SUNSHINE BILL:
COUNTY COUNCIL:
PUBLIC MEETINGS:

Luncheon meetings of either the majority party members or of the minority party members of the St. Louis County Council, at which public business is discussed, are required to be open to the public under the Sunshine Bill.

OPINION NO. 10

February 11, 1975

Honorable Maurice Schechter
State Senator, District 13
Room 427, State Capitol Building
Jefferson City, Missouri 65101

Dear Senator Schechter:

This opinion is issued in response to your request for a ruling on the question of whether weekly luncheon meetings of the majority party members of the St. Louis County Council, at which council business is discussed, are meetings required to be open under the provisions of Sections 610.010, to 610.030, V.A.M.S., commonly known as the "Sunshine Bill."

In setting out the facts which prompted this request, you state:

> "The majority party members of the St. Louis County Council meet weekly, usually prior to the sessions of the Council, to discuss legislation pending. The minority party members are not permitted to attend such luncheons and the public may not attend."

In Opinion No. 330 issued December 18, 1973, to Representative Harold L. Volkmer, this office held that subcommittee meetings and meetings of the "committee of the whole" of the St. Louis County Council were "public meetings" within the meaning of Section 610.010(3), and thus were required to be open to the public by Section 610.015. Your question seeks to determine whether the weekly luncheon meetings of the majority members of the Council, at which pending legislation is discussed, are also required to be open to the public.

Section 610.015 reads, in part, as follows:

> "Except as provided in section 610.025, and except as otherwise provided by law, . . . all public meetings shall be open to the public . . ."

A "public meeting," as defined in Section 610.010(3), consists of:

> " . . . any meeting, formal or informal, regular or special, of any public governmental body, at which any public business is discussed, decided or public policy formulated;"

"Public governmental body," as defined in Section 610.010(2), includes:

> " . . . any constitutional or statutory governmental entity, including any state body, agency, board, bureau, commission, committee, department, division, or any political subdivision of the state, of any county or of any municipal government, school district or special purpose district, and any other governmental deliberative body under the direction of three or more elected or appointed members having rule-making or quasi-judicial power;"

To begin with, since counties are specifically mentioned in Section 610.010(2), there can be no doubt that the regular and special meetings of the full County Council are covered by the provisions of the Sunshine Bill. And, of course, this office ruled to that effect in Opinion No. 330. See Opinion No. 330, pages 2-3. That opinion went on to hold that meetings of the Council's subcommittees and executive sessions, such as meetings of the "committee of the whole" also were required to be open to the public under the provisions of the Sunshine Bill. In reaching that decision, we noted that Section 610.010(3) covers "<u>any meeting</u>," including informal sessions, at which ". . . any public business is discussed, decided or public policy formulated." Thus, we pointed out, there is no requirement that formal action be taken at a particular meeting in order for it to qualify as a "public meeting."

In seeking to determine the applicability of the Sunshine Bill to luncheon meetings of the Council's majority party members,

your question goes a step beyond our previous opinion. We believe that the Sunshine Bill not only encompasses such meetings of the majority party, but encompasses similar meetings of the minority party.

As we pointed out in Opinion No. 330, it has been consistently held that open meeting laws, such as Missouri's Sunshine Bill, are remedial in nature and should be liberally construed. Laman v. McCord, 432 S.W.2d 753 (Ark. 1968); Board of Public Instruction of Broward County v. Doran, 224 So.2d 693 (Fla. 1969); Brown v. State, 245 So.2d 41 (Fla. 1971). Likewise, Missouri courts have held that in construing remedial legislation, the courts are to consider the "evil sought to be cured" and should make such construction as shall "'. . . suppress the mischief, and advance the remedy, and to suppress subtle inventions and evasions for the continuance of the mischief.' . . ." B-W Acceptance Corporation v. Benack, 423 S.W.2d 215, 218 (St.L.Ct. App. 1967).

In this case, the "evil sought to be cured" is the deliberate exclusion of the public from the decision-making processes of public governmental bodies. See Board of Public Instruction of Broward County v. Doran, supra, at 699.

In Doran the Florida Supreme Court was interpreting a statute very similar to Missouri's Sunshine Bill. Subsection (1) of Fla. Stat., §286.011 (F.S.A.), the particular provision under consideration, stated:

> "All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, regulation or formal action shall be considered binding except as taken or made at such meeting."

In interpreting the above provision, the court in Doran stated, l.c. 698:

> ". . . The obvious intent was to cover any gathering of the members where the members deal with some matter on which foreseeable action will be taken by the board."

Thus, in Doran the court upheld an injunction entered against the Board of Public Instruction of Broward County from holding secret, informal conferences, even though no official acts were taken at such conferences. In City of Miami Beach v. Berns, 245 So.2d 38 (Fla. 1971), the court reaffirmed its position that secret meetings of any type were prohibited by Florida law.

CONCLUSION

Based on the foregoing decisions, and an examination of the provisions of Missouri's Sunshine Bill, Sections 610.010 to 610.030, V.A.M.S.,--particularly Section 610.010(3), which specifically includes informal meetings--it is our opinion that luncheon meetings of either the majority party members or of the minority party members of the St. Louis County Council, at which public business is discussed, are required to be open to the public under the Sunshine Bill.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Philip M. Koppe.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 330
12-18-73, Volkmer