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Pumpkin Center Charlie's Girl
*We all know that
sunshine is important*

"Let's just close this meeting."

I stand amazed at how many tax-supported entities are led by people who believe the best way for their group to do their business is to close their proceedings to the watchful eye of the press.

By
Kay Wilson



It's like if anyone knows what goes on, they will surely be ridiculed and found to be wrong.

Well, I've said it before, and I'll probably have to say it another hundred times, when organizations that draw one penny of taxes from the public try to shut the sunshine from showing their dealings, the ridicule will not stop. I guarantee it. I just won't stand for it.

There are only a handful of reasons why a public open meeting can shut their doors from the press and the general public. They are personnel issues, such as hiring, firing, promoting or disciplining. And those decisions must come out into the open within 72 hours of the closed meeting.

Another is litigation. Either the group is suing someone or is wary of being sued. Now this one is not to be taken as a catch all of all paranoia for organizations. In this day, the threat of a lawsuit can be quite possible, yet, the Sunshine Law asks the group to see an imminent possibility of litigation.

The third deals with real estate transactions. I like to keep it simple by saying it speaks to buying or selling real property. I'm sure lease-purchase would also qualify, but not sure about the transaction of real estate given to the entity.

A group can not "just close this meeting." The meeting's agenda must have the closed meeting on it and it must detail the reason for the closing in general terms. Then, when the group comes to that item on the agenda, a roll call vote must be taken of the members. authoriz-





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ing the closing of the meeting, and when the business is done, a roll call vote must be taken to come back into open session.

No meeting can only be a closed meeting. Instead, the group must begin their session in the open, close it properly and then re-open the meeting to adjourn.

Another peeve of mine is a when group likes to refer to a closed meeting as executive session. Those words are not in the Sunshine Law and I think it gives too much credence to a procedure that should not be held high in esteem.

A couple of weeks ago was the official Sunshine Week. Our newly elected State Auditor Tom Schweich penned a pretty good article promoting increased transparency in government at all levels.

He noted that in 2010, the State Auditor's Office had 29 audit reports with recommendations pertaining to the Sunshine Law. He presented the following list of frequent recommendations made in reference to Sunshine Law compliance:

- Responding to Records Requests

The State Auditor's Office recommends all governmental entities ensure they are following policies for documenting Sunshine Law requests and responding to requests. Entities must clearly establish a records custodian who is responsible for complying with records requests. The State Auditor's Office recommends maintaining a public request log to help ensure compliance with state law.

- Open Meetings

The State Auditor's Office recommends that governmental bodies ensure minutes are prepared and retained, and provide a clear record of all significant matters discussed and actions taken. The State Auditor's Office also recommends that all governmental bodies work to ensure the time of meetings is convenient so that the public can attend. If a vote is taken to enter into closed session, it is important that the vote be documented in open meeting minutes, along with the reason for closing the session.

- Closed Meetings

The State Auditor's Office reminds entities to ensure items discussed in closed meetings are allowed by state law. Issues discussed in closed meetings should be limited to only those specific reasons cited in justifying a

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closed meeting. Entities should also ensure matters discussed and actions taken in closed meetings are made available to the public to the extent required by state law. The State Auditor's Office recommends that governmental bodies ensure closed meeting minutes are prepared and retained and provide a clear record of all actions taken.

- **Public Records**

Governmental entities should establish adequate written policies and procedures regarding public access to, and/or copies of, records to ensure compliance with state law. The State Auditor also recommends that entities consider adopting an email retention policy to ensure compliance with state law. Entities

should ensure all records are available to the public unless they are specifically closed as allowed by state law.

- **Meeting Agendas**

Proper notification and agendas for public meetings should always be provided. The State Auditor's Office also recommends that reasons for any deviation from the agenda be documented in the meeting minutes. Also, all agendas should state the specific reasons for going into a closed meeting/session.

One of the primary responsibilities of your community newspaper is to hold the feet to the fire of any tax-supported group that tries to meet in secret or hide their proceedings. We at the *Nodaway News Leader* takes that responsibility seriously.