

ATTORNEY GENERAL OF MISSOURI

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February 25, 2013

Upton Township, Board of Aldermen
c/o Naomi Campbell, Township Clerk
12001 Highway FF
Bucyrus, Missouri 65444

Re: Missouri Sunshine Law – Upton Township

Dear Board members:

Thank you for your response to our letter relating to a Sunshine Law concern that has been brought to our attention regarding Upton Township Board of Aldermen (“Board”). This letter will address that concern that is generally described as: illegal Board meeting of July 12, 2012.

Complaint- Illegal meeting of July 12, 2012

On June 14, 2012, the Board held its regularly scheduled monthly meeting. One of the issues discussed during this meeting was the recently constructed concrete bridge on Roubidoux Road. The minutes reflect that an engineer had recently looked at the bridge and would soon be making recommendations on how to raise the weight limit. No action was taken on the bridge. The meeting minutes also reflect that a decision was made to reschedule the Board meeting of July 12, 2012, to July 16, 2012. On July 10, 2012, City Clerk Naomi Campbell posted the July 16, 2012, meeting notice at the office, and this notice was also posted in the *Houston Herald* in its July 12, 2012, publication.

On July 12, 2012, Board members Gladden and Austin came to what they considered to be the regularly scheduled meeting, stating they were unaware of change in meeting date. During this meeting, Board members Gladden and Austin signed off on an agreement with Mr. Clarence Dailing to fix the low weight limit on the bridge. On July 13, 2012, Mr. Dailing removed the concrete bridge and replaced it with a gravel and fill bridge.

Based on our review of the Board's meeting notices and agendas, as well as the *Houston Herald's* meeting notice, we conclude that the meeting of July 12, 2012, was held without adequate public notice. Though Board members Gladden and Austin state that they were unaware of the change in meeting date, Mr. Levi Stallcup informed both board members Gladden and Austin that the public notice in the newspaper stated the meeting was scheduled for July 16, 2012. Section 610.020.2, RSMo, requires that notice be given at least twenty-four hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical. In this case, 24 hours notice was neither impossible nor impractical. Failure to post adequate notice denied citizens the opportunity to attend the Board meeting, which ultimately led to the demolition of a bridge that had been recently constructed at a cost of approximately \$22,500 paid for by Upton Township.

Conclusion

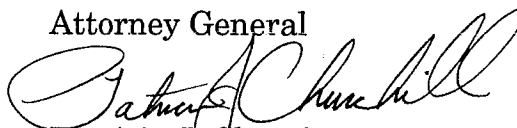
In order to close our inquiry, this office proposes:

1. The Board agree to attend sunshine law training presented by this office or by a presenter approved by this office;
2. The Board agrees to provide copies of the July 12, 2012, meeting minutes to members of the public at no cost.

Thank you for your attention to these matters; we look forward to your prompt response.

Very truly yours,

CHRIS KOSTER
Attorney General



Patricia J. Churchill
Chief Counsel, Governmental Affairs Division

c: Will Brown, President
Virginia Austin, Treasurer
Robert Gladden, Member
Michael Anderson, County Prosecutor