

-----Original Message-----

From: Cirtin, Brenda

Sent: Tuesday, May 06, 2008 11:16 AM

To: Tom Carlson (E-mail); Cynthia "Cindy" Rushefsky (E-mail); Dan Chiles

(E-mail); Denny Whayne (E-mail); Doug Burlison (E-mail); Gary Deaver

(E-mail); John Wylie (E-mail); Mary Collette (E-mail);

Ralph Manley

(E-mail)

Subject: FW: far beyond

Mayor Carlson & Members of City Council:

The following is the string of e-mails that is referenced in the News Leader today. As you can see from these exchanges, I handled this request the way I handle other Sunshine Law requests. As I do not routinely copy Council on these type of requests, I saw no reason to treat this one any different. As you can see, I did not ask Councilman Chiles for any correspondence from his personal computer or personal e-mail, unless it was sent on City letterhead. Unfortunately, the News Leader did not contact me to obtain any information on this issue -- until today.

I believe that I handled this request in the same professional manner that I handle not only the Sunshine Law requests, but other duties of the Clerk's office. It is my belief that for the Clerk's office to be effective, we must realize that it is not our job to determine the outcome of any situation, simply to ensure that the process is followed. This ensures equality and fairness to all our citizens.

Please contact me if you have questions or concerns about the manner in which this incident was handled.

Brenda M. Cirtin, MMC/MPCC

City Clerk

City of Springfield

840 Boonville

Office Phone: (417) 864-1650 * Fax: (417) 864-1649

Office Email: bcirtin@springfieldmo.gov

Visit the City of Springfield's Official Website at www.springfieldmogov.org

-----Original Message-----

From: Cirtin, Brenda
Sent: Thursday, April 24, 2008 11:08 AM
To: 'Dan Chiles'
Subject: RE: far beyond

Sunshine requests are considered routine and we do not spend time in a public setting to address them. I handled this request the same way I handle all requests -- contacting the person/department involved and asking them what they have.

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-----Original Message-----

From: Dan Chiles [<mailto:danchiles@mac.com>]
Sent: Thursday, April 24, 2008 10:54 AM
To: Cirtin, Brenda
Subject: RE: far beyond

Hi Brenda,

Nothing about any of your original questions would have been newsworthy and I wouldn't have minded answering them in any public forum, for example. I was only worried about having to keep track of the thousands of conversations I have had since this job began.

I'm glad everything worked out OK.

thanks!

dan

On Wednesday, April 23, 2008, at 04:35PM, "Cirtin, Brenda" <BCirtin@springfieldmo.gov> wrote:

>Dan,

>

>I've been racking my brain to try and figure out what I said that made you think you had to keep a log of conversations. First, there is no such requirement. That would be almost impossible to do; I say almost because I don't like to think that anything is impossible; but this would come really, really, close!

>

> I think where the confusion may have come in is with the first e-mail, where I included an option of 'phone calls' as a form of communication. That was all it was -- an option. For example, your response may have been "I don't have any written communication; I did have a few phone conversations, but that is all." Once I got that information, I would simply let the citizen requesting the information know that there was no written communication generated by you on this issue; you did, however, have a few telephone conversations with (whoever). I was trying to make it easy for you to do a simple, 1) no, 2) no, and 3) yes (or no as the case may be). It appears that all I did was really confuse you. I apologize if that was the result, that was not my intent.

>

>I hope this has clarified this issue for you. A simple rule of thumb: If its done on a city-provided (or reimbursed) equipment, paper, etc., it is subject to the Sunshine Law. However, please don't spend any more time on this unless you want further clarification. The citizen called and said they no longer want this information. That call came yesterday, but I wanted to clear up this miscommunication rather than have you spend time and energy on something you don't need to do.

>

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>-----Original Message-----

>From: Dan Chiles [<mailto:danchiles@mac.com>]

>Sent: Tuesday, April 22, 2008 5:18 PM

>To: Cirtin, Brenda

>Subject: far beyond

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>Your earlier suggestion that we are supposed to keep a log
and be prepared to report on conversations (provide
transcripts? recordings?) where persons we are chatting
with are told or are aware that we serve on City Council is
far beyond any instruction given to us by MML.

>

>I would appreciate your providing the legal foundation for
that assertion.

>

>thanks!

>

>dan

>

>

>On Tuesday, April 22, 2008, at 03:17PM, "Cirtin, Brenda"

<BCirtin@springfieldmo.gov> wrote:

>>Dan:

>>

>>Here is the section of the Sunshine Law that addresses
electronic communication by a public official:

>>

>>

>>610.025. Electronic transmission of messages relating to
public business, requirements.

>>

>>Any member of a public governmental body who transmits
any message relating to public business by electronic means
shall also concurrently transmit that message to either the
member's public office computer or the custodian of records
in the same format. The provisions of this section shall
only apply to messages sent to two or more members of that
body so that, when counting the sender, a majority of the
body's members are copied. Any such message received by the

custodian or at the member's office computer shall be a public record subject to the exceptions of section 610.021.

>>

>>Here is the link that will take you to the site that has the law indexed:

<http://ago.mo.gov/sunshinelaw/chapter610.htm>

>>

>>I am also attaching a copy of the City's computer use policy. You were given this as part of the orientation process, but I know that you got a lot of "stuff" at that time. I've highlighted the sections that I think are most applicable to Council.

>>

>>I'll defer to the Law Department to send you case law on the penalties for violating the Sunshine Law. While I am proud of Springfield being on the cutting edge of a lot of things, sanctions for violating the Sunshine Law is not one where I want us to 'set the bar'. It has been Springfield's policy that when in doubt, consider it public record until told differently by the Law Department.

>>

>>I checked the agenda for the MMC Newly Elected Officials Conference last year. There was a session on the Sunshine Law the first thing on Friday morning. The speaker may have concentrated on the basics of posting of meetings, basics of closed sessions, i.e., what you can discuss, importance of not violating rules of closed session, etc.

>>

>>I hope this helps clarify your questions.

>>

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>>-----Original Message-----

>>From: Dan Chiles [<mailto:danchiles@mac.com>]

>>Sent: Friday, April 18, 2008 5:01 PM

>>To: Cirtin, Brenda

>>Subject: I'm more than pleased

>>

>>

>>Hi Brenda

>>

>>I'm more than pleased to report all that is required of me. Can you send over highlighted copies of local, state and federal laws that may apply in this matter?

>>

>>Case-law would be a useful guide and please include timeframes so I make sure I'm in compliance. I'd like for you to please contact MML and ask them for guidance and any written materials they have generated that gives City Council examples of proper conduct in this matter. There was no mention of this broad scope of record-keeping during our orientation last year, so I'm eager to know all requirements that they apparently failed to present to us.

>>

>>Does the Sunshine law apply to the requests for information about the identities of ?citizens? who make these requests? Can you please send me copies with highlighted sections of the law that might pertain in case this matter finds its way to the media?

>>

>>I look forward hearing from you as soon as possible.

>>

>>thanks!

>>

>>dan

>>

>>

>>On Friday, April 18, 2008, at 10:03AM, "Cirtin, Brenda" <BCirtin@springfieldmo.gov> wrote:

>>>Dan,

>>>

>>>I need your response to this e-mail. I need to respond to the citizen.

>>>

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>>>> -----Original Message-----

>>>> From: Cirtin, Brenda

>>>> Sent: Wednesday, April 16, 2008 10:27 AM

>>>> To: Dan Chiles (E-mail)

>>>> Subject: Request for Information

>>>> Importance: High

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>>>> Dan,

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>>>> I've had a request from a citizen for information regarding the Square and any involvement you may have had in raising the question of its historic significance. To determine whether or not this is public record, I need to know the following:

>>>>

>>>> Was any correspondence dealing with the square composed on your city-provided laptop?

>>>>

>>>> Was any correspondence sent on your City letterhead?

>>>>

>>>> Did you at any time, in written correspondence or by way of verbal communication, refer to yourself as a City Councilman?

>>>>

>>>> If the response to any of the above questions is 'yes', then I will need a copy of any written correspondence, including e-mails, on this issue. Also, if there is no written correspondence, but there is verbal and you indicated that you were on City Council, then I will need a brief description of what communication there was, i.e., phone call, face-to-face, etc.

>>>>

>>>> If you have any questions, please contact me.

>>>>

>>>>

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