



Through 2008 Season
Barry Bonds 762 Home Runs
Roger Clemens 354 Wins
Alex Rodriguez 553 Home Runs



- What if Major League Baseball and the Player's Union had insisted on full disclosure?
- Baseball records would have integrity.
- The players reputations would be intact.



MISSOURI OFFICE OF THE
ATTORNEY GENERAL

Missouri's Sunshine Law

Chapter 610

Revised Statutes of Missouri 2008



Attorney General Chris Koster

- It is our public policy that open records and meetings promote better government.
- It is our belief that information is power.
- It is our practice that when in doubt, openness prevails.

Common Questions

Chapter 610 RSMo

- **What is the Sunshine Law?**
- **Who is subject to the Sunshine Law?**
- **What meetings and records are open to the public?**
- **What are the rules for meetings?**
- **What are the rules for records requests?**
- **How is the Sunshine Law enforced?**

Public Policy of the Sunshine Law

Section 610.011 RSMo

- **Openness in government:**
 - “It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies shall be open to the public unless otherwise provided by law.” (1)
- **Must be read broadly to favor openness**
- **Exceptions must be read narrowly**

Who is Subject to the Sunshine Law?

Section 610.010 RSMo

- **Applies to “public governmental bodies” -- basically all of state and local government:**
 - State Departments and Elected Officials
 - State Boards and Commissions
 - City Councils
 - County Commissions
 - School Boards and other Special Districts
 - Sub-Committees and Advisory Committees
 - “Quasi-public” bodies: Private entities when contracting with public bodies or performing public services

What to the public?

Section 610.011 meetings and records are open RSMo

- **All meetings and records of public bodies are open to the public...**
- **unless a law specifically allows them to be closed.**

Examples of when a meeting or record may be closed to the public:

Section 610.021 RSMo

- Litigation; attorney-client communication
- Some personnel records and pending personnel actions
- Some pending real estate transactions
- Bidding specs until approved
- Sealed bids until opened; some pending contract negotiations
- Some student records
- Existing or proposed security systems
- Records otherwise specifically protected by law

**When may a meeting, vote,
or record be closed to the public?**

Section 610.022 RSMo

- **Sunshine Law does not require closed meetings or records; just gives an option to close (4)**
- **However, other laws may require confidentiality for specific records or meetings**

What meetings are subject to the Sunshine Law?

Section 610.010 RSMo

- **Any meeting at which public business is discussed or decided (5)**
- **What is “public business?” (3)**
 - All matters related to the body’s functions or the conduct of its business
- **Includes phone conference, internet chat (6)**
- **Generally, quorum must be present 610.015 RSMo**
- **Limited exception for social gatherings 610.010.5 RSMo**

What notices are required?

Section 610.020 RSMo

- **Notice of an open meeting must contain: (1)**
 - Date and time of meeting
 - Place of meeting
 - Tentative agenda
- **Enough to reasonably advise public of matters to be considered (1)**
- ***Practice tip:* indicate time notice is posted**

What notices are required?

Section 610.020 RSMo

- **Notice of a closed meeting must contain:**
610.022.2 RSMo
 - Date and time of meeting
 - Place of meeting
 - Reason for closing the meeting
- **Must refer to the specific provision of law that allows the meeting to be closed:**
610.022.3 RSMo

What notices are required?

Section 610.020 RSMo

- **Posted at public body's main office**
 - Or if there is no office, at the meeting location
 - Posted on web site if meeting via the Internet
- **At least 24 hours in advance (2)**
 - Weekends and holidays don't count
 - News media get special notice on request (1)
- **Emergency meetings (4)**
 - Less than 24 hours notice, but only for good cause, stated in the minutes

Where can meetings be held?

Section 610.020 RSMo

- **Reasonably accessible to the public (2)**
- **Large enough to accommodate anticipated attendance (2)**
- **Designated location to listen to telephone or internet meetings (1)**
- **Public can record open meetings, if unobtrusive (3)**
- **Recording a closed meeting requires permission of the body (3)**

What minutes are required?

Section 610.020 RSMo

- **Open and closed meetings must have minutes showing: (7)**
 - date and time
 - place
 - members present and absent
 - record of votes taken
- **For roll call votes, minutes must show how each member voted (7)**
- **With certain exceptions, elected members must vote in person: Section 610.015 RSMo**

How is a closed meeting conducted?

Section 610.022 RSMo

- **Must be announced in advance at an open meeting (1)**
 - Roll call vote to close the meeting
 - Identify specific provision of law that allows meeting to be closed
- **Can discuss only business directly related to the reason given for closing the meeting (3)**
- **Votes must be roll calls; each vote recorded
610.020.7 RSMo**
- **Member may object to closure of a meeting
610.022.6 RSMo**

What records are subject to the Sunshine Law?

Section 610.010 RSMo

- **Any record of a public body (6)**
- **Any record retained by a public body**
- **Written or electronic records**
- **Email from a member to a quorum of a public body - copy must be sent to the custodian:
Section 610.025 RSMo**
- ***Practice tip:* A request for information is different from a request for records. (e.g., list of business licensees vs. copies of licenses)**

Who responds to records requests?

Section 610.023 RSMo

- **Custodian of records (1)**
 - responds to requests
 - maintains records
 - Safeguards records
- **Custodian's name and location must be available upon request**

What are the deadlines for responding to records requests?

Section 610.023 RSMo

- **Must respond as soon as possible and no more than 3 business days after custodian receives request (3)**
- **If records are not available in that time, custodian must explain delay and state when records will be available (3)**
- **Time for providing access may exceed 3 days for reasonable cause (3)**

What happens if records are closed?

Section 610.023

- **If asked, custodian must explain in writing why records are closed**
 - must state specific provision of law allowing records to be closed (4)
 - must provide explanation within 3 business days of being asked for it (4)

What happens if records are closed?

Section 610.024 RSMo

- **If one record has both open and closed material, must separate and provide access to the open material (1)**
- **Must try to design records to facilitate separation of open and closed material (2)**

What fees can be charged for copies of records?

Section 610.026 RSMo

- **Fees cannot exceed \$.10 per copy for 9 X 14 or smaller pages, plus search time (1)**
- **Research time may be billed at actual cost (1)**
- **Persons may request an estimate of the cost (1)**
- **Advance payment of fees can be requested (2)**
- **Fees may be reduced or waived in the public interest (1)**

How is the Sunshine Law enforced?

Section 610.027 RSMo

- **Attorney General, prosecutors, and citizens can sue in circuit court of public body (1)**
- **Civil fines up to \$1000 for knowing violations (3)**
- **Civil fines up to \$5000 and attorneys' fees for purposeful violations (4)**
 - Court can fine body or individual members
- **When in public interest, court can void actions taken in violation of the Sunshine Law (5)**

Want More Information?

- **Attorney General's Sunshine Law booklet**
- **Attorney General's web site:**
<http://www.ago.mo.gov>
 - Summaries and guidance about the law
 - Links to statutes and Attorney General Opinions
 - Sample forms for requests and compliance
- **Attorney General's Office: 573-751-3321**



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