

BOARD OF VISITORS:
SUNSHINE LAW:

The provisions of Chapter 610 RSMo, the
Sunshine Law, applies to a Board of Visitors

created by Section 221.320 RSMo.

June 2, 2000

OPINION NO. 255-2000

The Honorable Douglas E. Long, Jr.
Presiding Judge
Twenty-Fifth Judicial Circuit Court
Division One
301 Historic 66 East, Suite 318
Waynesville, MO 65583

Dear Judge Long:

You have submitted to this office the following question:

Whether the meetings of the Board of Visitors
appointed pursuant to Section 221.320 RSMo are subject to
the provisions of the Sunshine Law?

Section 221.320 provides:

In each county of the state the presiding judge of the
circuit court, or such other judge or judges as may be
determined by local circuit court rule, may, and upon the
petition of fifteen reputable citizens shall, appoint six
persons, three of whom shall be women, and not more than
three shall have the same political affiliations, who shall
constitute a board of county visitors, two of whom, as
indicated by the appointing judge, upon the fixed
appointment, shall serve for one year, two for two years and
two for three years, and upon the expiration of the term of
each, his or her place and that of his or her successor shall,
in like manner, be filled for the term of three years, who
shall constitute a board of visitors for the inspection of all

corrective institutions supported by such county, who shall serve without compensation.

The general duties of the Board of Visitors are set out in Section 221.340 RSMo 1994 and requires the board to make personal visits at least once every three months of all corrective institutions under county or municipal control. The board has the responsibility to advise the county commission or others having jurisdiction over the institutions of any condition that may be injurious to the county or the inmates of the institution and to recommend remedies as they deem appropriate.

In addition to those duties the board has a specific duty to make yearly reports to the director of the division of family services. Section 221.350 RSMo 1994 provides:

The board of county visitors each year shall prepare a full report of their proceedings during the year, with such recommendations as they may deem advisable, and shall file the same with the director of the division of family services of the department of social services on or before the first day of November of each year. Whenever the board of county visitors shall present a memorial or report to the county commission or to the judge of the circuit court, they shall, at the same time, transmit a copy of the same to the director of the division of family services and they may at any time call upon him for advice and assistance in the performance of their duties. The director of the division of family services shall furnish each board of county visitors with such stationery, blanks and postage stamps as said board of county visitors may need to make the report prescribed by this section to the division of family services.

The question you pose turns on the question of whether the Board of Visitors is a public governmental body under the provisions of the Sunshine Law, Chapter 610 RSMo. Section 610.010(4) defines "public governmental body," in pertinent part, as follows:

. . . any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district,

judicial entities when operating in an administrative capacity, or by executive order, including:

* * *

(d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

(e) Any committee appointed by or at the direction of any other entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds . . .

In statutory construction the intent of the legislature is to be met. Bartlett and Co. Grain v. Director of Revenue, 649 S.W.2d 220 (Mo. 1983). In construing statutes the words are to be given their plain and ordinary meaning. State ex rel. Dravo Corp. v. Spradling, 515 S.W.2d 512 (Mo. 1974).

The provisions of the Sunshine Law are to be liberally construed. Section 610.011 RSMo 1994. That determination has been recognized judicially. North Kansas City Hospital v. St. Lukes Northland Hospital, 984 S.W.2d 113 (Mo. App. 1998).

The Board of Visitors falls within the definition of public governmental body in that it is a governmental entity created by statute, it is an administrative governmental deliberative body under the direction of three or more appointed members, and is authorized to report to another public governmental body, the division of family services. See Section 610.010(4) RSMo 1999 Supp. As such it is obligated to comport its activities to Chapter 610 RSMo.

The Honorable Douglas E. Long, Jr.
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CONCLUSION

The provisions of Chapter 610 RSMo, the Sunshine Law, applies to a Board of Visitors created by Section 221.320 RSMo.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General