



Open meeting law puts everyone in the loop

A couple of 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 address 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.

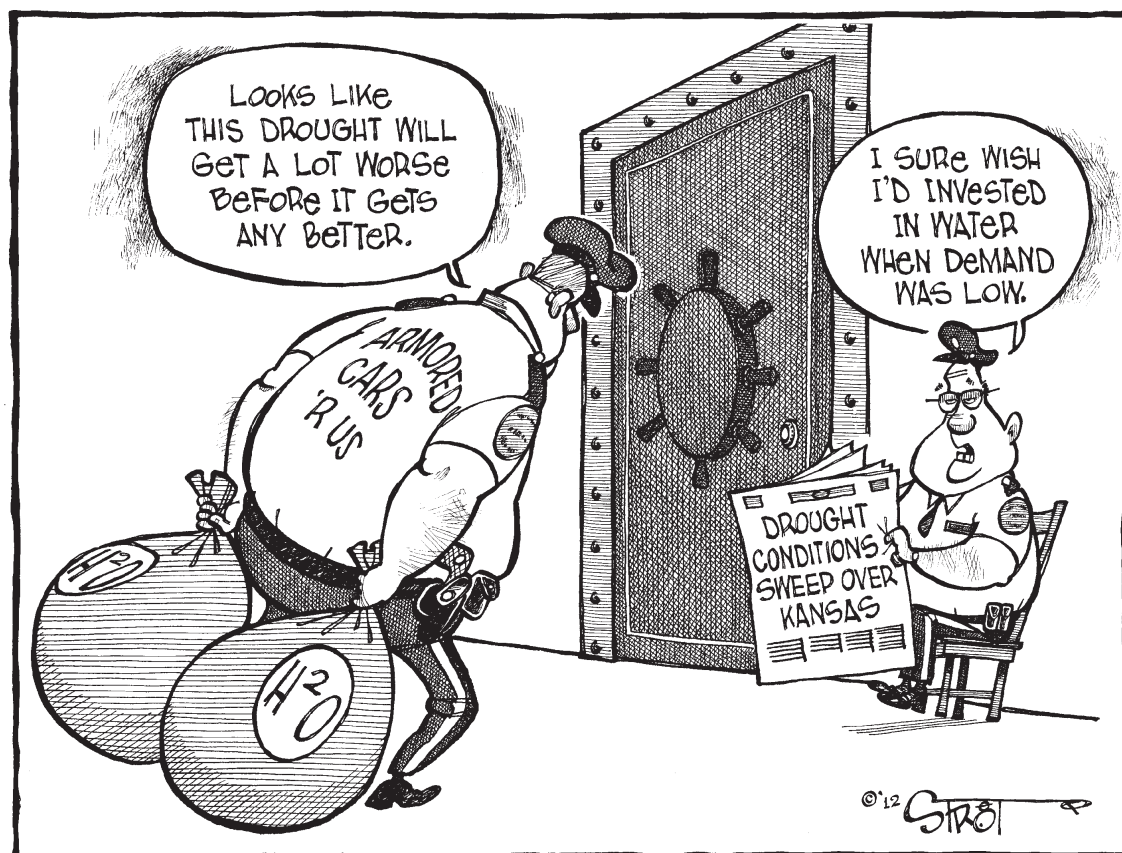
Nonetheless, the county clerk took care to announce a county commission meeting when, a week later, all three commissioners planned to attend a social event put on by another entity.

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 technically 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



Hangin' With Marge

By Margaret Bucholtz



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I love looking up my family tree and finding out just what kind of people my ancestors were. As for my children, well I have found that after a big dinner all I have to do is say, "Oh guess what I found out about someone in my family" and immediately they all jump up and start clearing the table and leaving the room. I say there is not a down side to that situation.

Anyway one of my ancestors was Lizzie Borden. Yes, it is the one that little kids my age jumped rope to — Lizzie Borden took an axe and give her mother 40 whacks. And when she saw what she had done, she gave her father

Lizzie and her sister Emma are my eighth cousin twice removed. Their real mother had died when in 1862 or 1863 when Lizzie would have been about two years old. Her father remarried a few years later.

Both of the girls were in their late 20s and still lived at home. Neither of them ever married. I must say that from the books and newspaper articles I have read I can understand why.

It took several years before Lizzie actually went to trial and when she did they still could not get a guilty verdict.

Emma moved on and lived with her woman companion in Vermont and Lizzie stayed in Fall River, Mass.

This sort of seems to me that Emma maybe liked women better than men and Lizzie, well I don't think if I was a man I would have married her after the pictures and description I read about the axe jobs.

They did inherit quite a large sum of money for that era (1892) and, shocking as it may seem, they weren't outsourcing jobs back then.

Reader sad over lake draining

Letter to the Editor:

Elmer Kellner's picture in *The Herald* brought thoughts of just how sad the draining of Bonny Dam is. Recently in the *Burlington Record*, there was a clipping saying 60 years ago, there was a big dedication of Bonny Dam with 10,000 people attending. What a great celebration!

It was built with the thought of flood control. It served that purpose and provided a place for recreation. In our part of the country, we have no bodies of water for that and Bonny was easy access for many. Bonny was the site of many family gatherings, organization events, boating, swimming, fishing and just plain fun.

At different times, the *Record* prints happenings of the past at Bonny. It was to have been a bird sanctuary — where are the birds going to stop now on their migration?

There were pictures of record-caught fish — then pictures of

Letter to the Editor:

piles of dead fish after the water drained.

Many concerned people tried to save Bonny but to no avail.

The powers to be on both sides decreed it's demise. The water went down the river, doing no one any appreciable good but destroy-

ing a special place in the hearts of many.

It just seems some how, all those concerned could have had a meeting of the minds and found a way to keep it.

Sincerely sad,
Marie Holzwarth

Casey's Comments

By Casey McCormick



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I'm sure that for as long as I'm allowed to voice observations in this column, there still won't be enough time to shine a light on places and things that make this area of the country so special.

Our veterans from the second World War had to wait decades before a memorial was dedicated to them. Thank goodness the soldiers who fought in World War I did not have to suffer such an indignity.

The states of Kansas and Missouri saw their fair share of boys who went "over there." Shortly after the conflict ended, money was raised to create a spot that would insure their sacrifices would endure

for future Americans to see.

Ground breaking of the Liberty Memorial in Kansas City, Mo., occurred on Nov. 1, 1921, a mere three years after the peace treaty was signed. Present were Lieutenant General Baron Jacques of Belgium, Admiral Earl Beatty of Great Britain, General Armando Diaz of Italy, Marshall Ferdinand Foch of France and General John Pershing of the U.S.

Upon completion a dedication ceremony was attended by President Calvin Coolidge on Nov. 11, 1926, the eighth anniversary of Armistice Day.

Center of the Liberty Memorial is the tower. An example of Classical Egyptian Revival it looms to the south of Union Station and downtown Kansas City. Four stone figures adorn the tower to symbolize courage, honor, patriotism and

sacrifice. A trip up in the elevator and about 40 stairs offers an incredible view from the open air observation deck.

In addition, the Liberty Memorial has two exhibit halls, the Great Frieze by Edmond Amateis that depicts war and peace and two massive sphinxes that represent memory and future.

In 2006, the memorial was added to the U.S. National Historic Landmark and National List of Historic Places registries.

The Liberty Memorial, along with the National World War I museum, still stands as an important reminder of our nation's past.

And the best thing is that it's right in our backyard!

Corrections

The Saint Francis Herald will correct or clarify any mistake or misunderstanding in a news story. Please call our office at 332-3162 to report errors. We believe that news stories should be fair and factual, and appreciate your calling to our attention any failure to live up to this standard.

GOD SAYS
He causeth the grass to grow for the cattle, and herb for the service of man: that he may bring forth food out of the earth.
Psalms 104:14

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