

## Missouri Sunshine Laws (Chapter 610 of the Missouri Revised Statutes)

**Note:** For each summary point, I also list the actual law being summarized in parentheses with the abbreviation “RSMo” followed by the Chapter, Section and Subsection (if relevant), so that you can use it or cite it when needed.

### SUMMARY POINTS FOR PUBLIC MEETINGS:

1. The Sunshine Laws apply to any “public governmental body”. This includes the Board of Education at a community college, as well as any advisory ‘committee’, ‘group’ or ‘body’ which was appointed by the Board or the President for the purpose of recommending “policy, policy revisions or expenditures of public funds” (RSMo ¶ 610.010.4). The Sunshine Laws do **not** apply to the President’s staff. Nor do they apply to “an informal gathering... for social or ministerial purposes when there is no intent to avoid [these laws]” (RSMo ¶ 610.010.5).
2. While the Sunshine Laws allow exceptions, it is the state government’s public policy to have open, public meetings whenever possible. Closed meetings should **not** be a regular occurrence (RSMo¶ 610.011)
3. All meetings must be publicly announced, along with the agenda for discussion, at least 24 hours in advance. These meetings must be open to the public (unless there is an *exempting circumstance*- see point 4). Open meetings may always be recorded by video and audio unless the recording is clearly disruptive to the proceedings. A journal or minutes of the meeting must always be kept, even if the meeting is closed to the public, although a closed meeting may **not** be otherwise recorded without permission (RSMo¶ 610.020).
4. A meeting may be closed to the public for any of the following reasons (there are actually many more reasons, which you can see listed in the last two pages):
  - a. **Legal actions** involving any litigation or conference with lawyers.
  - b. **Real estate transactions** if public knowledge of the meeting would adversely affect the outcome.
  - c. **Hiring, firing, disciplining** or **promoting** an employee if personal information will be discussed.

However, in the first two instances (legal and real estate), all minutes kept of the closed meeting **must** be made public immediately after the matter is concluded (i.e., the legal issue is settled or the real estate deal is completed). In the last instance, any vote which was made concerning the employee **must** be made public within 72 hours after the vote (RSMo¶ 610.021.1 – 3).

5. In order for a closed meeting to take place, a vote must first be called in a meeting open to the public. The results of the vote, along with the reason for holding the closed meeting (which should be one of the reasons listed above in point 4), must be entered into the minutes. The meeting's time, place and reason for being closed to the public must have been announced publicly at least 24 hours in advance. Furthermore, no business may be discussed in the closed meeting which is not **directly** related to the reason for making the meeting closed in the first place (RSMo¶ 610.022). Minutes or a journal of the closed meeting must be kept. In addition to a description of the discussion, these minutes must record the time and date, the members present, and any votes (RSMo¶ 610.020.7). All votes must be recorded by roll call, indicating exactly how each member voted (RSMo¶ 610.015).
6. If the Sunshine Laws are violated, a citizen may file suit against the public governing body and/or its members. The suit must be brought within **one year** of the point at which the violation was "ascertainable" (known). No suit may be brought after **two years** have passed since the violation took place. (RSMo¶ 610.027.5).
7. "Once a party... demonstrates to the court that the body in question... has held a closed meeting... *the burden of persuasion shall be on the body and its members to demonstrate compliance.*" (RSMo¶ 610.027.2, italics added). In other words, once it has been proved that a closed meeting took place, the body that held the closed meeting must show proof (like minutes) that it did not violate the law (such as discussing off-topic business) or it will be found guilty.
8. Parties that are found to be in **knowing** violation of the Sunshine laws may be penalized up to \$1,000 in addition to all attorney fees and court costs. Parties that are found to have **purposefully** violated the Sunshine laws may be penalized up to \$5,000 and **must** pay all attorney fees and court costs. These penalties are **in addition** to any other law that might assess a penalty. Finally, the party in violation may have the proceedings of its closed meetings voided by the court, if the court finds it is in the public interest (RSMo¶ 610.027), and an injunction may be issued to force compliance with the Sunshine Laws (RSMo¶ 610.030).
9. No one who reports a violation of the Sunshine laws in "good faith" may be held civilly liable in court, nor may that person be "demoted, fired, suspended, or otherwise disciplined for making such a report." (RSMo¶ 610.028.3).