



# BOARDS & COMMISSIONS

## MEMBER'S GUIDE



Last Updated: January 2025



# 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.

The City's Mission is to service the public equitably through democratic, transparent and efficient government. This core principle, along with the duties set forth in the legislation establishing your board or commission, will 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,

—Mayor and Council

# 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

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**2**

Act within the scope of authority granted

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**3**

Comply with laws including those related to conflicts of interests, Sunshine Laws and records retention

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**4**

Conduct business in an open and transparent manner

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**5**

Serve as a responsible steward of public resources

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## **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 with the effective resignation date 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 assigned certain 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 place the board's response 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(c) of the City Code

## Compliance with laws

In addition to the Council legislation which defines 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 starting on **Page 8** of this handbook.

## Conduct business in an open and transparent manner

In August 2016, the City Council adopted a transparency policy which applies to all levels of city government. The transparency policy requires 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(c) 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.

Violation of conflict of interest laws governing improper use of funds have the potential for both civil and criminal penalties. See **Page 13** for more detail on conflicts of interest.



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



Use public resources to assist in serving the public

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# CITY STAFF ARE HERE TO ASSIST

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.

Liaisons will be responsible for and can assist with...

- Scheduling meeting dates and locations and preparing agendas
- Maintaining website postings, board databases and calendar
- Serving as primary contact for City employees and the public
- Providing new member orientation and scheduling training
- Recording minutes and sending reports to City Council
- Responding to Sunshine Law requests and assisting in understanding of laws
- Assisting with budgets and maintaining records to ensure compliance
- Keeping board informed on changes to City's Strategic Plan and requests for reports

# LEGAL POINTS

## 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 the state records retention requirements and conflict of interest laws.

### Governmental transparency and 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.



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## 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. The general rule is the quorum is a majority of the members. Majority means more than half (for example, a 10 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 stops. Proper notice is also required to be posted.

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 discussion of public business and 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. Meetings may not be held in private residences.

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 and maintained as a permanent record of the City 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 residents 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.

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## 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.

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.

## Email 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 chair 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 per violation. A person who “purposely” violates the law is subject to a fine of up to \$5,000 per violation. 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 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 items. 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.

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## 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 10 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.

Boards or commissions that have any administrative or recommending authority over the use of federal funds may have additional more restrictive conflict of interest regulations. For example, under HUD CDBG rules, no person who is (or has been one year prior to appointment) an employee, agent, consultant, officer, or appointed official of an agency receiving grant funds may serve on a board or commission that participates in a decision-making process with regard to use of such grant funds. Abstention is not an option under such circumstances - the board member must either resign or the organization with which the individual was associated is ineligible to receive funding.

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 their family in any way, but the public may perceive it otherwise. In such situations, the board members may consider excusing themselves 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)

