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Board chooses new 2013-14 officers

By Sam Dieter

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meeting Monday night.

took her place, also took over some of alternate. Ed Geihsler will represent the

The Colby School Board organized the sentative to the Northwest Kansas Ser- will be the representative on the District Deann Shields the deputy treasurer. DeYdistrict for the next year at its monthly vice Center, and Angie Gaede will be Steering Committee for School Improvethe alternate. Lemman will be the board The board elected its officers at the representative to the coordinating counnate. Omar Weber will be on the building meeting, including Janice Frahm as board cil, with Gaede as the alternate. Superincommittee, with Geihsler as the alternate. president and Tracy Rogers as vice presi-tendent Terrel Harrison will be the agent Barton will be the representative for the deputy clerk and the alternate retiredent, the same positions they held last for the receipt of vouchers. Rogers will district technology plan, with Lemman as ment system representative. Harrison will year. Former member Susan McLemore be the representative to the Kansas Assoleft several representative positions on ciation of School Board's governmental

the board open, and Kris Lemman, who relations network, and Frahm will be the position from McLemore, and Lemman of information officer and coordinator for sdieter@nwkansas.com those positions at her first board meeting. board on the Northwest Kansas Technician district technology plan positions. Rogers will serve as the board repre- cal College Area Board of Control. Gaede ment, and Brice Barton will be the alterthe alternate.

took her place on the coordinating coun-

Jo DeYoung will be the board treasurer, oung will also be the representative for the Kansas Public Employees Retirement System. Mary Beth Flanagin will be the board clerk, and Janel Andrews will be be the food service representative and the Gaede took over the service center overseer of evaluations, the local freedom See "BOARD," Page 2

homeless children duties. DeYoung will be the hearing officer for free and reduced lunch fee applications. Grade school Principal Lance Krannawitter, middle school Principal Robb Ross and high school Principal Jeff Wallingford will be the truancy officers for their schools.

Frahm will sign district checks as board president, with DeYoung, signing as treasurer, or Flanagin signing as clerk. In

Lemons sweet to shelter

SAM DIETER/Colby Free Press Robert Whitaker (right) bought refreshments Tuesday afternoon at the "Lemon Aid" stand set up by April Swartz, 11, daughter of Dr. Tami Swartz, at the Swartz Veterinary Hospital. April's sister Brittany, 5, (below right) lounged with a dog from the Northwest Kansas Animal Shelter in Goodland, and Hannah Bange, 10, (bottom) played with another of the dozen animals that spent the afternoon here, out of about 40 animals available for adoption at the shelter. April went through 10 gallons of lemonade and raised about \$1,100 (last year it was over \$800) in the fifth year of the benefit.









Seminar sheds light on meetings

By Sam Dieter

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A seminar Tuesday at Colby Community College, led by Kansas Assistant Attorney General employees, relationships between Lisa Mendoza, provided about 40 people who attended with information about state laws that make the governing body and its attormost government meetings and records open to the public.

The seminar was one of five the office of state Attorney General Derek Schmidt puts on to educate people about the Kansas Open Meetings Act and the Kansas Open Records Act.

Four panelists added their inpublisher of the Colby Free Press, bylaws call for minutes. Richard Boeckman, the county Anstaett, executive director of the Kansas Press Association and secretary for the coalition. The attendees included attorneys, Thomas County Undersheriff Marc Finley and other law enforcement officers, as well as government officials and several reporters.

The open meetings act, Mendoza said, is to be "construed broadly," with the specific purpose of openness in mind. The law says that the meetings for all government bodies that make policy decisions must be open to the pubic and held in an accessible area. There can be no secret ballots. The public has no particular right to speak at meetings, but Mendoza pointed out that there is often a public comment section anyway.

"Well, it's almost political suicide not to let people talk in the meeting," Boeckman said.

A governing body can reconvene meetings at any time, and only has to give notice of when and where it will meet to people who ask for it. Anstaett said that a group cannot adjourn and recon- can also violate the law by changvene a meeting somewhere else ing communication of facts, such specifically to skirt the law.

convened by open law, judiciary meetings, or staff or administrative meetings.

Under the law, closed sessions can be held for certain reasons. such as to discuss non-elected employees and employers, or privileged information between ney. But an open meeting must be called before the closed session, and the group has to include the justification for closing the meeting, what will be discussed, and when and where the meeting will reconvene in its minutes. The law. however, does not require minutes to be taken during the rest of the put, including Sharon Friedlander, meeting, although some groups'

There can sometimes be other administrator for Barton County, people in the closed session be-Ron Keefover, the president of sides the members, but having a the Kansas Sunshine Coalition third party present for a discussion for Open Government and Doug involving attorney-client privilege voids that privilege.

> A group can reach a consensus between its members in a closed session, but can only take a vote in the open section. Boeckman pointed out that members are allowed to talk publicly about what happened in closed sessions, and mentioned a commissioner he worked with in the past who did

> Perhaps the greatest chance of violating the law, Anstaett said, is a "serial meeting," where official business is discussed through a series of communications, including phone and e-mail or other electronic media, outside an open meeting. A government body will violate the law if a majority of the members discuss a binding decision outside an open meeting. Since the meetings law refers to conversations by phone or e-mail, and not just face-to-face conversations, serial meetings can happen outside of a meeting room. What Mendoza described as

> "the dreaded reply-all e-mail,"

The law does not apply to courts See "OPEN," Page 2

Attorney General says 'Hard 50' may not fully work

AP Political Writer

TOPEKA - Attorney General Derek Schmidt acknowledged today that rewriting Kansas' "Hard 50" law still may not preserve the sentence for pending first-degree murder cases, but said the state will be in a better legal position if legislators approve a fix during a special session rather than waiting.

Schmidt said his office is working on a proposal responding to a U.S. Supreme Court decision last month about mandatory minimum sentences that raises questions about the law's constitutionality. It allows judges to sentence people convicted of premeditated murders to life in prison with no chance of parole for 50 years, Kansas' toughest

penalty outside of capital punishment.

Schmidt asked Gov. Sam Brownback on Wednesday to call the Legislature into special session by mid-September to rewrite the "Hard 50" law. Legislators formally adjourned June 20 three days after the high court's ruling – and aren't scheduled to convene again until January.

"There is never a guarantee in the criminal justice system," Schmidt said Thursday during a news conference. "For pending cases that are caught up in this period of uncertainty, our likelihood of getting the outcome that was intended - the 'Hard 50' sentence – is greater with the change than without

Schmidt's office said it has identified about twodozen murder cases that could be affected, but said

in a case trigger mandatory minimum sentences in criminal cases. In Kansas, judges determine whether the aggravating factors in a first-degree murder case - such as whether a victim was tortured or a defendant shot into a crowd of people – warrant the "Hard 50" rather than a life sentence with parole eligibility after 25 years.

Schmidt said his office is already drafting a proposal to have juries consider such questions after a separate post-conviction hearing like they do in death penalty cases. He also said his office will propose that the changes apply retroactively to pending cases, rather than just future ones.

But he acknowledged Thursday that defense attorneys are likely to challenge attempts to preserve or impose "Hard 50" sentences.

Brownback spokeswoman Eileen Hawley said the

The Republican attorney general's request has bipartisan support from prosecutors. Schmidt was joined by the district attorneys for the state's four most populous counties, two of them Democrats.

The affected Kansas cases include an appeal before the state Supreme Court from Scott Roeder, convicted of the May 2009 death of Dr. George Tiller. Tiller – among a few U.S. physicians known to perform abortions in the last weeks of pregnancy – was gunned down in the foyer of his Wichita church.

"The longer we go without ending the period of uncertainty, the greater will be the number of cases that fall into that category," Schmidt said.

Online: Kansas attorney general: ag.ks.gov/ Kansas governor: governor.ks.gov/ Kansas Legislature: www.kslegislature.org

Follow John Hanna on Twitter at www.twitter.

there are likely to be more. governor will make a "timely" decision on a special The U.S. Supreme Court ruled in a Virginia case that juries, not judges, must weigh whether the facts session. com/apjdhanna