

Sunshine Law: Missouri's Open Meetings and Records Law

Sections 610.010 to 610.028, RSMo

<http://revisor.mo.gov/main/OneChapter.aspx?chapter=610>

As statutorily created entities, county extension councils are subject to the provisions of the state's Open Meetings and Records Law, commonly known as the Sunshine Law. This information is provided by the Missouri Attorney General's Office.

Top 10 Things You Should Know about Your Sunshine Law

1. When in doubt, a meeting or record of a public body should be opened to the public.
2. The Sunshine Law applies to all records, regardless of what form they are kept in, and to all meetings, regardless of the manner in which they are held.
3. The Sunshine Law allows a public body to close meetings and records to the public in some limited circumstances, but it almost never requires a public body to do so.
4. A public body generally must give at least 24 hours' public notice before holding a meeting. If the meeting will be closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.
5. Each public body must have a written Sunshine Law policy and a custodian of records whose name is available to the public upon request.
6. The Sunshine Law requires a custodian of records to respond to a records request as soon as possible but no later than three business days after the custodian receives it.
7. The Sunshine Law deals with whether a public body's records must be open to the public, but it generally does not state what records the body must keep or for how long. A body cannot, however, avoid a records request by destroying records after it receives a request for those records.
8. The Sunshine Law requires a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.
9. When responding to a request for copies of its records, a public body can charge only the actual cost of document search and duplication.
10. There are special laws and rules that govern access to law enforcement and judicial records.

Summary of Missouri's Sunshine Law

Missouri's commitment to openness in government is clearly stated in Section 610.011 of the Sunshine Law: "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. Sections 610.010 to 610.028 shall be liberally construed and their exceptions strictly construed to promote this public policy."

The law sets out the specific instances when a meeting, record or vote may be closed, while stressing these exceptions are to be strictly interpreted to promote the public policy of openness.

Public meetings, including meetings conducted by telephone or other electronic means, are to be held at reasonably convenient times and must be accessible to the public. Meetings should be held in facilities that are accessible to persons with disabilities.

Public Governmental Bodies — 610.010(4)

The Sunshine Law governs the actions of public governmental bodies, which are defined as legislative, administrative or other governmental entities created by the constitution or statutes of this state, or by order or ordinance of any political subdivision or district as well as judicial entities when operating in an administrative capacity.

This includes not just state agencies and officials, but also governing bodies of institutions of higher education; and any department of any political subdivision of the state, county or municipal government, school district or special-purpose district, including sewer and water districts.

The Missouri Sunshine Law governs only state and local public governmental bodies. Federal officers and agencies are covered by the Freedom of Information Act.

Meeting Notices — 610.020

At least 24 hours (excluding weekends and holidays) before a meeting, the public body holding the meeting must prominently post a notice of the meeting in its principal office. If there is no such office, the public body should post the notice at the meeting place. The notice must include:

- Time of meeting;
- Date of meeting;
- Place of meeting;
- Tentative agenda of an open meeting; and
- Whether the meeting is open or closed.

If exceptional circumstances prevent 24-hour prior notice or prevent the meeting from being held at a convenient time or in a place reasonably accessible to the public, the reasons should be stated in the meeting's minutes.

Public Records — 610.010, 610.023, 610.024

Unless otherwise provided by law, records of a public governmental body are to be open and available to the public for inspection and copying. The governmental body may charge a reasonable fee for providing access to or copies of public records. The fee is not to exceed actual cost of the document search and duplication. Upon request, the governmental body shall certify in writing that the cost does not exceed that body's actual cost.

Each public governmental body appoints a custodian for the records. The Sunshine Law requires that each request for access to a public record be acted on no later than the end of the third business day following

the date the request is received by the custodian. If access is denied, the custodian must explain in writing and must include why access is denied, including the statute that authorizes the denial.

If only part of a record may be closed to review, the rest of the record must be made available.

Closed Meetings and Records — 610.021, 610.022

A public governmental body is permitted, but not required, to close its meetings, records and votes when they relate to certain topics listed in the statute. The list of topics that can be closed includes:

- Legal actions, causes of action or litigation (except that votes, minutes and settlement agreements must be opened to the public on final disposition, unless ordered closed by a court);
- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction;
- Hiring, firing, disciplining or promoting a particular employee;
- Welfare cases of identifiable individuals;
- Software codes for electronic data processing;
- Individually identifiable personnel records;
- Records related to existing or proposed security systems;
- Records that are protected from disclosure by other laws.

When a public governmental body votes to meet in closed session, members must cite in open session a specific statute allowing the closure. Only the topic cited for closing the meeting can be discussed during the closed session. The public governmental body must close only that portion of the facility necessary for its members to conduct the closed meeting, allowing space for the public to remain and attend any later open session.

Who Can Bring Legal Action — 610.027

A court action to enforce the Sunshine Law can be brought by any Missouri taxpayer, citizen or aggrieved person, the Attorney General, or the county prosecutor. The lawsuit must be filed in the circuit court for the county where the public governmental body has its principal place of business. A lawsuit must be filed within one year from when the violation is ascertainable, and in no event shall it be brought later than two years after the violation occurred.

Penalties — 610.027

If the court finds a public governmental body has violated the Sunshine Law, it may declare void any action taken in violation of the law. If the court finds a member of a public governmental body has purposely violated the Sunshine Law, the court shall:

- Subject the member or body to a civil fine of up to \$500; and may
- Order the member or body to pay all costs and reasonable attorney fees to any party successfully establishing a violation.

If a public governmental body has any doubt about the legality of closing a particular meeting, record or vote, it may bring suit in the circuit court to determine whether the action is proper or it may seek a formal opinion from its own attorney, or from the Attorney General.