

Sunshine Law

The Sunshine Law was revised a few years ago. Why should you care? Well, do you serve on the board of a non-profit that receives tax credits? Are you on the water district? Do you want to know that the school board is deciding about discipline problems at your child's school? Are you concerned about how your tax dollars are being spent? Then the Sunshine Law affects you.

Missouri's Sunshine Law was written to ensure that government be open to the public, unless specifically excepted by the law. Notice of meetings must be posted prominently at least 24 hours prior to the meeting. Public meetings are to be held at convenient times and must be accessible to the public.

An audit of Missouri's state agencies, boards and commissions found that more than half did not fully comply with the Sunshine Law. Frequent failings included improperly denying or delaying requests for records, charging unreasonable amounts for copies of records, and failing to have a written policy regarding the Sunshine Law.

Changes to the law made in 2004 brought it up to date with new technologies. It clarified that meetings and votes conducted by phone, video conference or Internet are covered by the law. It also requires that a meeting to be held by electronic means must provide a notice of how and where the public can participate. And it ensures that e-mails exchanged among a majority of a public body are open to the public, meaning the body's official custodian of records must be copied on the e-mail and must maintain a record of that correspondence and make it available to the public upon request.

Other changes included securing the public's right to audio or video tape open meetings, clarifying what can be charged for copying records, and increasing the penalties for violations of the law up to \$5,000 plus court costs.

There are times when an organization can hold a closed session, such as to discuss legal actions, purchase of real estate, or certain personnel issues. Records may be closed if they deal with security systems, software codes, or individually identifiable personnel records.

The law applies to not only state, county and municipal agencies and officials, but also to governing bodies like school districts and special-purpose districts such as sewer and water districts. Further, it applies to "quasi-public governmental bodies" such as local advisory committees, boards and commissions that receive government funding. It also applies to entities that regularly enter into contracts with public governmental bodies and non-profit organizations that issue tax credits.

Any Missouri taxpayer, citizen or aggrieved person has the right to bring court action to enforce the Sunshine Law. In addition, the Attorney General or the county prosecutor may bring action. For more specific information on the Sunshine Law go to the state web site at <http://ago.missouri.gov/sunshinelaw/sunshinelaw.htm>

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