



**Thomas A. Schweich**  
Missouri State Auditor

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# Summary of State and Local Audit Findings - Sunshine Law

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March 2012  
Report No. 2012-19



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<http://auditor.mo.gov>



**Thomas A. Schweich**  
Missouri State Auditor

# CITIZENS SUMMARY

## Summary of State and Local Audit Findings - Sunshine Law

Background	This report was compiled using the nearly 300 audit reports issued between January 2010 and December 2011. The objective of this report was to summarize recent audit issues and recommendations regarding the Sunshine Law, Chapter 610, RSMo, and other issues related to meeting minutes.
Open Meetings	Formal minutes were not maintained for some open meetings, and minutes which were maintained did not always include sufficient detail. Several entities failed to document the reasons for closing meetings, the specific section of law that allowed for the closing, and the votes regarding meeting closure. Minutes, for affiliated boards, committees and commissions, were not always prepared and approved timely or filed in an organized manner. In addition copies of the minutes and records of the affiliated boards, committees, and commissions were not maintained by the official custodian of records of the governing body. Some entities did not comply with state law regarding votes by telephone or email, and some appeared to conduct business outside regular open meetings.
Closed Meetings	Minutes were not maintained for some closed meetings, and minutes which were maintained did not always include sufficient detail. Several entities did not document how some issues discussed in closed session were allowable under state law, and some discussed issues other than the specific reasons cited for going into closed session.
Public Records	Some governing bodies did not have adequate policies and procedures regarding public access to records, and some did not maintain sufficient documentation to demonstrate compliance with the law. In addition, some redactions made to documents did not appear appropriate.
Meeting Agendas	Some entities did not prepare, post, and/or retain tentative agendas, or the agenda did not disclose specific information. Also, open meeting agendas routinely indicate the potential for a closed meeting, even when no closed meeting was planned or held.

Because of the limited objective of this report no overall rating is provided.

American Recovery and  
Reinvestment Act 2009  
(Federal Stimulus)

Not applicable to this report.

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# Summary of State and Local Audit Findings - Sunshine Law

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# THOMAS A. SCHWEICH

## Missouri State Auditor

Honorable Jeremiah W. (Jay) Nixon, Governor  
and  
Honorable Chris Koster, Attorney General  
and  
Members of the General Assembly  
Jefferson City, Missouri

This report was compiled using audit reports issued between January 2010 and December 2011 (report numbers 2010-01 through 2010-168 and 2011-01 through 2011-123). The objective of this report was to summarize recent audit issues and recommendations regarding the Sunshine Law, Chapter 610, RSMo, and other issues related to meeting minutes.

Recommendations address a variety of topics including open and closed meetings, public records, and meeting agendas. These issues were addressed in 55 reports issued between January 2010 and December 2011. Appendix A provides a list of each report, and the publication date, that included the issues presented.

A handwritten signature in black ink that reads "Thomas A. Schweich".

Thomas A. Schweich  
State Auditor

The following auditors participated in the preparation of this report:

Deputy State Auditor: Harry J. Otto, CPA  
Director of Audits: Alice Fast, CPA, CGFM, CIA  
Audit Manager: Debra S. Lewis, CPA

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# Summary of State and Local Audit Findings - Sunshine Law Audit Issues

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## 1. Open Meetings

1.1 Preparation of meeting minutes	Formal minutes were not maintained for some open meetings.  Section 610.020, RSMo, provides that minutes of open meetings shall be taken and retained by the public governmental body.
Recommendation	Ensure minutes are prepared and retained to support all open meetings.
Report source	2011-092 2011-091 2011-009
1.2 Detail in meeting minutes	Meeting minutes did not always include sufficient detail of matters discussed or actions taken, and many decisions were not adequately documented in the meeting minutes.  Section 610.020, RSMo, requires minutes of meetings include the date, time, place, members present, members absent, and a record of votes taken.
Recommendation	Ensure meeting minutes include adequate detail of the issues discussed and the decisions made.
Report source	2011-105                      2010-089                      2010-012 2011-009                      2010-052                      2010-007 2010-150                      2010-018
1.3 Reasons for closing meetings	Reasons for closing meetings, the specific section of law that allows for the closed meeting, and votes regarding meeting closure were not adequately documented within the open meeting minutes.  Section 610.022, RSMo, requires that before any meeting may be closed, the question of holding the closed meeting and the reason for the closed meeting shall be voted on at an open session.
Recommendation	Ensure the vote to close a session is documented in open meeting minutes, along with the reason for closing the session and the specific section of law that allows the session to be closed.



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Report source	2011-122	2011-032	2010-126	2010-059
	2011-111	2011-029	2010-125	2010-054
	2011-105	2011-019	2010-100	2010-048
	2011-092	2011-014	2010-093	2010-036
	2011-090	2011-009	2010-091	2010-027
	2011-082	2010-155	2010-089	2010-023
	2011-068	2010-129	2010-084	2010-012
	2011-049	2010-128	2010-067	
	2011-045	2010-127	2010-065	

1.4 Organization of minutes Meeting minutes were not always filed in an organized manner.

The Sunshine Law, Chapter 610, RSMo, requires governmental bodies to prepare and maintain minutes of open meetings. Organized minutes are necessary to ensure meeting minutes comply with state law.

Recommendation Ensure meeting minutes are filed in an orderly manner.

Report source 2011-105  
2011-090  
2011-009

1.5 Other committees and boards The minutes and records of meetings of affiliated boards, committees, and commissions were not always prepared and approved. In addition copies of the minutes and records of the affiliated boards, committees, and commissions were not maintained by the official custodian of records of the governing body.

Section 610.020, RSMo, provides that minutes of open meetings shall be taken and retained by the public governmental body.

Recommendation Ensure meeting minutes are properly and timely prepared and approved for all affiliated boards, committees, and commissions and copies are maintained by the official custodian of records of the governing body.

Report source 2011-105 2010-161  
2011-014 2010-093  
2011-009 2010-064

1.6 Email/telephone votes The governing body did not comply with state law when members voted by telephone/email without a quorum of members physically present during the vote.

Section 610.015, RSMo, requires a quorum of Board members be physically present at the meeting location before any other members are allowed to participate by phone or email.



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**Recommendation**

Comply with state law regarding telephone/email votes.

Report source

2011-009  
2010-156  
2010-093  
2010-012

**1.7 Open meeting**

Business appeared to be conducted outside of regular open meetings.

Section 610.020, RSMo, provides that governing bodies of all political subdivisions are required to conduct business in regular open meetings. Any time a quorum of board members meet in person or by phone and transact public business, they are subject to the Sunshine Law.

**Recommendation**

Ensure business of the governing body is conducted in compliance with the Sunshine Law.

Report source

2011-106  
2011-091

**1.8 Timely**

Meeting minutes were not always prepared and approved in a timely manner.

To ensure all decisions are properly documented and minutes are properly maintained, all minutes should be prepared and approved timely.

**Recommendation**

Ensure meeting minutes are properly and timely prepared and approved for all meetings.

Report source

2011-105  
2010-052

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**2. Closed Meetings**

**2.1 Preparation of meeting minutes**

Minutes were not maintained for some closed meetings.

Section 610.020, RSMo, provides that minutes of closed meeting shall be taken and retained by the public governmental body.

**Recommendation**

Ensure minutes are prepared and retained to support all closed meetings.

Report source

2011-090	2010-150	2010-100	2010-059
2011-068	2010-148	2010-084	2010-054
2011-019	2010-126	2010-067	2010-048
2011-009	2010-128	2010-065	2010-011



## Summary of State and Local Audit Findings - Sunshine Law Audit Issues

### 2.2 Detail in meeting minutes

Closed meeting minutes did not provide sufficient details regarding discussions held and decisions made, and votes or final actions, if any, taken by the governing body during closed meetings.

Such documentation is important to both demonstrate compliance with statutory provisions and provide information for future reference should concerns or questions be raised regarding topics addressed in closed meetings. The Sunshine Law, Sections 610.020 and 610.021, RSMo, provide guidance regarding closure of meetings and documentation requirements.

### Recommendation

Ensure closed meeting minutes include the information necessary to provide a complete record of all significant matters discussed and actions taken.

### Report source

2011-106	2010-052
2011-030	2010-037
2011-019	2010-007
2010-155	

### 2.3 Allowable topics

The governing body did not document how some issues discussed in closed meetings were allowable under state law.

### Recommendation

Ensure items discussed in closed meetings are allowed by state law.

### Report source

2011-111	2011-009	2010-093	2010-037
2011-110	2010-156	2010-091	2010-036
2011-105	2010-155	2010-089	2010-027
2011-092	2010-129	2010-065	2010-023
2011-082	2010-127	2010-064	2010-012
2011-049	2010-125	2010-054	
2011-036	2010-123	2010-051	
2011-019	2010-100	2010-048	

Chapter 610, RSMo, states the specific reasons governmental bodies are allowed to close a public meeting.

### 2.4 Topics discussed

Sometimes the governing body discussed issues other than the specific reasons cited for going into a closed meeting.

Section 610.022, RSMo, requires a closed meeting, record, or vote to be held only for the specific reasons announced publicly at an open session. In addition, this law provides that public governmental bodies shall not discuss any other business during the meeting that differs from the specific reason used to justify such meeting, record, or vote.



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Summary of State and Local Audit Findings - Sunshine Law  
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**Recommendation** Limit issues discussed in closed meetings to only those specific reasons cited to justify such a closed meeting.

**Report source** 2011-114 2010-051  
2011-036 2010-012  
2010-058 2010-007

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### 3. Public Records

**3.1 Public access policy** The government does not have adequate formal policies and procedures regarding public access to records or the policy is not in compliance with state law. The government did not maintain complete and detailed documentation to support the rates charged for the sale of copies of public records.

Section 610.026, RSMo describes the allowable fees for copying public records, and Section 610.023, RSMo, lists requirements of making records available to the public.

**Recommendation** Establish adequate written policies and procedures regarding public access to and/or copies of records to ensure compliance with state law.

**Report source** 2011-122 2010-093  
2011-106 2010-063  
2011-018 2010-018  
2010-064 2010-007

**3.2 Documentation of requests for records** The government did not maintain a record documenting information requests received, if any, or copies of records provided; therefore, the proper handling of any Sunshine Law information requests could not be determined.

Section 610.023, RSMo, provides each request for access to public records shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request was received.

**Recommendation** Maintain a public request log to help ensure compliance with state law.

**Report source** 2011-014

**3.3 Redaction** Some redactions made to documents did not appear appropriate.

To ensure compliance with the Sunshine Law, the governing body should ensure redactions to requested documents are appropriate.



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**Recommendation**                      Ensure redactions to requested documents are appropriate and in compliance with the Sunshine Law.

Report source                              2010-125

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## **4. Meeting Agendas**

**4.1 Agenda preparation**                      A tentative agenda was not prepared, posted, and/or retained for all meetings or the agenda did not disclose specific information pertaining to the upcoming meeting.

Section 610.020, RSMo, requires public entities to give notice of the time, date, and place of each meeting, and its tentative agenda, to advise the public of matters to be considered. The notice shall be given at least 24 hours prior to the meeting.

**Recommendation**                      Ensure proper notification and agendas for public meetings are given or reasons for any deviation are documented in the meeting minutes in accordance with state law.

Report source                              2011-049  
2011-014  
2010-089  
2010-063  
2010-058

**4.2 Meeting Notices**                      Open meeting notice agendas routinely used the same statement to indicate the potential for a closed meeting/session, although no closed meeting/session was planned or held.

Section 610.022, RSMo, requires the specific reasons for closing a meeting be announced publicly at an open meeting and entered into the minutes. A statement which includes a potential issue that may be discussed in a closed session appears to circumvent the intent of the law.

**Recommendation**                      Ensure agendas state the specific reasons for going into a closed meeting/session.

Report source                              2011-049                      2010-063  
2010-100                      2010-058  
2010-089

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## Appendix A

### Audit Reports

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Report Number	Title	Publication Date
2010-007	Platte County Public Water Supply District #6	January 2010
2010-011	Economic Development/Public Service Commission	January 2010
2010-012	Taney County Ambulance District	January 2010
2010-018	Village of Leawood	January 2010
2010-023	City of Curryville	February 2010
2010-027	Webster County	February 2010
2010-036	Santa Fe R-X School District	March 2010
2010-037	City of Pleasant Valley	March 2010
2010-048	Dallas County	April 2010
2010-051	Perry County	May 2010
2010-052	Stoddard County	May 2010
2010-054	City of Clever	May 2010
2010-058	City of Levasy	May 2010
2010-059	Consolidated Public Water Supply District #4 of Clinton County	May 2010
2010-063	Public Water Supply District #1 of Caldwell County	June 2010
2010-064	City of Richmond	June 2010
2010-065	Mercer County	June 2010
2010-067	City of Wyaconda	June 2010
2010-084	Lewis County	July 2010
2010-089	City of New Florence	July 2010
2010-091	City of Florissant	August 2010
2010-093	City of Deepwater	August 2010
2010-100	City of Clarksville	August 2010
2010-123	City of Marionville	October 2010
2010-125	Higher Education/Missouri State University	October 2010
2010-126	St. Louis Regional Convention and Sports Complex Authority	October 2010
2010-127	Lincoln County	October 2010
2010-128	Department of Transportation and Highway Patrol Employees' Retirement System	October 2010
2010-129	Andrew County Ambulance District	October 2010
2010-148	Economic Development/Missouri Technology Corporation	November 2010
2010-150	Barry County	November 2010
2010-155	City of Willard	December 2010
2010-156	Laclede County	December 2010
2010-161	Public Safety/Office of Adjutant General	December 2010
2011-009	Village of Indian Point	March 2011
2011-014	City of University City	April 2011
2011-018	Department of Revenue/Administrative Functions	May 2011
2011-019	Village of Bull Creek	May 2011
2011-029	City of Pine Lawn	June 2011
2011-030	Warren County	June 2011
2011-032	City of Lowry City	July 2011
2011-036	City of Neosho	July 2011



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Report Number	Title	Publication Date
2011-045	Douglas County	August 2011
2011-049	Ray County	September 2011
2011-068	Monroe County	September 2011
2011-082	Kansas City 33 School District	October 2011
2011-090	City of Howardville	October 2011
2011-091	Dunklin County	October 2011
2011-092	Village of Rayville	November 2011
2011-105	City of Lanagan	November 2011
2011-106	City of Mountain Grove	November 2011
2011-110	Pulaski County	December 2011
2011-111	Board of Election Commissioners, City of St. Louis	December 2011
2011-114	Jackson County Sports Complex Authority	December 2011
2011-122	Village of Riverview	December 2011

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## Appendix B

### Chapter 610 Governmental Bodies and Records

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#### **Notice of meetings, when required--recording of meetings to be allowed, guidelines, penalty--accessibility of meetings--minutes of meetings to be kept, content--voting records to be included**

610.020. 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its web site in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

5. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful



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meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

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**Closed meetings and  
closed records authorized  
when, exceptions, sunset  
dates for certain  
exceptions**

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by



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a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;



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(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

\*(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012;

\*(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:



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(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2012;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

(22) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

\*Subdivisions 18 and 19 of this section sunset December 31, 2012.



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**Closed meetings, procedure and limitation--public records presumed open unless exempt--objections to closing meetings or records, procedure.**

610.022. 1. Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

5. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.

6. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027.



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**Records of governmental bodies to be in care of custodian, duties--records may be copied but not removed, exception, procedure--denial of access, procedure**

610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

**Electronic transmission of messages relating to public business, requirements**

610.025. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of section 610.021.



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**Fees for copying public records, limitations--fee money remitted to whom--tax, license or fee as used in Missouri Constitution article X, section 22, not to include copying fees.**

610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, RSMo, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the



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appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.