

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, AUGUST 20, 2003**

The Board of Aldermen of the City of Branson, Missouri, met in special session in the Council Chambers of the City Hall on August 20, 2003 at 8:30 a.m. with the following members present:

Mayor Lou Schaefer presiding, with Stan Barker, Beverly Martin, Ron Huff, and David Edie present. Absent were Dick Gass and Jack Purvis.

Also in attendance were: City Administrator Terry Dody, City Attorney Dan Wichmer, City Clerk Sandra Williams, Assistant Administrator Kevin Faught, Finance Director Deanna Schlegel, Rick Huffman, Rick Gaff, and Gary Groman.

At this time, Mayor Schaefer asked if there were any questions from the audience in relation to the Executive Session.

Gary Groman, 230 Riverpoint Road, Hollister, GARY GROMAN addressed the Board. Mr. Groman stated, "My purpose in asking to speak to you this morning is to ask you to take a look at the Notice. Item 3 very distinctly points out the subsections obviously that apply to the exceptions for the Executive Sessions. However, it does not give a reason. Technically you do not have to give a reason. Technically, audit report aside, all you have to give is a subsection. However, the spirit of the Sunshine Law is to give the public the information they need so they can have confidence in the business that is being conducted for them, and also to enable them where appropriate, to participate. It is in the spirit of that law, that I would ask you, for example, I don't know if this is the case, I have no way of knowing, for example say this morning the purpose of your meeting was you were going to discuss the purchase of land down at the lakefront. How can that possibly interfere with the business you have to conduct. On the other hand, it gives the public some specific information about that which you are going to be doing. The reason I say you might want to consider it, it is kind of like the old Fram Oil filter ad 'You pay me now or you pay me later.' If somebody decided to take judicial enforcement action, Section 61.027 says, 'Once a party seeking judicial enforcement of a section of the Sunshine Law demonstrates to the Court that the body in question is subject to the requirements, and has held a closed meeting, record or vote, the burden of persuasion shall be in the body and its members to demonstrate compliance.' If somebody brings a lawsuit and you have to demonstrate compliance why not take a little bit of assurance and maybe go a little bit away from the letter

line. I know it is kind of hard to do because everything you do, everybody in the world is trying to second guess you and rip your knickers. But, I went down yesterday and looked at this thing, particularly in view of what has happened recently with the state audit. Why not be a little more explicit. That young man over there can do a fine job. He can at least give the public some information about what you are dealing with. That is even important to some of you folks because those are the only topics you can discuss during the meeting. Isn't that important? The way it is right now it is open ended. You are setting there and unless you happen to be a lawyer, 'Oh yea you can discuss that'. Well maybe you can and maybe you can't. My plea to you is particularly in Closed Sessions be very very careful with them. Go for the spirit of the law, not the letter of the law. Of all of the stuff that I read in that audit, the only thing that truly caused me concern was the Sunshine Law. Because in my heart I believe that in fact we have perhaps used the Closed meetings in excess, and I would just encourage you please, please be more specific. It doesn't have to give away the farm. An example, if you are going to talk about buying land on the lakefront, that doesn't get into anything relative to price and details or anything else."

EXECUTIVE SESSION:

Mayor Schaefer entertained a motion to convene into Executive Session. Alderman Huff moved to go into closed Executive Session pertaining to negotiated contracts pursuant to 610.021.12; and legal actions, causes of actions in litigation involving leasing, purchase and sale of real estate pursuant to 610.021.1 and 610.021.2 where public knowledge of the transaction might adversely affect the legal consideration, therefore; and confidential or privileged communication between a public governmental body or its representatives and its attorneys. The motion was seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, and Edie. Nays: none. Absent: Gass and Purvis. Motion carried.

ADJOURN:

Mayor Schaefer entertained a motion to adjourn. Alderman Barker moved to adjourn, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, and Edie. Nays: none. Absent: Gass and Purvis. Motion carried.

Meeting was adjourned at 8:40 a.m.