

Open meetings law puts everyone in the loop

Two recent happenings illustrate pitfalls public officials face when they deal with the Kansas Open Meetings Act.

Both occurred in another county, but they illustrate a couple of important points.

One involved an appointment to an open seat on the City Council. From a political or a practical viewpoint, nothing went right. We saw no intent to violate the law, but its spirit was trampled.

The mayor breezed through the newspaper office, saying there was a special council meeting that night, but the topic “was a secret.”

Huh?

Turns out, the city manager had hired a councilman to fill a vacancy as public works director, supervising one of the city’s biggest departments. The councilman appeared to be qualified, the appointment appeared to be legal, but his resignation took not just the public, but most of the council, by surprise.

Few knew there was an opening on the council, and no one had a chance to show interest in the seat. Several council members expressed their displeasure. The mayor, after consulting with a few people, had gone to a former councilman he admired and asked him to return. The appointment was approved after some animosity at the council meeting.

The agenda for the meeting reached the newspaper the afternoon before, so there was little or no notice to the public, and no real chance for public comment.

Was there a violation of the law? Perhaps. The city manager said she’d sent the agenda out in time, but the e-mail for the paper contained a mistake. The notice bounced back.

More importantly, though, is that the voters and anyone who might have been interested in the council seat were completely bypassed, violating the spirit and intent of the law, if not the letter.

Better that the mayor had announced the resignation and vacancy and asked for applications, then waited two weeks to make the appointment. He would have seen all the potential candidates. He might have chosen

the same person, and no one said his choice was poor. But everyone would have had their say.

It’s no joking matter, though, because if there is a violation of the Open Meetings Act, any decisions made can be declared void and those responsible, including council members, may be fined \$500 each.

In another instance, commissioners in the same county attended a meeting put on by the Economic Development board. They took part in discussions, but did not meet as a board themselves. Someone complained.

Was there a violation of the law? We think not. The mere presence of a majority of the commission does not make the meeting a commission meeting. The meeting was called and announced to the public as an Economic Development meeting. Adequate notice was given. The commissioners were there to take part, but not to do county business. They made their decision later, at a regular county meeting.

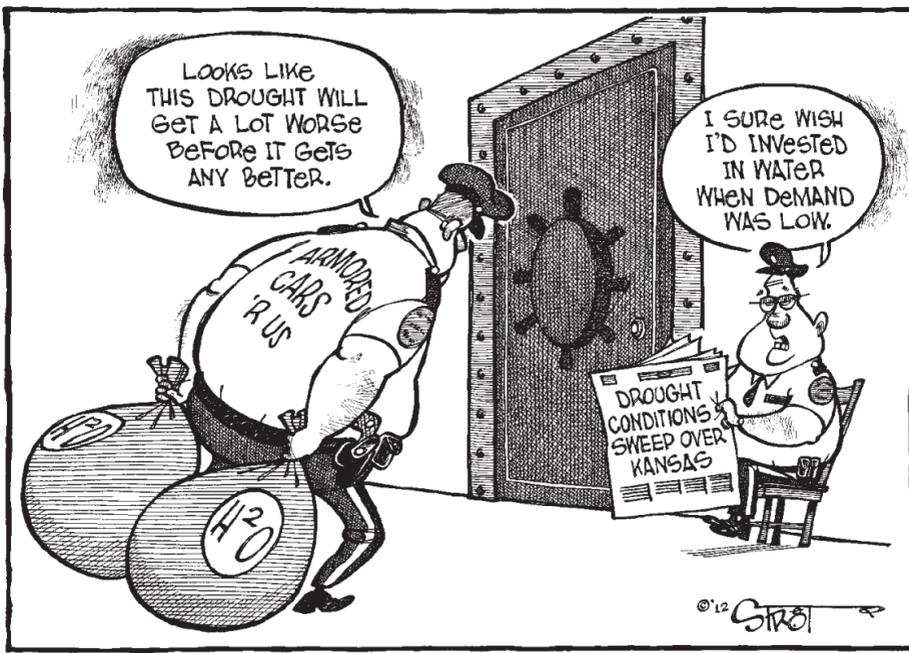
Nonetheless, the county clerk took care to announce a commission meeting when, a week later, all three commissioners planned to attend a social event.

A good idea? Probably not. It’s one thing to announce that all three will be at the same place, but to call that a special meeting might actually be a bad thing. It would allow the commissioners to discuss and vote on county business over cocktails. Not a good plan.

But you have to give the county an A for trying to live with the spirit of the law.

Everyone, public officials and taxpayers alike, should remember that the Open Meetings Act is a practical law with practical goals. The idea is to let the public watch how and learn why decisions are made. The spirit of the law is open government, not government by secrecy or surprise.

That’s why, in these instances, while neither involved bad motives or an intent to get around the act, the city gets a scolding and the county gets kudos. It’s all about keeping your cards on the table and playing fair with the voters. Because they pay the bills. — *Steve Haynes*



Representative shakes head

Rep. Ward Cassidy, looking back over his first term in the Legislature, could only shake his head at the way things wound up this year.

Despite the fact that both the House and Senate wrestled all session with the need to redraw legislative boundaries to reflect the 2010 census, known as reapportionment, in the end, nothing got done. Nothing at all, except a lot of squabbling and backbiting.

And that left a panel of three federal judges in charge. The courts would have reviewed any map the Legislature came up with, but having nothing to start with gave the judges free reign.

And that seems to have allowed them to accomplish what term-limits proponents have never come close to, a major turnover in both houses.

“We could have 50 to 60 new legislators (out of 165) next year,” Mr. Cassidy said. “It could be a good thing.”

However, either Rep. Cassidy or Rep. Rick Billinger of Goodland, who now has the 121st District to the south of the 120th, will be among those not coming back next year. They were thrown together into the new 120th, which now covers Cheyenne, Rawlins, Decatur, Sherman and Wallace counties and part of Thomas, including Colby.

(The rest of Thomas went to the 118th, represented by Rep. Tom Hineman of Dighton, who got a bunch of new counties but no incumbent to run against him.)

Mr. Cassidy said he thinks it’s too bad that two strong advocates for western Kansas wound up opposing each other.

“I won’t feel bad if Rick wins,” he told the Oberlin Rotary Club in



Along the Sappa

By Steve Haynes
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a talk a couple of weeks ago, “other than I think I got more done.”

Issues that affected this region brought representatives together, he said, including Sen. Ralph Ostmeyer and all three House members.

“All of us from out west worked hard on the carnivals,” he said of a bill to save home-owned carnivals operating at county fairs from regulation and inspection by the state Department of Labor.

He and Sen. Ostmeyer worked to bring Kathleen Lippert, executive director of the state Board of Healing Arts, and three members of her staff, to Oberlin for a face-to-face visit with hospital administrators and other health officials. Since then, relations with the board, which licenses doctors and other health professionals, reportedly have improved.

Perhaps his biggest task, Rep. Cassidy said, was learning the \$11.4 billion state budget after he was moved to the Appropriations Committee at mid-term.

“In all honesty, I never studied that hard in school,” he said, noting that he has a specialist certificate in education finance.

One lesson he learned, Mr. Cassidy added, was not to get too cute.

He said he realized in committee one day that a measure to cut school money was going to pass with two

members he thought would vote against it missing. He decided to vote for it so he could move to reconsider the decision the next day. Only someone who was on the prevailing side can make that motion; the losing side can’t.

The strategy failed when the missing members did not back him, he said, and he was stuck with his vote.

“You did get a text from a few school administrators,” Oberlin Superintendent Duane Dorshorst said with a smile.

Mr. Cassidy shook his head and said he thinks he’ll just stick to voting for what he believes in from now on.

He said he learned to scratch the backs of those who can help him. In the urban-dominated House, he said, he spoke in favor of a Johnson County bill. Now, he said, he has 22 friends in Johnson County who should support him when he needs help.

He said several candidates for speaker of the House have told him he could be the budget chair next year, and that would give him a strong position to represent north-west Kansas next year.

That would be a fitting reward for a remarkable and productive freshman term.

Eggs multiply in refrigerator

I don’t keep chickens; it’s illegal in Oberlin. But boy, do I have eggs.

They seem to grow in the refrigerator.

First there was the dozen from Carolyn. She raises chickens in Norcatur, and usually has plenty of extra eggs.

These are good, farm fresh – well at least small-town fresh – eggs with wonderful yellow yolks from chickens that get to scratch in the dirt, eat bugs and have a good ol’ time around the yard.

Then there is the dozen from the “egg lady.” I have no idea what her name is, and I’m not sure that Steve does, either. She brings eggs to the *Colby Free Press* off and on. Everyone there saves their egg cartons in anticipation of her visits, because her eggs are, like Carolyn’s, fresh and wonderful.

Then there’s the dozen from the grocery store. They are factory eggs from chickens that lay eggs for a living and don’t get to wander around outside. They all eat perfectly bal-



Open Season

By Cynthia Haynes
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anced chicken food and their eggs have a standard light yellow yolk – nothing to write home about, but pretty nice to get when the egg lady and Carolyn don’t come through.

So, there I was. Carolyn had forgotten my eggs on Monday, so I bought a dozen. On Tuesday, Carolyn showed up with eggs.

Then Wednesday, Steve came home with a third dozen. The egg lady had struck.

What do you do with three dozen eggs?

You make a lot of deviled eggs for a church picnic.

It’s Steve’s mother’s recipe. Cut eggs in half, mash the yolks, mix

with mayonnaise, yellow mustard, a little hot sauce, salt and some vinegar. Refill whites with mixture and top with a sprinkle of paprika. Simple and easy.

I made the deviled eggs and brought home an empty dish.

However, my deep, dark secret is, I hate boiled eggs. I don’t like the smell of them boiling. I can’t abide eating deviled eggs.

I take a tiny taste of my yolk mixture to see if I have enough mustard, hot sauce, vinegar and salt, then adjust the seasoning.

So, thank you. I’m glad you liked them. I’m especially glad you ate them all.

Don’t drive her to mountains

Wait a minute. Let me get down on my knees and kiss the ground. I am so glad to be back on terra firma.

We spent a few days in a mountain cabin in Colorado and did not see a straight piece of highway the entire time. Jim looked at the twisty, turny roads as a challenge; I looked at them in sheer terror. He thought they were a test of his driving skills; I thought they were devised by the devil himself.

To my husband’s credit, he drove as slowly as possible to allay my fears. It didn’t really help much, but he tried.

Don’t get me wrong; I love the mountains. Once I’m there. It’s just the trip to get there I can’t handle.

We rented a friend’s cabin in a quaint little mountain town not far from one of the hot-spot ski resorts. The cabin was rustic, to say the least, but it had most amenities like electricity and running water. No stove, but I came prepared with a griddle big enough to cook hash browns, toast and eggs on – all at once. One night, I even prepared roasting ears in a foil pouch. Best corn on the cob I’ve ever fixed, or maybe it was just the mountain air.

This mini-vacation was a trip down Memory Lane for Jim. Remember when I told you that I had showed him how to search for people on the Internet and he had found several old friends. Well this



Out Back

By Carolyn Sue Kelley-Plotts
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trip was a reunion tour of sorts. We visited old union carpenter friends of his and others he had worked with in the Boy Scouts organization.

The days of the union (in that area, at least) are over, and none of them makes his living as a carpenter.

One teaches trade skills at an alternative high school, one is retiring from his job as a program analyst at a power plant, another is a handyman on a large, family-owned ranch; one made and lost a small fortune; and still another was forced into early retirement by his health.

Even though I didn’t know any of these men before, they welcomed me and I enjoyed listening to all their tales.

Jim had not seen his friends in more than 25 years, so some of their memories may have been magnified, but it was wonderful to see their bonds of friendship had lasted.

What was equally heartwarming was that, to a man, every one of them told Jim how important he had been in their life.

They said they had perceived

“something” in him that set him apart and they admired not only his leadership (Jim was a crew foreman and president of the local union), but his craftsmanship and integrity.

And, like Jim, they weren’t ashamed to shed a tear when we parted company.

Friends had taken care of my flowers and garden while we were away. The glads are blooming, so are the tiger lillies and the tomato vines are loaded. It was perfect to come home.

From the Bible

But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ. For he is our peace, who hath made both one, and hath broken down the middle wall of partition between us.

— Ephesians 2:13-14

Photo Policy

The *Oberlin Herald* wants to emphasize photos of people doing things in the community. If you know of an event or news happening that we should attend, please call 475-2206.

Please be sure to allow a couple of days’ notice so we can arrange to be there.

Space in the paper is limited and so is the time of our staff, so we may

not be able to get to every event, but we will try.

Because space is so limited, we cannot run team or group photos, any pictures of people lined up or of people passing checks, certificates and the like. (We will always try to make room for a story about any of these events, however.)

We do run wedding and engagement pictures and “mug” shots with

stories and obituaries, when they are provided to us. Please remember that we need a clear, sharp picture. Dark or fuzzy prints will not work.

We cannot return photos unless you submit a self-addressed, stamped envelope with clear instructions for return. Other photos submitted may be picked up at our office within two weeks. After that, they will be disposed of.

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