

Audits reveal wholesale flouting of sunshine law

Post-Dispatch calls on attorney general to act

As we approached Sunshine Week last month, it was gratifying to see all the attention that was being paid to the sunshine law around the state. Newspapers and the government came together to focus on issues that point out the benefit of a strong open-government stance.

The *St. Louis Post-Dispatch* ran a fantastic editorial in late February about the results of the state audit of the Monarch Fire Protection District, which showed that government agency may have violated the sunshine law more than 40 times over an 18-month period. The conclusion of that piece was that it is time for our state attorney general to conduct an investigation

after such allegations are made and to prosecute such violators if evidence exists that the law has been ignored.

I would add that the state auditor, who clearly does use the power of his office to focus strongly on sunshine law issues, also released an investigation of the Missouri Employers Mutual Insurance Co. in February, pointing out that the Auditor's Office believes MEM is a "quasi-public governmental body for purposes of the sunshine law."

MEM has repeatedly taken the position that it is not subject to the sunshine law, despite the fact that it clearly is an "entity created by statute," and that it is a not-for-profit company specially designated for a governmental function.

Perhaps it is time for the attorney general to put this issue to bed, because it involves one of the largest entities in the state questionably using its funds.

Shortly after these audits were released, just in time for Sunshine Week, the state auditor released another audit showing state and local bodies routinely

violate the sunshine law, based upon a summary of about 300 audit reports it made over the last year.

That summary report showed bodies routinely fail to post agendas or that agendas that were posted were too vague. It echoed a complaint we often make, that a notice for a closed meeting was included, citing numerous possible reasons to close the meeting, without the body even having any plans to hold such a meeting.

Minutes of meetings were poorly kept or sometimes not kept at all.

Votes were improperly recorded.

Some entities did not have a custodian of records.

And, not surprising to us, there were indications that some bodies were conducting business outside of meetings.

Attorney General Chris Koster, responding to this audit, said, "We take every complaint seriously," and he pointed out that his office had recently contacted some of the bodies listed in this report to provide them information on the sunshine law.

But the *Post-Dispatch* editorial cited earlier noted that the Attorney General's Office had filed only two — two! — legal actions in the last year.

And in the annual "transparency report" issued by the United States Public Interest Research Group, which ranks states based upon how easy it is to obtain information about the use of public funds, Missouri fell from its C+ rating last year to a C rating. The report cited as the reason that Missouri was not keeping pace with other states in terms of providing information about government spending.

"Given the state's budget problems,

Missourians need to be able to follow the money," the report said. It said that state officials told the researchers that the state did not have the funds to include information on grants and local government in its online database.

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The last significant overhaul of the sunshine law came eight years ago in 2004.

Repeatedly, it has been difficult to generate interest in these problems with our legislature, despite all indications that violations of the law continue to be an issue that should concern state officials.

This is a legislative election season. As you talk with the candidates who come into your office seeking your support this summer, make it a point to ask them about their views on the sunshine law. Ask them to promise you that they will help make needed changes in this law.

Point out to them the issues that exist in your jurisdiction. You know what they are because you call me about them all the time.

Take time to educate these folks. Perhaps those lessons will stick with them once they get past the election and actually begin serving your jurisdiction in the halls where change can happen!



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