

**Soil and Water  
Conservation Program**  
Department of Natural  
Resources



# The Sunshine Law



## **The Sunshine Law**

- Written in 1973
- Missouri's law requiring open meetings and records

# Soil and Water Conservation Program

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Section 610.011 RSMo states: “It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law.”



## **Purpose of the Sunshine Law**

- Provides a commitment to openness in government
- Governs state, local, and quasi-public governmental bodies
- Ensures that public meetings are held at reasonable, convenient times
- Ensures that meetings or records are accessible to the public
- Sets out specifics on when a meeting or vote may be closed



## **Public Meetings**

A public meeting is any meeting of a public governmental body where public business is discussed, decided, or public policy is formulated and a majority of the public governmental body is present



## Meeting Notices

- Posted at least 24 hours in advance (excluding weekends and holidays)
- Posted in main office of public body in a prominent place
- Notice of an open meeting must contain:
  - Date of meeting
  - Time of meeting
  - Place of meeting
  - Tentative agenda of open meeting



## Meeting Notices

- If circumstances prevent the public body from posting the notice 24 hours in advance or prevents the meeting from being held at a convenient time or publicly accessible place, the reason should be stated in the meeting minutes.
- It is recommended that the meeting notice be posted as far in advance as possible.





## Meeting Notices

- Should include enough detail to reasonably advise the public of matters to be considered
- Indicate the time the notice is posted
- Make a record showing compliance with the 24 hour requirement
- It is recommended that meeting notices and meeting agendas contain a disclaimer that states the district board may go into closed session as needed





## **Open Meetings**

Meetings should be held in a place that is reasonably accessible to the public and large enough to accommodate the anticipated attendance



## Open Meetings Minutes

Minutes need to include:

- Time
- Date
- Place
- Members present and absent
- Record any votes taken (roll call votes must show how each member voted)



## **Closed Meeting Notice**

- A notice must be posted even if the meeting is closed.
- Include the date, time, place, and the reason for closing the meeting
- Must refer to the specific provision of the law allowing the meeting to be closed



## **Closed Sessions**

- Board must cite in open session the specific statute (610.021) and subsection allowing closure.
- Roll call vote needs to be taken to close the meeting
- Discussion in closed session must be limited to the scope of the topic stated for closing
- Minutes must be taken



## Reasons for Closed Sessions

- Section 610.021 list the provisions allowing for a closed session. Following are some common examples:
- Legal actions, causes of action or litigation
- Hiring, firing, disciplining or promoting a particular employee
- Individually identifiable personnel records
- Records that are protected from disclosure by other laws



## **Voting Related to Closed Sessions**

- Any vote to go into closed session, and any votes taken during a closed session require a roll-call vote
- Board may vote in closed session if personnel issues are addressed (action taken must be released within 72 hours to the public and must include how each member voted)
- Any other actions must be voted upon once the session is reopened (action taken must be included in the open session minutes)



## **Records Subject to the Sunshine Law**

- Any record of public government bodies whether written or electronically stored and retained by a public body. Examples are:
  - Cost-share waiting list
  - Contractor list
  - E-mails (don't write it in an e-mail if you wouldn't want it in a newspaper headline)
- Does not include social security numbers or tax identification numbers





## **Records Subject to the Sunshine Law**

If a member of a public body sends an e-mail related to public business to at least two other members of the public body so that counting the sender a majority of the members of the body are copied, a copy of the e-mail needs to be sent to the custodian of records for the public body, as it is considered a public record



## Record Requests

- Requests may be made by taxpayer/citizen
- Must respond within three business days after receiving the request
- If records are not available in that amount of time, must explain the delay and state when records will be available
- If a request is for records that contain both open and closed information, districts may black out the closed portions of the record (ex: social security numbers)



## **Closed Records**

- Explain in writing why records are closed
- State specific provision of law allowing records to be closed
- Must provide explanation within three business days of being asked for it



## **Fees Associated to Standard Paper Copies**

- Maximum copy fee of 10 cents per page for paper copies 9 by 14 inches or smaller. In addition, the custodian of records can charge for time spent duplicating records and time spent fulfilling the request. Charges for time spent cannot exceed the average hourly rate of pay for clerical staff, and the actual cost of research time.



## **Fees Associated for Other Records**

- For all other types of records such as paper copies larger than 9 by 14 inches, tapes, disks, pictures, maps, slides, etc., the custodian of records can charge for the cost of materials used and the average rate of pay for the body's staff. Fees for maps, blueprints or plats requiring special expertise to duplicate can include the actual rate of pay for the trained personnel. In addition, if programming is required, fees may include the actual cost of the programming.



## **Sunshine Law Enforcement**

- Attorney General, prosecutors, taxpayers or citizens can sue in circuit court where the public body is located
- Civil fines of up to \$5,000 and attorney's fees for purposeful violations





## For More Information

- Missouri Sunshine Law booklet
- Attorney General's Web site: [www.ago.mo.gov](http://www.ago.mo.gov)