

IN THE CIRCUIT COURT OF MARIES COUNTY  
STATE OF MISSOURI

STATE OF MISSOURI ex rel. )  
ANDREW BAILEY, in his )  
official capacity as )  
Missouri Attorney )  
General, )

Plaintiff, )

v. ) Case No. \_\_\_\_\_ )

CITY OF BELLE, )  
Serve at: 200 E. Third St. )  
Belle, MO 65013 )  
Defendant. )

PETITION

1. The Open Meetings Law provides the public with critical tools to ensure that government remains transparent, honest, and efficient.

2. The Open Meetings Law declares that it is the State of Missouri’s public policy that “meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public[.]” § 610.011, RSMo.<sup>1</sup>

3. That policy of open meetings is to be “liberally construed and [its] exceptions strictly construed to promote [openness].” *Id.*

4. Despite the Open Meetings Law’s mandate of open and transparent government, the City of Belle has committed systematic and pervasive violations of

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<sup>1</sup> All statutory references in this Petition are to RSMo as supplemented through the date of this Petition.

the Open Meetings Law in 2023. The City has failed to (1) post notices of Board of Aldermen public meetings in accordance with the Open Meetings Law's requirements; (2) properly identify sections of the Open Meetings Law that authorize a closed meeting; (3) include reasonable specificity of topics on meetings agendas and (4) discuss items of business limited to the posted agenda items; and (5) keep meeting minutes as required by the Open Meetings Law.

5. As a result of the City's failure to comply with the law's most basic requirements, Belle residents have been deprived of the opportunity to attend public meetings and be apprised in advance of items the Board discusses.

6. The Attorney General brings this action on behalf of the State of Missouri to enforce the Open Meetings Law and to ensure that the public has access to the meetings, records and votes of the City as required by law.

**Parties**

7. Andrew Bailey is the duly elected Attorney General of Missouri.

8. Section 27.060 grants the Missouri Attorney General authority to:  
institute, in the name and on the behalf of the state, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the state, and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and he may also appear and interplead, answer or defend, in any proceeding or tribunal in which the state's interests are involved.

9. Additionally, under § 610.027.1, the Attorney General has authority to seek judicial enforcement of Sections 610.010 through 610.026.

10. The City of Belle is a 4<sup>th</sup> class city under Section 72.040. It has been incorporated under Section 79.010.

11. The City of Belle is a public governmental body under Section 610.010(4).

12. The City of Belle has an elected Mayor, who is presently Darryl White, and a Board of Aldermen, whose offices are established under Section 79.050.

13. The City of Belle Board of Aldermen is a public governmental body under Section 610.010(4).

14. The City refers to the Board of Aldermen variously as either the Board of Aldermen or the City Council.<sup>2</sup> For example, the City's website refers to a "City Council" and a "Board of Aldermen," but these are the same entity.<sup>3</sup>

15. Under Section 79.110, the "mayor and board of aldermen of [the City] shall have the care, management and control of the city and its finances[.]"

16. The Board is composed of the Mayor and four alderpersons, and the Mayor may vote in the case of a tie. Under Section 79.120, the Mayor "shall exercise a general supervision over all the officers and affairs of the city, and shall take care that the ordinances of the city, and the state laws relating to such city, are complied with."

17. Mayor Darryl White has failed to ensure that the Missouri Open Meetings Law has been complied with.

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<sup>2</sup> This Petition will refer to this entity as the Board of Aldermen or the "Board."

<sup>3</sup> See <https://cityofbellemo.org/mayor-and-city-council/>

**Jurisdiction and Venue**

18. This Court has subject matter jurisdiction over this action pursuant to Sections 610.027 and 610.030; Missouri Supreme Court Rule 92; and Missouri Constitution Article V, § 14.

19. The City’s principal place of business is in Maries County, Missouri.

20. This Court has personal jurisdiction over the City because the City’s principal place of business is in Maries County, Missouri.

21. Venue is proper in this Court under Section 610.027.1 as the City’s principal place of business is in Carroll County, Missouri.

**Allegations Common to All Counts**

22. The Missouri Open Meetings Law codifies the State’s public policy in favor of and commitment to open and transparent government.

23. The Open Meetings Law is codified at Sections 610.010 to 610.225.

24. The Law provides that “[i]t is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public[.]” § 610.011.1.

25. Pursuant to that clear public policy, “all public meetings of public governmental bodies shall be open to the public . . . and all public votes of public governmental bodies shall be recorded[.]” § 610.011.2.

26. To help carry out this public policy of openness, a public governmental body is required to provide notice to the public of its upcoming meetings. Specifically, “[a]ll public governmental bodies shall give notice of the time, date, and place of each

meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. . .” § 610.020.1.

27. Additionally, Section 610.020 requires that:

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

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4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

28. A “public meeting” is defined in the Open Meetings Law as “any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment.” § 610.010(5).

29. When a public governmental body is allowed to close a meeting or vote, the meeting or vote “shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote.” § 610.022.3.

30. The “specific reason announced” for a public body to close a meeting must relate back to a specific provision in § 610.021 which authorizes, but does not

require, a public body to conduct a closed meeting for specific purposes elaborated in that section. § 610.022.3.

31. Section 610.022.3 further limits the topics a public governmental body may discuss once the body has closed the meeting. That statute provides, “[p]ublic governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote.”

32. Section 610.027.2 establishes that: “[o]nce a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.”

33. When a public body conducts a closed meeting, the public body must then demonstrate that a meeting was closed for the specific reason or reasons as authorized by law, that the correct provision of law was appropriately cited when taking a vote to adjourn to close session, and that its members did not discuss any business not related to the stated reason for entering the closed meeting.

34. The City’s principal office is its City Hall, located at 200 3<sup>rd</sup> St, Belle, MO 65013.

35. At all times relevant to this Petition, the City, the Board, and Mayor White have been aware of their obligations under the Missouri Open Meetings Law.

36. The City, Mayor White, and the Board have known that the Open Meetings Law may subject a public governmental body to legal consequences for violations, which may include fines.

**COUNT I – Violations of Section 610.020.1 and .2 for failing to provide notices of public meetings**

37. Plaintiff herein restates and incorporates by reference the allegations contained in all preceding paragraphs of the Petition.

38. Section 610.020, RSMo, states in pertinent part:

1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered... Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall

be made to grant special access to the meeting to handicapped or disabled individuals.

39. For at least three public meetings in 2023, the City failed to provide sufficient public notice for Board of Aldermen meetings. Each of those meetings were a “public meeting” as defined in Section 610.010.

40. On June 16, 2023, the Attorney General’s Office sent a request for public records to the City that sought, in part, meeting notices and tentative agendas of Board of Aldermen meetings. The City’s custodian of records received the request and responded to it. The City later confirmed to the Attorney General’s Office that all records requested by the Attorney General’s Office has been produced.

41. The City did not provide the Attorney General’s Office copies of meeting notices or agendas for two Board meetings held on May 31 and June 6, 2023.

42. Upon information and belief, the Board of Aldermen held public meetings on each of those dates.

43. In the Board of Aldermen has maintained meeting minutes for a May 31 and June 6, 2023 public meeting.

44. Upon information and belief, the City did not post a public meeting notice for each of those public meetings that was located on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting.

45. During both meetings, Mayor White and all four aldermen were present.

46. In addition, at or about 5:00 p.m. on Monday July 31, 2023, the Board of Aldermen held a public meeting.

47. The Board typically meets on the second Tuesday of each month at 6:30 p.m. However, the Board's July 31, 2023 meeting was captioned a "special meeting."

48. On Friday, July 28, 2023, the City posted a meeting notice indicating that the Board would convene a meeting on July 11, 2023.

49. At about 4:15 p.m. on Monday, July 31, 2023, the City amended that meeting notice to change the date of the meeting from July 11 to July 31, 2023.

50. Members of the public who saw the meeting notice would not have known that the Board was to meet on July 31, as the meeting notice did not have the correct date. And at the time the City did amend the meeting notice to state the correct date, there were approximately two hours before the meeting would occur.

51. The City violated Section 610.020.1 and .2 because it did not provide notice of the time, date, and place of either or both of all three public meetings identified above within 24 hours of the meetings.

52. The City, Mayor White, and the Board have known that public meetings must be posted to the public no sooner than 24 hours in advance of the public meeting.

53. The City exhibited a conscious design, intent, or plan to violate the Open Meetings Law.

54. The City was aware that consequences exist for violating the Open Meetings Law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff: (a) declaring Defendant violated the Open Meetings Law by failing to comply with notice requirements of § 610.020 in each instance described above; (b)

order appropriate injunctive relief under § 610.030 to ensure the City complies with the Open Meetings Law's meeting notice requirements; (c) award \$1,000 in monetary penalties for each knowing violation the Court finds under § 610.027.3; (d) award \$5,000 in monetary penalties for each purposeful violation the Court finds under § 610.027.4; and (e) any such further relief as the Court deems just and appropriate.

**COUNT II – Violations of Section 610.020.1 for discussing items of public business not on meeting agendas**

55. Plaintiff herein restates and incorporates by reference the allegations contained in all preceding paragraphs of the Petition.

56. Section 610.020.1 requires that public governmental bodies post a “tentative agenda” that is “in a manner reasonably calculated to advise the public of the matters to be considered.”

57. On several occasions throughout 2023, the Board posted a notice of public meeting that included an agenda not reasonably calculated to advise the public of the matters to be considered. In these instances, the agenda lacked reasonable specificity on items that were intended to be discussed in the public meeting. These agenda items did not include all items of public business discussed or voted on by the Board.

58. On or about April 18, 2023, the City posted a meeting notice of a Board meeting to be held on April 24, 2023 at 6:30 p.m. The only agenda item stated “Review Engineer Qualifications for Rock Island Trail.”

59. The Board, in fact, held a meeting on April 24, 2023. That was a “public meeting” as defined in Section 610.010.

60. During the April 24, 2023 meeting, the Board discussed items of business other than reviewing engineer qualifications for the rock island trail. The Board discussed at least six additional items and took four public votes. These votes related accepting a grant proposal, a vote to appoint the city marshal as the street commissioner, a vote to increase the city marshal's pay, and a vote to change the rules related to employee time clocks. Neither these votes nor these other discussion items were included on the City's meeting notice.

61. The City knew or reasonably should have known in advance of the meeting that any of those topics would have been discussed at the April 24, 2023 meeting.

62. The City has not provided the Attorney General's Office with copies of an agenda for the April 24, 2023 meeting other than the notice that was posted on April 18, 2023.

63. On or about April 12, 2023, the City posted a meeting notice indicating that a meeting of the Board will take place on May 9, 2023 at 6:30 p.m. That meeting notice does not include any agenda items. The Board held the meeting on May 9, 2023, which was a public meeting as defined in Section 610.010.

64. During the May 9, 2023 meeting, the Board discussed several items of public business that were not included on the April 12, 2023 meeting notice, including: approval of bills to be paid; resignation of a member from the Board of Adjustment; proposed ordinance rezoning of an address; resignation of the public

works director; a sidewalk project; citywide clean up; a police car; and a franchise electric agreement.

65. Upon information and belief, the Board was guided in its May 9, 2023 meeting by an agenda. Upon information and belief, the City did not later post a copy of that tentative agenda to the public more than 24 hours in advance of the meeting being held.

66. That agenda did not originally include resignation of a specific employee with the initials C.J., the width of a right-of-way, and donating gate fees collected at events to two different entities.

67. As to the donations of gate fees, an alderperson made a motion to take a vote on that topic, which was seconded by another alderperson, and the motion passed. Upon information and belief, that discussion topic and vote were not on the City's original notice of the meeting or an agenda that was presented during the Board meeting.

68. The City knew or reasonably should have known in advance of the meeting that any of those topics would have been discussed at the April 24, 2023 meeting.

69. On or about November 17, 2022, the City held a public meeting to take place on or about April 11, 2023 at 6:30 p.m. That meeting notice does not include any agenda items. The Board held the meeting on April 11, 2023, and it was a public meeting as defined in Section 610.010.

70. During the April 11, 2023 meeting, the Board discussed several items of public business that were not included on the November 17, 2022 meeting notice or a meeting agenda that later guided the Board, including: taking a vote on submitting a property damage claim to the City's insurance carrier following a lightning strike to a lift station; and taking a vote on purchasing new pumps for lift stations.

71. During the April 11, 2023 meeting, the Board did, in fact, take a vote on those two items.

72. An agenda for the April 11, 2023 meeting indicated that the Public Works Director would provide a report under the agenda item "Dept Head Reports." However, that agenda item was not reasonably specific so as to inform the public of the votes or the expenditures of public funds.

73. The City knew or reasonably should have known in advance of the meeting that any of those topics would have been discussed at the April 11, 2023 meeting.

74. On February 21, 2023, the Board held a "special session" public meeting that included an open session and a closed session. Both sessions were public meetings as defined in Section 610.010.

75. The Board's tentative agenda noted only that "police department" would be discussed.

76. The phrase "police department" is not an agenda topic that sufficiently informs the public of the matters to be considered, as it is too broad so as to provide

meaningful information to the public on what, specifically, about the police department would be discussed.

77. During the February 21, 2023 meeting, the Board discussed the purchase of a K9 police dog from the Maries County Sheriff's Office.

78. During the closed-session portion of the meeting, the Board took a vote on imposing a cap of a counter-offer to present to the Maries County Sheriff's Office.

79. Neither the expenditure of public funds nor any reasonably-specific information on a K9 dog were included on the public meeting agenda.

80. The City knew or reasonably should have known in advance of the meeting that scope of the discussion would be focused on the K9 dog and not the "police department" more broadly.

81. On February 13, 2023 at about 6:30 p.m., the Board held a public meeting, which was a public meeting as defined in Section 610.010.

82. The Board's agenda for that meeting included a section reading "Old Business," with the topic "Accept Resignation" underneath.

83. "Accept Resignation" is not an agenda topic that sufficiently informs the public of the matters to be considered, as the agenda items does not identify the employee, official, or title that is being resigned.

84. During the February 13, 2023 meeting, Mayor White read aloud the resignation of former alderperson Gina Tegart. The Board took a vote on a motion to accept the resignation, and the vote passed.

85. In addition, during the Board's February 13, 2023 meeting, the Board also voted to appoint a new alderman to a vacant seat. The Board took a vote on a motion to appoint James Mitchell to the vacant seat, and the motion passed.

86. Neither the publicly-posted notice nor the publicly-posted agenda for the February 13, 2023 meeting indicate that a new Board member would be under consideration for appointment or that a vote would take place.

87. The City knew or reasonably should have known in advance of the meeting that the Board would have considered the appointment of a new alderperson at the February 13, 2023 meeting.

88. The City, Mayor White, and the Board have known that public meeting agendas must be reasonably calculated to advise the public of the matters considered at a public meeting.

89. The City exhibited a conscious design, intent, or plan to violate the Open Meetings Law.

90. The City was aware that consequences exist for violating the Open Meetings Law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff: (a) declaring Defendant violated the Open Meetings Law by failing to comply with notice requirements of § 610.020 in each instance described above; (b) order appropriate injunctive relief under § 610.030 to ensure the City complies with the Open Meetings Law's meeting notice requirements; (c) award \$1,000 in monetary penalties for each knowing violation the Court finds under

§ 610.027.3; (d) award \$5,000 in monetary penalties for each purposeful violation the Court finds under § 610.027.4; and (e) any such further relief as the Court deems just and appropriate.

**COUNT III – Violations of Section 610.020.7**

91. Plaintiff herein restates and incorporates by reference the allegations contained in all preceding paragraphs of the Petition.

92. Section 610.020.7 states:

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall 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 shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

93. On June 16, 2023, the Attorney General's Office sent a request for public records to the City that sought, in part, meeting minutes of Board of Aldermen meetings. The City's custodian of records received the request and responded to it. The City later confirmed to the Attorney General's Office that all records requested by the Attorney General's Office has been produced.

94. The City did not provide the Attorney General's Office with meeting minutes for the following open-session meetings:

- a. March 23, 2023 at 1:00 p.m. meeting of the Board of Aldermen
- b. May 11, 2023 at 6:30 p.m. of the Board of Adjustment
- c. May 30, 2023 at 3:00 p.m. meeting of the Board of Aldermen

95. On or about March 16, 2023, the City did post a notice of a “special meeting” of the Board to take place on March 23, 2023 at 1:00 p.m. with the following agenda item: “Active Living Plan.”

96. The City posted a meeting notice for a Board of Adjustment meeting to be held on May 11, 2023 at 6:30 p.m. that included one “new business” agenda items: “Board of Adjustment to address the Proposed Ordinance Rezoning of 203 Lenhoff Dr. from R1 – B1.” The Board of Adjustment is a public governmental body of the City.

97. The City posted a meeting notice for a Board of Adjustment meeting to be held on May 11, 2023 at 6:30 p.m.

98. The City posted a meeting notice for a Board of Aldermen meeting to be held on May 30, 2023 at 3:00 p.m.

99. Upon information and belief, the City did not post a cancellation notice of those meetings. Or, if there was a cancellation, the City did not provide that information to the Attorney General’s Office.

100. Upon information and belief, the Board of Aldermen and/or the Board of Adjustment did meet on those meeting dates, as indicated in the meeting notices.

101. The City failed to maintain meeting minutes of those meetings.

102. In so doing, the City violated Section 610.020.7.

103. The City, Mayor White, and the Board have known that a public governmental body must keep minutes open and closed meetings.

104. The City exhibited a conscious design, intent, or plan to violate the Open Meetings Law.

105. The City was aware that consequences exist for violating the Open Meetings Law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff: (a) declaring Defendant violated the Open Meetings Law by failing to comply with notice requirements of § 610.020 in each instance described above; (b) order appropriate injunctive relief under § 610.030 to ensure the City complies with the Open Meetings Law's meeting minutes requirements; (c) award \$1,000 in monetary penalties for each knowing violation the Court finds under § 610.027.3; (d) award \$5,000 in monetary penalties for each purposeful violation the Court finds under § 610.027.4; and (e) any such further relief as the Court deems just and appropriate.

**COUNT IV – Violations of Section 610.022.3**

106. Plaintiff herein restates and incorporates by reference the allegations contained in all preceding paragraphs of the Petition.

107. Under the Open Meetings Law, “all public meetings of public governmental bodies shall be open to the public” unless specifically exempted by law. § 610.011.1-2.

108. Moreover, any exception to openness must be “strictly construed” to promote that public policy. § 610.011.1.

109. All public governmental bodies must provide public notice and identify under which exception the meeting may be closed before a closed public meeting occurs. §§ 610.020 to 610.021.

110. The “specific reason announced” for a public governmental body to close a meeting must relate directly to a specific provision in § 610.021, which authorizes, but does not require, a public governmental body to conduct a closed public meeting. § 610.022.3.

111. As a preliminary requirement, the party alleging a violation of Missouri Open Meetings law must show that the body is a “public governmental body” subject to the provisions of Sections 610.010-610.030, and that the body held a closed public meeting.

112. After this showing, the burden shifts to the public governmental body to prove compliance with the statutory requirements of the Open Meetings Law. § 610.027.2.

113. When a public governmental body conducts a closed public meeting, it is the body that must demonstrate that it was in closed session for the specific announced reason authorized by law and that its members did not discuss any business outside the scope of the stated reason for entering the closed public meeting. § 610.027.2.

114. On February 21, 2023, the Board held a “special session” public meeting that included an open session and a closed session. Both sessions were public meetings as defined in Section 610.010.

115. The Board voted to adjourn the open meeting to closed session “to discuss a counteroffer amount,” as reflected in the meeting minutes.

116. In the closed-session portion of the meeting, the Board discussed the purchase of a K9 police animal from the Maries County Sheriff’s Office. The Board also took a vote to cap a counter-offer at \$3,000.

117. That discussion topic and vote was not authorized to be closed under any subsection of Section 610.021.

118. The Board took a vote to adjourn the meeting to closed session “to discuss a counteroffer amount,” as reflected in the meeting minutes.

119. The City and the Board know that a public meeting can be closed only to the extent authorized by Section 610.021.

120. The Board’s discussion and vote on the K9 dog counteroffer amount violated Section 610.022.3.

121. That discussion and vote are a knowing violation Section 610.022.3.

122. The Board purposefully violated Section 610.022.3 as it knew its Open Meetings Law obligations and the penalties for violating the law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff: (a) declaring Defendant violated the Open Meetings Law by failing to comply with notice requirements of § 610.022.3 as described above; (b) order appropriate injunctive relief under § 610.030 to ensure the City complies with the Open Meetings Law’s requirements; (c) award \$1,000 in monetary penalties for each knowing violation the Court finds under § 610.027.3; (d) award \$5,000 in monetary

penalties for each purposeful violation the Court finds under § 610.027.4; and (e) any such further relief as the Court deems just and appropriate.

**COUNT V – Violations of Section 610.022.1**

123. Plaintiff herein restates and incorporates by reference the allegations contained in all preceding paragraphs of the Petition.

124. Section 610.022.1 states that “The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.”

125. The Board of Aldermen has held closed-session meetings without properly recording in the meeting minutes the reason for closing the meeting by reference to a specific section of the Open Meetings Law.

126. The Board held closed meetings on the following dates: January 10, 2023; February 13, 2023; February 21, 2023; March 9, 2023; March 14, 2023; April 6, 2023; April 11, 2023; April 24, 2023; May 9, 2023; and May 31, 2023.

127. Each of those meetings were public meetings as defined in Section 610.010.

128. The meeting minutes for each of those meetings do not include a reference to a specific section of Section 610.021 that would authorize the closure of the meetings.

129. The Board also did not properly identify the subsection of Section 610.021 that would authorize each meeting's closure when taking a vote to close the meeting.

130. To agendas for the Board's meetings do not sufficiently identify the subsection of Section 610.021 that would authorize each meeting's closure.

131. The City, Mayor White, and the Board knew of the proper procedures to close a public meeting under Section 610.022.

132. The City exhibited a conscious design, intent, or plan to violate the Open Meetings Law.

133. The City was aware that consequences exist for violating the Open Meetings Law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff: (a) declaring Defendant violated the Open Meetings Law by failing to comply with notice requirements of § 610.022.1 as described above; (b) order appropriate injunctive relief under § 610.030 to ensure the City complies with the Open Meetings Law's closed-meeting requirements; (c) award \$1,000 in monetary penalties for each knowing violation the Court finds under § 610.027.3; (d) award \$5,000 in monetary penalties for each purposeful violation the Court finds under § 610.027.4; and (e) any such further relief as the Court deems just and appropriate.

Respectfully Submitted,

**ANDREW BAILEY**  
Missouri Attorney General

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