# RESOLUTION 2016-7

**Agenda Item**

**TO:** Mayor and City Council

**FROM:** Mark S. Gaugh, City Manager

**DATE:** March 7, 2016

**RE:** Resolution to Cover Costs of Sunshine Law Compliance

Issues

Recently, the City received a records request from opposing attorneys involved in litigation with the City over tax payments due. Since it has to be determined which records are closed, legal research is required. The opposing attorneys do not want to pay for the legal expense incurred by the City to meet their request.

The attached Resolution requests an opinion from the Missouri Attorney General, regarding the collection of fees for legal research done by the City's hired attorneys. This research is required by the Sunshine Law when requested, and when there is litigation, the opposing attorneys can request all sorts of information from the City. This runs up the cost of the litigation, which should not be assessed to the City.

Recommendation

Staff recommends that the Council approve the Resolution for a determination from the Missouri Attorney General.

**RESOLUTION- 2016___**

**A RESOLUTION OF THE CITY COUNCIL REQUESTING A FORMAL OPINION FROM THE MISSOURI ATTORNEY GENERAL**

**WHEREAS,** the City has received a records request, purportedly pursuant to the Missouri Sunshine Law, which required the City's attorneys to research whether particular records are open or closed;

**WHEREAS,** the City has asserted that the time spent by the City's attorneys (who are outside counsel not employed by the City) researching to determine whether particular records are open or closed in response to a records request is chargeable to the requestor of information pursuant to § 610.026.1(1), which provides that "[r]esearch time required for fulfilling records requests may be charged at the actual cost of research time";

**WHEREAS**, the City recognizes that the Missouri Attorney General has already opined in a letter that Chapter 610 permits the City to charge an attorney's "actual cost for doing…research" regarding a records request;

**WHEREAS**, despite this prior opinion by the Missouri Attorney General, the requestor of information disputes the City's ability to charge time spent by the City's attorneys researching whether particular records are open or closed; and

**WHEREAS**, regarding the City's determination of closing particular records under the Missouri Sunshine Law, the City desires to resolve any about the legality of charging certain of its costs for making that determination by seeking a formal opinion of the Missouri Attorney General.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMERON, MISSOURI as follows:**

**Section 1**: The City Manager of the City of Cameron, Missouri, is authorized to request on behalf of the City of Cameron, Missouri that the Missouri Attorney General issue a formal opinion regarding whether Chapter 610 permits a public governmental body to charge for time spent by the City's attorneys (whether outside counsel or otherwise) researching to determine whether particular records were open or closed in response to a Sunshine request.

**Section 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved by the City Council on this __ day of _____ 2016.

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Mayor Dennis M. Clark

ATTEST:

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City Clerk/Finance Clerk