, Maneke said first, someone would have to sue the city, then the final determination on whether or not the violation would void the contract would be up to the judge.

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