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HCVB 800
Recent 241
vote may
have
violated
Sunshine
Law

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The job description that will be used when advertising for applicants for the position of executive director at the Hannibal Convention and Visitors Bureau has been finalized, but the method the HCVB Board used to approve the job description was likely a violation of the Missouri Sunshine Law.

During its Feb. 16 meeting, the HCVB Board agreed that the job description needed to be reviewed and voted upon by its membership before it was submitted to City Manager Jeff LaGarce for review. However, rather than schedule a subsequent special meeting to review the job description and take a vote, it was agreed that the vote would be taken by e-mail. It was suggested at the time that such e-mail votes by the board have taken place in the past.

The e-mail vote in itself was not a violation of the Sunshine Law. Section 610.010(7), RSMo, defines a "public vote" as "any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body."

According to Section 610.015, RSMo, states that roll call votes of a body whose members are elected, must generally be cast by

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VOTE

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members who are physically present at the meeting. Electronic votes by elected members are allowed if there is an emergency of the body. In those instances, the nature of the emergency justifying the departure must be stated in the minutes. These limitations on electronic votes do not exist for non-elected members of a body or for any committee established by a public governmental body, such as the HCVB Board whose members are appointed.

However, according to Chris Roark, assistant to the press secretary in the Missouri Attorney General's office, "bodies casting electronic votes need to post a meeting notice (24 hours in advance) with an agenda item indicating an e-mail vote on the specified question, with the vote to occur during a specified time period. The notice should advise the public where they

can go to get copies of the votes, in essence, allowing them to attend."

The Courier-Post could find no evidence that a meeting notice was ever posted regarding the e-mail vote. Neither was a notice made available where the results of the vote could be obtained by the public.

During Thursday's special meeting of the HCVB Board, LaGarce's suggested revisions to the job description were added.

The vacancy will be advertised for one month, beginning Tuesday, March 1. The board decided at its Feb. 16 meeting that its advertising budget for the position will not exceed \$1,000.

After the April 1 application deadline has passed a "pre-sorting" committee comprised of a handful of board members will review the initial applications. Those judged to be the top prospects will be brought to the full board at its April meeting. LaGarce will be a member of the interviewing team.