



# City of Columbia, Missouri

## Meeting Minutes

### Building Construction Codes Commission

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Monday, August 28, 2017

4:30 PM

Regular Meeting

City Hall Conference

Room 1A

701 E Broadway

Columbia MO 65201

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#### I. CALL TO ORDER

Approximately 4:30

MR. CONNELL: We will call this meeting of the Building Construction Code Commission to order.

**Present:** 12 - Brian Connell, Jay Creasy, Robert Jackson, Todd Noordsy, Richard Shanker, David Weber, John Page, Josh Lehmen, Andrew Wallace, James Watson, Jonathan Trunk and Christopher Howe

#### II. APPROVAL OF AGENDA

#### III. APPROVAL OF MINUTES

Attachments: [June 26, 2017](#)

Because of some transition going on in the -- in the office up at Building and Site Development, we were not issued a transcript of the minutes. So I think it would be inappropriate to act on those at this time. We'll defer that to our next meeting, unless anyone feels differently about it? Okay. So we'll skip over that. And we'll go right to new business.

#### IV. NEW BUSINESS

##### Sunshine Request Presentation by Jose Caldera

MR. CONNELL: We have two items of discussion this evening. The first is a presentation by Mr. Jose Caldera regarding the Sunshine Law and how it pertains to our conduct. Mr. Caldera.

MR. CALDERA: Thank you, Mr. Chair. I assume, you're the chair.

MR. CONNELL: Yeah. Yes.

MR. CALDERA: Unless you just love running the show. So as the Chair said, my name is Jose Caldera. I am an attorney here with the city. I actually work with John a fair amount on various things so thank you for having me come down. As the Chair

said, I am going to presenting on the Sunshine Law today. I'm not picking on you guys or anything like that. I've been doing this presentation for all of our boards and commissions. This may be the 24th time I've done it. So the point of this presentation is, mainly, to let you guys know basically what the state law requires you to do in order for citizens to -- to see what you're doing, see your deliberations and make sure that you guys are complying with the law. It's fairly straight forward, but there's a lot of areas where people can make little mistakes that could expose not just the city to liability, but you individually to liability. So my job here with this presentation is basically to help you avoid that. Before we get to it, I wanted to let you know a couple things that'll be coming your way. You're going to be getting two separate little booklets. One of them is a copy of the Attorney General's Sunshine Law book. Our communications department has ordered a bunch of these, but they're currently on backlog because they're updating the picture of the new AG. So you're going to have this on-hand. This book is fairly straightforward. It literally is just the statutes, all right, so it doesn't like dumb anything down. It's just the law. Fortunately, this is one area of law where it's pretty straightforward as long as you kind of know what you're doing.

The second thing you guys are going -- getting is, a handbook. It's a handbook that the City poses on expectations we have of you as board members, basically on how you conduct yourself. It ranges from, basically showing up on time, to if you have any conflicts of interest when you should recuse yourself to Sunshine Law stuff. So it's kind of just an easy reminder of like what -- how you should be acting as a board member.

So with that said, in terms of questions, feel free to ask questions as we go along. I find that it makes it a little less awkward, if you know, you guys would just ask me whatever you got. No question isn't a dumb question. With that said, you probably will get a lot of answers to your questions in the slides because I pretty much cover it all.

So let's get to it.

This meeting -- this presentation focuses exclusively on public meetings in the Sunshine Law. The Sunshine Law covers basically two quick things; public meetings and public records. We're not talking about public records today. That's a whole different creature. I'm not going to inundate you with information on that. Under public meetings what we're going to be talking about is, one; defining public meetings. When -- when are you having your public meeting, all right? What is a public meeting? And if you are having a public meeting, what does that mean for you? What do you have to do in order to comply with the law, all right?

Let's start off with the definition. What is a public meeting? A public meeting is any meeting of a public governmental body where public business is discussed, decided, or policy is formulated. As you can see that definition is very broad. It's basically any time people get together and talk business, all right. That's the easiest way to remember it. That applies to not just your board, but also to any sub-committees that you guys form, and potentially any workgroups that you guys create, all right. So I don't know if you guys have those, if you guys break off into little groups of two, three and take on a project. You could be obligating yourself to comply with public meeting requirements. Don't think that just because you're moving into your -- narrowing yourself into a slimmer group that somehow, you're going to be able to work around the law. You've still got to comply with it. All public meetings must be open to the public, that is straightforward. There is -- under the law, you are permitted to go into closed session, and have closed meetings. I don't know if this group ever does, John?

(GROUP NODS)

MR. CALDERA: No? Never go to a closed session. So that won't be an issue for you. Reason it needs to be open is because the public under this law -- the way that this law was designed with the intent of having the public sit in the back and see what

you guys are talking about. It's all about just transparent government, okay. That'll come into play when we talk a little about the sub-group, sub-committees, and workgroups.

So how do we determine if we're having a public meeting? First rule, do you have a quorum? If you have a quorum present, you're having a public meeting, all right. Even if you don't intend to have a public meeting, you will be if you have a quorum present. Obviously, you said, a quorum was six in this group; is that right? So six of you get together after this meeting stand outside and start talking about a particular case, you're having a public meeting, and that requires you to do a whole host of things. So general rule of thumb, if you have a quorum of people, don't talk business, all right. Do not talk business, keep it here for your regularly scheduled meeting. Because again, the public is entitled to sit in the back and watch you guys deliberate. If you do not have a quorum, then you're not having official business. That's both good and bad. That means that if there's five of you standing outside talking business, okay, that's fine. You're not violating the Sunshine Law, you're not triggering the public meeting requirements. However, if come show time at your actual scheduled meeting, you only have five people, you guys can't do anything.

I've instructed our staff to literally tell you, if we don't have our six folks to trigger the quorum, we're not having a meeting today, pack up your stuff and get out, all right. Those folks that are sticking around, they're just private citizens, anything they talk about has absolutely no weight, and they'll just have to talk about it again once we do have a meeting. A meeting will be considered an open meeting regardless of whether it is in-person, email, via conference call, video conference, internet chat, or other electronic means. The reason I have this slide up here is because, as I just mentioned, if six of you are outside after this meeting talking, you're clearly triggering the public meeting requirements, all right. But what if you have six of you on an email thread, that also will be triggering the public meeting requirements under the Sunshine Law, all right. So another general rule of thumb, second general rule of thumb come out of this. If you guys are the sort of folks that love talking to each other via email, stop that, don't do it. What you should do is, if you need to convey something to a colleague, once -- or to the group, if you want to send out some information maybe there was an article or something that you really think everybody should be aware of, then what you do is, send it to John or whoever the staff liaison is, and have him send it out to everybody. So that way you guys don't engage in a discussion back and forth about something, all right. Basically, he will be your conduit for any information to the rest of the group. Do not reach out to your colleagues and talk to each other. Now, if it's just one-on-one, one of you decides to

email the other guy about something, you don't have your quorum, so you're not triggering public meeting requirements.

But always keep in mind, if you are going to reach out to the entire group, you're probably triggering public meeting requirements and probably going to be violating the law. So just avoid it. Avoid communicating via email altogether, in my opinion. Send anything to John, he'll disperse it to whoever you wanted to.

At the bottom, as you can see, I've got this thing that -- it's yellow underlined. The City has a policy, we require all meetings to be in-person, all right. So if you guys wanted to just start discussing stuff via email, or via tele-conference, or conference call or whatever, and let's say you posted a notice, agenda, and took minutes of it, that would be violating City policy. We require you to have all of your meetings in-person, all right. Public meetings will include luncheon meetings. So if you guys, let's say you're schedules just conflict and you can't have this regularly scheduled meeting. But you find out, you know what, we could all get together and go to Shiloh's or whatever, and just over lunch have our meeting. One, that would be violating City policy because we require you guys to have your meetings in-person and here in our facilities. But you would still be obligated to post a notice, have an agenda, and take the minutes, all right. So just because you decide to have a meeting somewhere else, does not mean that you are not -- you can skirt those responsibilities of posting a notice, agenda, and taking minutes.

I apologize, let me just go back real quick. One thing I did not say here, is that the City requires you to have in-person meetings, I just mentioned it a second ago. You must have these meetings in a City facility, all right. So it's either this building, one -- the HR building, one of our buildings, it needs to be in there. The reason is because as much as, you know, I'm sure you guys are awesome people and you don't try to skirt the law, you probably live in houses that aren't ADA compliant. And if you decide to have a meeting at your house, well, our disabled friends won't be able to attend that. We want

everybody in the public to be able to attend these meetings whether they choose to or not. They chose not to today. So just keep that in mind. You need to have your meetings in one of our facilities.

It also includes electronic votes. You guys do vote on cases, right, John?

MR. SIMON: Yeah.

MR. CALDERA: So sometimes -- this is actually an incident that popped up in Kansas City. There was a group that also had voting power like you guys do. And what they would do is kind of get an initial tally to see where their colleagues were on an upcoming case. So they would send out an email, just, hey, everybody don't -- let's not talk about anything, I just want to know, how are people leaning right now, yay or nah, right? And they were just trying to get kind of an initial headcount. And then they'd get into the room and people would start, like, blogging each other, trying to convince each other. You're still triggering the public meeting requirements by doing that simple little act of just trying to get a feel for how people are -- are leaning, so don't do that.

What is not a public meeting, all right? So the public -- even though there's a lot of requirements here, it is -- there is a rational exception. If you have a quorum of individuals and you guys are talking about ministerial or social things, you will not be triggering the public meeting requirements, all right. So let's say you have six of you and you guys are just -- you're just buds, you love going out and having a beer or whatever, so long as you don't talk about your business, all right. And when I say business, I'm talking about issues that pertain to this governmental body, all right. So long as you're not talking about that, it's cool for you guys to hang out. That's perfectly fine, all right. You can also -- you can talk about stuff that pertains to this governmental body so long as it's ministerial. So the next meeting is going to be a problem for me. You get six of your buddies together and say, look, can we postpone it for an hour, or can we carpool to the next meeting. We're going to that conference, do you guys mind if we carpool to

that? All those are ministerial things, you can talk about that if you want to, all right.

Where you get in trouble, it's saying, we're getting -- I need to carpool to that conference, and do you remember that case that came before us this last time, had he done X, Y, and Z, he would've won. That's where you cross the line, all right.

MR. PAGE: How do you prove what we talked about, you know, how would you ever prove what you talked about?

MR. CALDERA: They would drag you to court, put you on the stand and force -- force you to say it under oath. Don't put yourself in that situation.

MR. PAGE: That's -- that's the way they would prove it?

MR. CALDERA: That's how they would prove it.

MR. PAGE: Okay.

MR. CALDERA: Well, I mean, usually there's going to be a concerned citizen that's causing -- here's how it usually plays out.

MR. PAGE: Complaint -- complains.

MR. CALDERA: Puts in a complaint. It all starts with a complaint. Somebody's going to reach out to us and say, hey, look six of them were in a van driving down, I think they talked about business, because the minute they walked through the door, they were talking about business, so they must've been talking about it in the car. And that's how it starts. So just avoid that like the plague.

As you can see at the very bottom there, I say, unless intent is to avoid the purposes of the Sunshine Law. So if you guys are -- basically, don't ever break off into little groups and talk about business and say, well, if I'm meeting with a person one-on-one, I'm not hitting the quorum requirements, so I'm not triggering the public meeting requirements. Well, let's say I really want to convince a majority of you guys to vote a certain way. So I decide instead of being with all six of you, I'm going meet with you one-on-one, one-on-one, one-on-one. You will get sued for that, and you will lose, all

right. So don't do that. Don't try to get cute with it, it's straightforward. Leave your deliberations for when you're in here and when you can openly discuss, deliberate, and do all that stuff, you know; don't try to skirt around the public meeting requirements.

This becomes an issue whenever you have your sub-committees or your workgroups, all right. Sometimes we'll designate a little workgroup to research something, okay. Let's say three of you decide, we're going to research some -- so you guys deal with, like, codes. We're going to research some potential changes to the code. That'll probably be okay, if three of you decide to just break off and research on your own, basically, just pull up stuff off of Google and bring it back to the group and say, this is what we found. Where you're getting in trouble is when you guys start paring things down. So if you break off into a group of three and you're like, let's look up the best practices for a change of the code. You find ten things. And then amongst yourselves, you decide, well, we don't need all ten of those. We're just going to go ahead and bring up three best ideas. Well, now you've deliberated. Now, you made a decision, okay. You're not just doing research, you're now making decisions on behalf of your workgroup. You're probably triggering public meeting requirements, all right.

So if you -- if this a group that breaks off into workgroups, I would -- well, one, I would strongly discourage you from doing that. But two, operate as though that is the case, like, an official body, post the notice, do the agenda, public hearing, do your Google research and, you know, make your decision as you see fit, all right. Does that make sense?

MR. WEBER: I got a question.

MR. CALDERA: Sure.

MR. WEBER: So we do this all the time when we review codes.

MR. CALDERA: Uh-huh.

MR. WEBER: Codes faculty. It seems like we do everything very formal.



MR. CALDERA: That's good -- good.

MR. WEBER: Is this a reason why don't have to review codes? Because we -- we're basically, wouldn't you agree, that -- everyone agree that we kind of do the same thing even with a break out meeting, in your experience? This is how it went last time. We don't do anything different, although we don't have a recorder?

MR. PAGE: But they're all posted -- a hearing time and all that, so --

MR. CONNELL: So they're posted as public meetings, even though no one attends, virtually.

MR. CALDERA: And 99 percent of the time they won't, but they've got to be given the option.

MR. WEBER: Because we just record those, like, with a tape recorder, not an official recorder with official minutes like this one.

MR. SIMON: The last code cycle, I simply did written minutes.

MR. WEBER: Yeah.

MR. CALDERA: And that's one of the things that will have to come out of it, is the minutes. It doesn't always have to be transcribed word-for-word. And I'm going to tell you exactly what minutes need to look like. But -- yeah, so one of the things that I've been saying throughout this whole thing is the public meeting requirements the public -- you're triggering the public meeting requirements. What I mean by that are -- there's three things you have to have if you're having a public meeting. You have to post notice of it, you have to have an agenda, and you have to take minutes. Those are the three things that you have to do.

MR. WEBER: Well, I guess what I was getting at, if your rule of thumb is, don't have break-out meetings, that's not going to work when we go to code cycle reviews.

MR. CALDERA: If you -- so -- okay. Yeah. So if you guys want to do your break-out groups, that's perfectly fine, just treat them formally and you'll be safe. There's

a lot of folks that -- and it doesn't sound like your group is one of them, but there's a lot of boards or commissions that look at little workgroups as just more nimble things that allow them to not have to deal with all the notice stuff. It's not -- that's not how the law works. Basically, you're just creating more work for yourself because you're just going to have to make notice for that workgroup.

MR. PAGE: The other thing about notices -- I remember we had to cancel a meeting once because a notice didn't get out enough in -- ahead of time.

MR. WEBER: That's where we're talking about requirements, so --

MR. CALDERA: Yep, there's a cutoff. One thing I would say, is that whenever you guys are breaking off into workgroups or sub-committees, I would be really formal on the frontend too, decide how many people are going to be in that workgroup. What constitutes a majority or a quorum; is it going to be two, three, whatever? And when are they going to meet? Like, sort that stuff out on the frontend. So when it comes to quorum, just one more rule of thumb, if you don't have a set definition of what constitutes a quorum, so it's six here, simple majority means quorum, all right. So if you have a group of three, two people make a quorum, okay.

So public votes, what is a public vote? It's any vote that happens in-person, by telephone, or by any other electronic means at any public meeting. Since we have a policy that you guys do stuff here in-person, the public votes will be happening in-person. Public votes and records must be open to the public for inspection and duplication. Folks are entitled to sit in the back and see how you guys voted, all right. And when it comes to voting, there's one thing that's very important to keep in mind. Generally, you can vote on things just with a thumb up, you know, thumbs up, thumbs down. Like, when you're approving minutes, that's perfectly fine. When you are making substantive votes, all right, so you're going to rule upon something, you need to do that vote via rollcall. We need to know how each and every one of you voted. Under the -- under the law you are

entitled to do approve, or yay, nay, or abstain, that is an option. It would be recorded as an abstention if that's the way you go. I -- unless your ordinance says that you can't abstain, which city council enacted a more restrictive law on themselves saying they can never abstain.

MR. WEBER: I can tell you we've never done that.

MR. PAGE: Not a rollcall vote.

MR. WEBER: Not a rollcall vote.

MR. CALDERA: Start doing rollcall vote. Another thing, we are supposed to know attendance. So at the beginning we need to start doing rollcall votes on who's here and who's not here. Now, you can get creative with that. You don't have to go down the row and be like, here, here, here, some groups do that. Other ones will be, like, give me an update on the week. What's your -- what's your week been like? Josh, how's your week been? Good. Andrew, how's your week been --

MR. JACKSON: How about a sign-in sheet?

MR. CALDERA: Sign-in sheet would --

MR. SIMON: Yeah, I think that'd probably work -- that'd probably work.

MR. CONNELL: I hope so.

MR. LEHMAN: I hope so.

MR. WALLACE: I hope so.

MR. JACKSON: Sit on the same side of it, right?

MR. SIMON: That'd probably work.

MR. CALDERA: Because the whole point of it is, the -- the intent behind that part of the law is that citizens are supposed to know which of their representatives are showing up, you know, so we can hold you accountable. That's basically it. So if you have a rollcall, if you have a document that shows who showed up, who didn't, that's fine, all right. But if there's ever a doubt, just do the rollcall oral vote, you'll be good.

Like I said, public record, that's a whole different thing, but I do want to touch on it very briefly. Public record is defined as any record, electronic or otherwise, obtained by a governmental body, including those prepared by outside consultants or contractors. So earlier I mentioned that if you guys don't have a quorum, you guys can talk business, all right, that's cool. If you're in an email thread, and it's only three of you emailing each other about something, you may not be triggering the public meetings requirements, but you are creating public records, all right. So if somebody from the public decides to take -- send us a Sunshine request asking for your email to him, we will come to you and be like, hey, we need that email dealing with this -- this item, all right. Now, if you guys send each other like cat videos or whatever, that doesn't matter to this group, so we won't have anything to turn over.

MR. PAGE: So that's when you go and delete all the emails?

MR. CALDERA: There's no -- here's the fun thing, there's no obligation as far as I know for you to retain those emails.

MR. PAGE: I see.

MR. CALDERA: So with that said, if you do have it when that Sunshine request comes in, you can't delete it afterwards. Do it before. So in general, you know, rule of thumb, it's safest not to communicate via email, pick up the phone, you know, call each other, talk or whatever, that's fine. But try not to send things via email. If you are going to, always cc our staff on that communication. Even if it's just one-to-one, because that way John has a record of it, and if somebody Sunshine's it, we have a document there and we don't have to come to you. And here's the thing, if we come to you and we say we need your Sunshine -- we need all your records dealing with X, this is what they're asking for, and you don't give us everything, and we get sued, you will be named individually as well. And you will have to pay money out of your pocket, all right.

MR. WEBER: I quit.

MR. CALDERA: Again, no --

MR. PAGE: This is volunteer doing.

MR. WEBER: Yeah, everyone loves transparency until we all have to do it.

MR. PAGE: And then we all thought that we wouldn't get in trouble.

MR. CALDERA: Yeah, I know, right. But there's easy ways to avoid it. I mean, in general, just kind of -- just keep the City in the loop. Don't go off on a tangent, save your discussion for when you get here and you guys will be fine. And the benefit of it is that the -- more members of the public start trusting this body and therefore you have more authority. So, okay, we've covered all of that.

MR. PAGE: Could I ask a question, while we're going here?

MR. CALDERA: Absolutely. Absolutely.

MR. PAGE: There was a couple of times -- I've been on this for probably 30 years --

MR. CALDERA: Uh-huh.

MR. PAGE: And there was a couple times in the past where some of us went out to a specific site to look at a specific problem. If you do that, are you saying that you need to have under six people go to that specific site at any given time and look at the specific problem or --

MR. CALDERA: No.

MR. PAGE: You're okay in that case to have ten of you out there?

MR. CALDERA: You could take the whole body. The only thing you've got to do is post the notice, have an agenda that says what you're doing, and take minutes. And you --

MR. PAGE: But if it's under six people, you don't?

MR. CALDERA: If it's under six people, you don't.

MR. PAGE: Okay.

MR. CALDERA: So long as your intent is not to go around the law.

MR. PAGE: No, it's not.

MR. CALDERA: So it's not like, okay, three of us are going to go at this time - actually, this would probably be okay. Three of us are going to go at this time, three of us are going to go at this time, three of us are going to go at that time. That'd probably be all right.

MR. PAGE: There was just a couple of cases that were very complicated --

MR. WEBER: Yeah.

MR. PAGE: -- that some of us felt like we should look at.

MR. WEBER: Yeah.

MR. CALDERA: I would say the easiest thing to do is, when in doubt, just post the notice, do the agenda, and the minutes. Have John or whoever it is on your staff that does it, just do it. It just saves you time and energy. And what -- what -- nobody's going to show up, but they can't --

MR. PAGE: No.

MR. CALDERA: -- they can't sue us and they can't sue you for it. So I said earlier that there's three things that you have to do when you are triggering the public meeting requirements. Well, the first one is the notice. As you mentioned just a second ago, there's a cutoff time. Notice of all open or closed meetings must be posted at least 24 hours in advance; that is a bright-line rule. If your meeting is 23 hours, 59 minutes before you post that notice, you ain't having that meeting, all right. You need to have it posted at least 24 hours in advanced, okay. Now, you could always just push it back an hour or whatever to make sure that you posted it with 24 hours in advance, but it has to be 24 hours in advance.

City has a policy that all notices must be posted in three places. One, the bulletin board right out here. I don't know if you guys have ever seen it, but there's one

right on the other side of this lobby. A prominent place where you're holding the meeting, so that really applies if you're not having the meeting here at City Hall, because the bulletin board is considered the prominent place here. If you're meeting, like, let's say, the Chamber of Commerce Building, you would need to post it facing on the front door so that when people walk in they know where you guys are. And then the third place is, on our website so that people can access it online.

This is what a notice needs to include, pretty straightforward. It needs to include the date of the meeting, the time of the meeting, the place of the meeting, the method of the meeting. The reason I have this up there is because in a jurisdiction -- in an area where you don't have to meet in-person, you would need to list, we're having a meeting via conference call. And you would also have to have a way for the public to call in to listen to what you guys are talking about. We save you that heartache here in the City because you have to meet in-person. So you'll just list where you're meeting.

And then probably the biggest area of litigation is an agenda. The agenda can't just be, we're meeting, new business, or case, you know, it can't be really vague. It's got to be an agenda that reasonably advises the public of the matters to be considered. That is a legal way of basically saying, if you are a member of the public and this body was going to take up a case that I care about, by looking at the agenda, would I have enough information from reading your words to know that you're taking up the case that I care about that night, all right. Just put yourself in the shoes of the public, give enough information to know whether or not they should show up for whatever specific case.

Here's an example of a good one by the Board of Adjustments. So if -- I'll just skim through this real quick. If they are -- all of our notices have these general headlines, approval of agenda, approval of minutes, public hearings, new business, and so forth. If they were to just leave it at that, that would be insufficient. That doesn't

reasonably advise the public about what they're going to be doing that night. Board of Adjustments did a good job with this particular one, if you look at sub-section four, under public hearings, they have a case number. If they had just left it at the case number, that probably -- probably would be deficient. Because again, what does that case number mean? What they do is they add a little one-sentence summary of what that case is going to be; request by Columbia Hospitality Group for blah, blah, blah, blah. If I'm a person that lives near this Columbia Hospitality Group and I don't want them to get that variance, I can look at this agenda and know, oh, they're taking up my case tonight. I can show up and complain or fight it somehow. That's all you need. You don't need to have a whole, you know, novel explaining every possible thing that you're going to be talking about dealing with that case. Just a simple little summary letting me know that that issue's coming up.

Under new business, this is a big one that I see a lot. A lot of folks will just leave new business as just that headline, New Business. And then they'll throw in new things. A lot of times before a meeting starts, they'll -- people will go around and ask, hey, do you want to add anything to the agenda. By in large, I strongly discourage you from adding new things to your agenda, all right. At that -- when you guys first show up and your Chair says, hey, do we approve the agenda as is, if you want to make changes, what -- the only changes you should be making are deleting stuff, or rearranging things, all right. Don't go adding new stuff, because then that just undermines the whole purpose of a notice, right? You've got to post it 24 hours in advance, well, if I can just add things at the last minute under new business, what's the point of posting things 24 hours in advance. So under new business what you could put is just kind of very vague description of the potential things you're going to talk about, all right. Does that make sense? Make sense to everybody?

(Group nods.)



MR. CALDERA: All right. So the last thing that has to come out of a public meeting is the public meeting minutes. The minutes of all open and closed meetings shall be taken, including a recording of all votes. Meetings can be -- minutes can be very bare bones. This is all they have to have. Date of meeting, time of the meeting, place of the meeting, members present and absent, so that's that rollcall that I mentioned earlier, or attendance in this situation. And then a record of any votes taken. So that would literally be, these people voted aye, these people voted nay, these people abstained; that's it. Notice that doesn't say you have to have a transcription of everything that was said at that meeting. You don't even have to have a summary of the things that were said at that meeting, all right. It's probably a good idea to include that in the minutes, so that way if somebody can't show up to the meeting and they Sunshine the minutes, they can kind of see generally what you talked about. But that's best practice. Under the law, this is all you have to have. So I would encourage you to do a little bit more, but always know that legally if this is what you end up with -- if this is what you do, legally, you'll be protected. So that makes it a little more convenient when you do your sub-groups, or your sub-committees, and workgroups you don't really have to have cumbersome minutes of it.

So what is a closed meeting? All right. So you guys don't go into closed session, so this may be irrelevant -- this will be irrelevant for you guys, but I need to education you on this. In case some of you guys decide to go rouge and do something crazy. What is a closed meeting? A closed meeting by definition is any meeting or vote closed to the public as allowed by law. Under the law, you have specific situations that you can go into closed session for, and specific situations where you can close a vote, all right. I'll tell you what those are in a second. But if you ever had to go into a closed meeting, public meeting or vote may only be closed if it falls under this statute, 610.021. There's 23 different reasons you can go into closed session. Just because you can go

into closed session, doesn't mean you have to. You guys just want to be super transparent, keep everything open to the public, go right ahead, that's totally cool.

However, if you ever decide to get it into you that you want to go into closed session, this is legally how you must do it, all right. You can't deviate from this. You have to start off by having a majority of a quorum vote for closing, all right. Majority of a quorum to vote for closing. You record each member's vote in minutes, so that will be a rollcall vote. I vote to go, you know, Jose votes to go into closed session; you vote to go into closed session, and go around the room. You announce publicly the specific exemption under 610.021 authorizing closure and enter it into the minutes. Regardless of whether anybody is there. Awkward, I know, but if -- even if the room is empty, you still have to state it affirmative that we're going into closed session on this specific session. Then you go into closed session, and then anything you do in there -- any votes that you take, those get recorded in a separate closed minutes. That will be totally different than your open minutes, all right.

Once you're in closed session, the only thing that you can talk about is the thing that you went into closed session for. So if you go into closed session to talk to your attorney, you guys call me down because you really want to talk to an attorney. We can talk about what we need to talk about, whatever specific legal action we need to talk about, but we can't go on a tangent to talk about some real estate deal that you guys are have before you or something, all right.

The reason I have this up here, this is very important. Again, to save you money. Is because under the law there's an incentive built in for us to police each other, okay. If there's ever a situation where you -- a colleague gets enough people riled up and convincing them, we should go into closed session, and they want to go into closed session for something that they legally cannot go into closed session about, all right. You as a member of this governmental body, if you speak up and say, we can't go into

closed session for that. Like, let's say for example, somebody's -- really hates John or hates me and says, you know what, I want to go into closed session, I just want to bad mouth them because they are terrible people. And they convince a majority to go into closed session for that. Legally, fyi, that's not a reason you can go into closed session. They convince a majority to go into it. You can speak up and say, this is not a valid reason to go into closed session. This is illegal. I object to this. We do our vote. Let's say they still have enough votes, and they go into closed session. You are entitled to sit in on that closed session still. But if we get sued, you will be removed from that litigation, all right. Its incentive designed for you to police each other, okay. And by doing the right thing, you get protected.

All right. So I mentioned earlier that there is 23 different reasons to go into closed session. Here's a quick summary of what those are. None of them will apply to you guys because you don't go into closed session, but if you ever decide to get it in you to go into one, these are the only reasons you can go into one. This applies a lot to City council and some of our -- like, our HR Boards, but that's it. Those are the only reasons, all right. This slide show will be available to you guys, if you want it, you're more than welcome. All this information is pulled directly out of the Sunshine book, so you'll have that as a guide. That's all I've got. What questions do you have?

MR. WEBER: John, could you send that slideshow to us too?

MR. SIMON: Absolutely.

MR. PAGE: When you said we need to have a rollcall vote on stuff, our minutes show who votes, how they voted; is that sufficient, because somebody's actually counting, I guess.

MR. WEBER: I think it's just the number, right?

MR. SIMON: Usually, I put the ones who are in the minority, who voted against, typically is what I've been doing. And by that simple math, so --

MR. WEBER: So we already do that then?

MR. SIMON: Well, we do. It sounds like we need to do a little bit more --

MR. CALDERA: I would encourage you to -- yeah, be as detailed as possible for those counts, especially that. Or stuff like when you're approving the agenda, or approving the minutes, that really just needs the board approved. You don't have to break that down, all right. That can be done with a thumb vote, or all in favor say, aye. It's the substance of the cases that you guys deal with, or when you guys vote to, you know, to make a change to -- to a code or whatever, you need to have rollcall. We need to know exactly who voted which --

MR. PAGE: So the rollcall vote is really for the public that's here to see how each person voted?

MR. CALDERA: Correct.

MR. PAGE: Because if you do it the way we were doing it, they didn't really see or understand how each person voted.

MR. CALDERA: Correct. Correct. If I just hear a bunch of ayes, well, what if -- what if Jay decided to abstain, you know. Well, I want him to take a position on that. I deserve to know. I want to go complain to my council member to make sure that they, you know, come down on Jay, you know, that's basically what the theory is. We want our -- I know that you guys are an appointed group, you're not an elected group, but you are representatives. And people want to know exactly how they're representatives are deciding things. That's basically it.

MR. WEBER: So basically, John, I guess you could on a sign-in sheet have a column with -- four columns for each issue and just put a check on who voted yes or no.

MR. SIMON: On who voted, like that?

MR. WEBER: Yeah.

MR. SIMON: Okay.

MR. WEBER: That'll work.

MR. CALDERA: There you go.

MR. SIMON: All of us slow down. Would this have been considered ministerial today?

MR. CALDERA: No, this is a substantive meeting because it's training.

MR. CONNELL: So my question --

MR. SIMON: So we did need a quorum?

MR. CONNELL: So if we didn't have a quorum, we would -- we should not have proceeded with this meeting?

MR. CALDERA: Correct. And I'm operating on the assumption that we have. There's a lot of people in this room, so I'm assuming we have a quorum, right?

MR. PAGE: No, we've got to do it again.

MR. CALDERA: No --

MR. CONNELL: My confusion was -- my confusion was because we had talked about if we can't do this all at once, we were going to do it individually, so I didn't think we needed a quorum for this presentation.

MR. CALDERA: For the training? No -- yeah.

MR. CONNELL: Okay.

MR. CALDERA: Well, I mean, for it to be an official, like, the board is getting trained on this sort of thing, yeah. I mean, I will be offering quarterly trainings on this, and actually we talked about this a little bit. Any new members, I'm just going to have them come to me. That technically will not be triggering the public meetings requirements. So I'm not going to post a notice of that, because it's just going to be one or two representatives from this group. But no, for this to be an official action, yeah. All right. Anything else?

MR. PAGE: It's been very interesting and informative.

MR. WEBER: Yeah.

MR. CALDERA: If you guys have any questions -- anything ever pops up, I'm always around. John knows where to get ahold of me. Feel free to ask him and we'll get it --

MR. PAGE: So we could have you come to the meeting sometime when we have something we really needed answers.

MR. CALDERA: If you've got a question, drag me on down here. I'm happy to help as much as I can. It doesn't mean I'll know everything, but at least for Sunshine stuff -- unfortunately, I know a fair amount of the subject. All right. Thank you, guys, for your time.

GROUP: Thank you.

MR. CONNELL: So you're okay with me just forwarding that?

MR. CALDERA: Yeah, go right ahead. You guys have a good one.

GROUP: Thank you.

### **Business License Master Trade Requirement Discussion**

MR. SIMON: This portion should go fairly quick. We've been trying to get to these ordinances for a while. We've looked at most of them already.

MR. PAGE: We haven't had training in a while.

MR. SIMON: Yeah, I just -- it was very important -- a big deal that you guys are aware of the proposed -- ordinances we're proposing to change. So just a little refresher, I think you guys probably recall we simply made a late penalty fee for the plumbing license to match the rest. There was a scale of graduated penalties for a plumbing license. It's just simply to renew their fees like they always do.

MR. JACKSON: As I recall, basically you just getting all of them matched -- matched --

MR. SIMON: We're trying -- we're making them all match.

MR. JACKSON: Yes.

MR. SIMON: Especially the numbers. Match the standards pertaining to expiration and revocation. So this was in the electric ordinance previously. I'm simply adding it to the mechanical and plumbing ordinances.

MR. WEBER: To kind of make them jive, is what we're --

MR. SIMON: We're making them jive. If you recall, we had a pretty significant discussion about revocation of certificates --

MR. PAGE: Uh-huh.

MR. SIMON: Actually, the expiration and -- expiration was in the electric, but the revocation was only in the plumbing. So we didn't have the authority to revoke electric certificates, just like you spoke of in the last meeting when we talked about it. So each ordinance has a provision, revocation for nondisclosure, misstatement, misrepresentation, and that sort of thing. Very -- very simple language. Reciprocity, that was a little while back was changed for the electric ordinance to make it just real clear. So we matched the hours for each ordinance. If you have a journeyman with 8,000 hours of experience, they can test for the mechanical license. If they have 12,000, they can test for a master's license. Plumbing's just a little bit different, because in plumbing we have provision for a -- 6,000 hours you can get a journeyman-type license as well. It's a residential journeyman. The language is all basically the same, 8,000 to 12,000 hours.

And this is the -- where we left it last time, and legal department thought that this was the language I should use. This was language out of the plumbing ordinance that would make it a requirement to have a master on staff to obtain a business license -- a master tradesperson. And we could look at the different sections of that exact language I put -- placed in each proposed new ordinance. I think that was the intent of this board when that language first came out, was that you couldn't get a business license as an individual firm or partnership or corporation unless you had a master employer. Do you think that's accurate? Okay. Well, very simple. That's all I've got. I

just wanted to show you that that's what I intend to send to council.

MR. WEBER: Yeah, it seems really reasonable.

MR. PAGE: Well --

MR. SIMON: I thought so too, because the language wasn't -- it allowed --  
because it  
previously --

MR. PAGE: People were getting licenses using the name of somebody else in a  
different business; is that what --

MR. SIMON: We -- we get complaints fairly regularly that, although a master is  
signing for the permit, they're not actually employed by that firm. And then the only  
leverage I have was to ask for a 1099 or W-2, or just --

MR. WEBER: Yeah, they have a designee that may or may not have a valid  
license.

MR. PAGE: That was what --

MR. SIMON: Right. And they'll still be able to skirt around it if they wish, but  
this is just one more step in the right direction.

MR. WEBER: Right.

MR. SIMON: You know, because there is the idea that you can get revoked if  
you're not telling us the truth.

MR. PAGE: Right.

MR. SIMON: So -- and then we need to step up our enforcement on the job. It's  
not fair to people who work so hard to get their licensure and then they -- we've got  
people out there working without a license. So this all came from complaints. So that's  
it in a nutshell.

MR. WEBER: Do we need to take action or is -- are we good?

MR. SIMON: I think I just wanted to make sure you knew what we intended to



do, and see if there was any resistance or opposition to it.

MR. CONNELL: Any comments from the commission?

MR. SHANKER: Yes.

MR. CONNELL: Mr. Shanker.

MR. SHANKER: I would like to have any kind of administrative type meetings in conjunction with cases. Instead of meeting like this, taking us all away from work, when we're supposed to just look at cases. So that's my comment I'd like to make.

MR. CONNELL: Thank you. Any other comments? Hearing none.

**V. NEXT MEETING DATE - September 25, 2017**

## VI. ADJOURNMENT

MR. CONNELL: Do we have a motion for adjournment?

MR. JACKSON: (Raises hand.)

MR. CONNELL: Mr. Jackson makes a motion.

MR. PAGE: Second.

MR. CONNELL: Mr. Page, seconds. All in favor?

**(Unanimous vote for approval.)**

MR. CONNELL: Thank you.

(MEETING ADJOURNED. Approximately 5:30)

### **motion for adjournment**

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-7214. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.