



CITY OF COLUMBIA



# BOARD & COMMISSION

Member Guide 2017



# WELCOME

*The City of Columbia is committed to achieving excellence in the services we provide to our citizens, in strengthening our city infrastructure and in building and fostering a strong, vibrant community centered upon our citizens. This commitment is part of what makes our community a place where we want to live and raise our families. Your willingness to volunteer on a board or commission is your opportunity to be directly involved in the City's work in achieving our community vision and strengthening our core values. We appreciate your willingness to serve and are excited by the opportunity to work with you to build a brighter future for the City of Columbia.*



*In October 2015, the City Council adopted a Strategic Plan to achieve the vision the citizens of Columbia want for our community through democratic, transparent and efficient government. These are the principles, along with the duties set forth in the legislation establishing your board or commission, which guide your work. By actively participating in your city government, you will help us achieve our vision for our community. It is our hope that the training and support we provide for your work on your board or commission will assist you in your volunteer service for the City. We look forward to your involvement in your city government. By volunteering to serve on a board or commission, you are helping the City shape its policies, implement the City's vision and values and directly involve the citizens in strengthening our community.*

*With gratitude for your service and commitment to the City of Columbia,*

A handwritten signature in dark ink, appearing to read 'B. Treece'.

Mayor Brian Treece



# WHERE TO BEGIN



*The City Council, by choosing to appoint you to a board or commission, believes that you will use your skills, education and life experience to improve the City of Columbia. When the Council forms boards and commissions, it does so for a special purpose.*

*In addition to that purpose, your responsibilities and duties also include:*

- 1 Good preparation, attendance, and active participation
- 2 Acting within the scope of authority granted
- 3 Conduct public business in an open and transparent manner
- 4 Serve as a responsible steward of public resources
- 5 Compliance with laws, including those related to public service

## *Preparation, attendance and active participation*

Preparation, good attendance and active participation are essential. The staff liaison will provide members with the meeting agenda and any related material. To facilitate meaningful and productive discussion, board members should review the agenda and the related material prior to the meeting.

### *Regular attendance at board and commission meetings is important.*

The City realizes that occasionally business and family commitments will prevent a member from attending a meeting. When this happens, a board member should notify the staff liaison and chair of the board or commission of the absence in advance of the meeting. Unfortunately, emergencies happen which prevent advance notification of an absence. As soon as possible after the emergency has resolved, the board member should notify the staff liaison and the chair of the board or commission.

Sometimes an unexpected business or family situation arises which makes attendance and active participation on a board or commission a burden. If a member expects continued absences, the chairperson and the staff liaison should be contacted to discuss the situation. The City Council understands that these situations arise and will understand an individual's need to step down from serving. If a board member determines it is necessary to resign from the appointed position, the member should send a letter or an email to the chair, the staff liaison and the city clerk. This type of scheduling conflict will not preclude future appointments to boards or commissions when a person's schedule is more accommodating.

## *Scope of authority granted*

The City Council has assigned legislation duties and responsibilities to your board or commission. The ordinance or resolution that established the board sets forth the duties and responsibilities of the board. As a member of the board, your authority to act is derived and limited by the ordinance or resolution adopted by the City Council.

Occasionally, the City Council may make special requests to a particular board. The staff liaison will assist the board with its response and will submit the board's response to the City Manager's Office for inclusion on the council agenda.

*“Suggestions from City boards and commissions for staff reports, ordinances or resolutions shall be presented to the Council in the form of a report. Neither staff time nor public monies shall be expended in the preparation of any staff report, ordinance or resolution until the Council has by motion instructed the city manager and staff to prepare such document or, in the instance of an ordinance or resolution which does not require significant staff time, until a Council person has requested such preparation. Any action which may be initiated by any board or commission pursuant to authority granted by the charter, ordinance or statute is specifically exempted from this requirement.”*

*Section 2-47.1 of the City Code*

## *Conduct business in an open and transparent manner*

In August of 2016, the City Council adopted a transparency policy which applies to all levels of city government. The transparency policy supplements the Sunshine Law and declares it to be the policy of the city that all public business to be conducted in an open and transparent manner. The City's transparency policy is set forth in Section 2-14.1 of the City Code.



## *Good stewardship of public resources*

Members of boards and commissions are to follow the City's rules and policies regarding the use of public funds. Public resources are provided to assist in serving the public and are not to be used for personal or private benefit. No public funds or public resources may be used to advocate, support or oppose any ballot measure or candidate for public office. Members have a duty to ensure use of funds and public resources are for public benefit.

If the City has appropriated funds for the work of the board or commission, the board may only spend those funds for the purpose such funds were appropriated. If the board has not been appropriated public funds, then it is not authorized to spend public funds. To request funding, the board must submit a report to the City Council requesting an appropriation. The staff liaison will arrange for the report to be placed on the next available City Council agenda.







**Public funds are  
*NOT* to be used for  
personal or  
private benefit**



**Use public  
resources to  
assist in serving  
the public**

### *Compliance with laws*

In addition to the Council legislation which defines and limits the scope of a board's authority, the board or commission must follow all the laws of the State of Missouri and the ordinances of the City of Columbia. The laws include, but are not limited to, the Missouri Sunshine Law and state laws related to the retention of public records and laws regarding conflicts of interest. These matters are discussed in detail in the next section of this handbook.



# LEGAL STUFF



## ***THIS IS IMPORTANT!!***

*All boards, commissions, task forces and advisory committees of a political subdivision are considered to be a public governmental body under Missouri law which must follow the laws applicable to public governmental bodies, including the Missouri Sunshine Law, state records retention requirements, and conflicts of interest.*

### The “Sunshine Law”

Chapter 610 of the Revised Statutes of the State of Missouri contains the Open Meetings and Records Law (commonly referred to as the “Sunshine Law”) which applies to all public governmental bodies. It is stated public policy in Missouri that all meetings and records of public governmental bodies are open unless otherwise provided by law and that the law is to be liberally constructed in favor of openness.

The City of Columbia also has corresponding city ordinances adopting a policy providing for openness in government meetings and records. This section will highlight the requirements of the Sunshine Law related to meetings within city government...



## Applicability

The law applies to any “public governmental body” or “quasi-public governmental body.” The City Council and all boards, commissions, committees, task forces and similar groups appointed by the Council, the mayor, or the city manager are public governmental bodies subject to the Sunshine Law.

In addition, the law applies to any subcommittee of any board or commission.

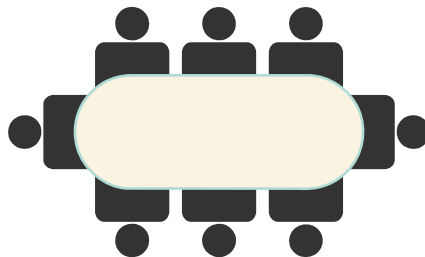
## Meetings

A public meeting includes any gathering of a quorum of the body at which any public business is discussed. A quorum is a decision-making majority of the members of the public governmental body and the minimum number of board or commission members necessary to conduct the business of the group. If the legislative authority does not specify, then the general rule is the quorum is a majority of the members. Majority means more than half (for example, a ten member board requires a quorum of six to hold a meeting).

Without a quorum, those members present may only do a limited number of things, such as setting the time and place for another meeting. Any substantive action taken in the absence of a quorum is invalid. A quorum must exist to begin the meeting and a quorum must exist throughout the meeting. If the number of members in attendance at any point falls below the number needed for the quorum, the board or commission loses its right to conduct substantive business and the meeting is at an end.

A public meeting also includes informal work sessions, site visits and discussions of public business performed by means of electronic communication equipment where a quorum of the body is included in the communication. The Sunshine Law applies to any gathering of a quorum, including discussions held by group email, Internet message board, Facebook, or similar electronic means where a quorum of the body is participating.

Board members should be cognizant and cautious of discussing public business without meeting the requirements of the Sunshine Law when attending conferences or traveling to and from meetings where a quorum of the body may be seated at a table or present in a vehicle together. Social gatherings where there is no intent to avoid the law are excluded from applicability of the Sunshine Law.



## *Notice of meetings*

The Sunshine Law requires notice of the time, date, place and tentative agenda of every meeting of a public governmental body. That notice must be given in a manner reasonably calculated to advise the public of the matters to be considered at the meeting. Notice of the meeting must be posted at least 24 hours in advance, exclusive of weekends and holidays. The city requires the notice be posted on the bulletin board in the first floor hallway of City Hall and on the city website. If the meeting is not held in City Hall, proper notice is required to be posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose in the building where the meeting is to be held.

## *Location and conduct of meetings*

All meetings must be held in a place accessible to the public and at a time reasonably convenient to the public. The meeting room must be of sufficient size to accommodate the anticipated attendance.

Public governmental bodies must allow open meetings to be recorded by audio tape, video tape or other electronic means. Public bodies may establish guidelines regarding the manner in which recordings are conducted to minimize disruptions.

Minutes of all meetings must be taken and retained. At a minimum, minutes must include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes must contain the motion made and attribute each affirmative vote, negative vote or abstention to the individual member of the group.

All records of the board or commission, including the minutes, must be kept by the staff liaison or by the records custodian of the staff liaison's department. The records should be at a location where they are available to the public.

## *Accessibility*

It is important to the City of Columbia that all members of the community be able to actively participate in government and government services. City of Columbia meeting facilities are accessible to the disabled and should be used whenever possible for the conduct of meetings. In addition to physical accessibility, some citizens may request interpreters or other accommodations. The staff liaison is responsible for responding to requests for accommodations and making arrangements when accommodations or interpretation services are required.

## *Rules of order*

The chair is responsible for the conduct of the meetings and maintaining decorum during the meetings. Formal adherence with Robert's Rules of Order is not required; however, general conformance is recommended to promote fairness and efficiency.

## *Voting*

Each member of the public governmental body must personally vote (no proxies allowed). Physical presence of a majority of the members at the meeting location is required to establish a quorum of the body. City procedures do not provide for videoconferencing by boards and commissions.

The general rule is the affirmative vote of a majority of the members present at the meeting is sufficient for a motion to be approved. However, some boards or commissions may have specific rules related to voting which control whether a measure passes. For example, under state law the Board of Adjustment requires an affirmative vote of four members to approve a variance. Your staff liaison will advise you of any special rules which may apply to your board.

## *E-mail and other electronic communications*

When email is used as communication by a member of a public body to discuss public business, the laws relating to open meetings and records apply and must be followed. One can think of email as an electronic meeting with all the same requirements as an in-person meeting. The Sunshine Law addresses the use of email as a form of communication and prohibits any “discussion” carried on by a quorum of the governmental body, unless the requirements relating to notice and public access are met. When a quorum of a governmental body engages in a discussion via email, the discussion is considered a meeting. Because the discussion is considered a meeting, notice of the public meeting and access to the public meeting must be provided in accordance with the requirements of the Sunshine Law.

Information may be distributed via email; however, the law provides that if a member of a public body emails two or more members of the body so that a majority of the body, counting the sender, is copied, the member must also copy the custodian of records. The message becomes a public record subject to the Sunshine Law. Under some circumstances, email communication between less than a majority of the public body may become a public record if it relates to public business. Because discussions carried on by a quorum of the body in group emails are meetings, members who receive information that has been distributed via email should not “reply to all” to engage in a discussion regarding the matter.

The notice of meeting requirements under the Sunshine Law provides that any meeting conducted by telephone or other electronic means must identify the mode by which the meeting will be conducted and designate a location where the public may observe and attend the meeting. The City currently has no practical way to provide the public with reasonable access to meetings held using group email or list servers. Accordingly, city boards and commissions may not use group email or other electronic communication to carry on discussions of City business.

## *Closed meetings*

Although the public policy of the state of Missouri is to conduct public business in the open, there are instances when a body may conduct business in closed session. The Sunshine Law sets forth specific reasons why a meeting may be closed. Possible reasons for closure of a meeting to the public include litigation, attorney-client privileged communication, real estate transactions, personnel matters relating to hiring or discipline of a particular employee and contract negotiations.

Due to the nature of their work, most boards and commissions do not have the authority to meet in closed session. The chairman should consult with the staff liaison to determine whether the board has the authority to meet in closed session on any particular issue and, if allowed, the staff liaison will assist with proper procedures.

## *Penalties*

A person who “knowingly” violates the Missouri Sunshine Law is subject to a fine of up to \$1,000. A person who “purposely” violates the law is subject to a fine of up to \$5,000. In addition, costs and reasonable attorney fees may be assessed against the member or the governmental body.

## *Additional resources*

Additional information on the Sunshine Law is available from the following sources:

- Missouri Attorney General's website: [www.ago.mo.gov](http://www.ago.mo.gov)
- Sections 610.010 through 610.035 RSMo. (available through the Missouri General Assembly website at [www.moga.mo.gov](http://www.moga.mo.gov))
- City Code Chapter 2, §2-23 through §2-25.6 (available through the City's website at [www.CoMo.gov](http://www.CoMo.gov))

## *Records Retention Requirements*

As a governmental body, a board or commission will create, obtain and retain records. State law places requirements on public records, including how long a particular record must be retained. Per Section 2-25.4 (c) of the City Code, the head of each city office or department responsible for staffing a city board, commission, committee, task force or similar group is the record custodian of the group's records unless the head of the department appoints another person to serve as record custodian and notifies the city clerk of the appointment.

Access to the local records board record retention schedules is available via the Missouri Secretary of States website at: <http://www.sos.mo.gov/archives/localrecs/schedules/>

## *Closed records*

Some boards and commissions may have access to records that are closed by law or access to other confidential information. It is a crime to disclose or release certain closed records. Use of such confidential information is for official business only. Board members entrusted with access to confidential information or closed records are responsible for the security of the closed records and confidential information.

## *Conflicts of Interest*

Conflict of interest questions arise at all levels of government. Generally, a member is prohibited from participating in any matter which could result in a financial gain to self, spouse or dependent children. Areas of concern arise when a board or commission member is faced with influencing or making a decision on any matter involving any of the following:

- (1) any non-profit organization on which the member serves on the board of directors or is an officer or employee;
- (2) a business owned in whole or in part by the member or immediate family (must be greater than ten percent ownership interest in the company);
- (3) a business by which the member or the member's spouse or dependent children are employed; or
- (4) when the outcome could otherwise be economically advantageous to the member, the member's spouse or dependent children, or business associated with such member.

In such cases, the members should disclose the conflict to the other board members and abstain from all discussions and votes on the matter.

In addition to those situations in which there is a conflict of interest, all members of a board or commission must be aware of situations in which there is an appearance of a conflict of interest. In some cases, a matter may be pending before a board which will not benefit the member or a member of his or her family in any way, but the public may perceive it otherwise. In such situations, the board members may consider excusing himself or herself from the discussion or vote or disclosing the circumstance and declaring that it will not impact any decision-making on the matter.

If an issue arises, the member should discuss the situation with the chair and staff liaison. Attorneys in the law department are prohibited from providing legal advice to individuals; however, a board member may contact the law department to discuss a potential conflict and obtain additional information to assist with making an informed decision. If there is any doubt, the safest course of action is to abstain from participating in discussions on the issues. If practical, abstention should include leaving the room where the board or commission is meeting while the matter is discussed and acted upon.

Additional information relating to conflicts of interest is available from the Missouri Ethics Commission: [www.mec.mo.gov](http://www.mec.mo.gov)


# CITY STAFF IS HERE TO ASSIST!

*Introducing your new best friend...*

To assist boards and commissions with performance of duties, each board has a staff liaison. The staff liaison is the connection to city government and is responsible for facilitating the flow of communication between the board, the city manager, City staff and the City Council. In some instances, it may be the role of the staff liaison to review applications, provide professional analysis, prepare reports, and make formal (or informal) recommendations to the board, commission, city manager or City Council.







*Thank you for  
your service!*

