

from our viewpoint...

Building leadership an ongoing effort

Leadership Sherman County, which graduated its 11th class this month, aims to build a pool of citizens who have the knowledge and interest to be involved in public service.

Members of previous classes joined the new group for a graduation ceremony March 5, at Wonderful House Chinese restaurant. Each class starts out with 10 people, but often someone has to drop out or move away. This year, seven make it all the way to graduation.

Ask class member Dean Graber, who works at Bankwest, for his highlights of the six-month program. He says he enjoyed all the monthly day-long meetings and learned something from each one, but two really stuck with him: The first day with the ropes course and the trip to Topeka at the end of February.

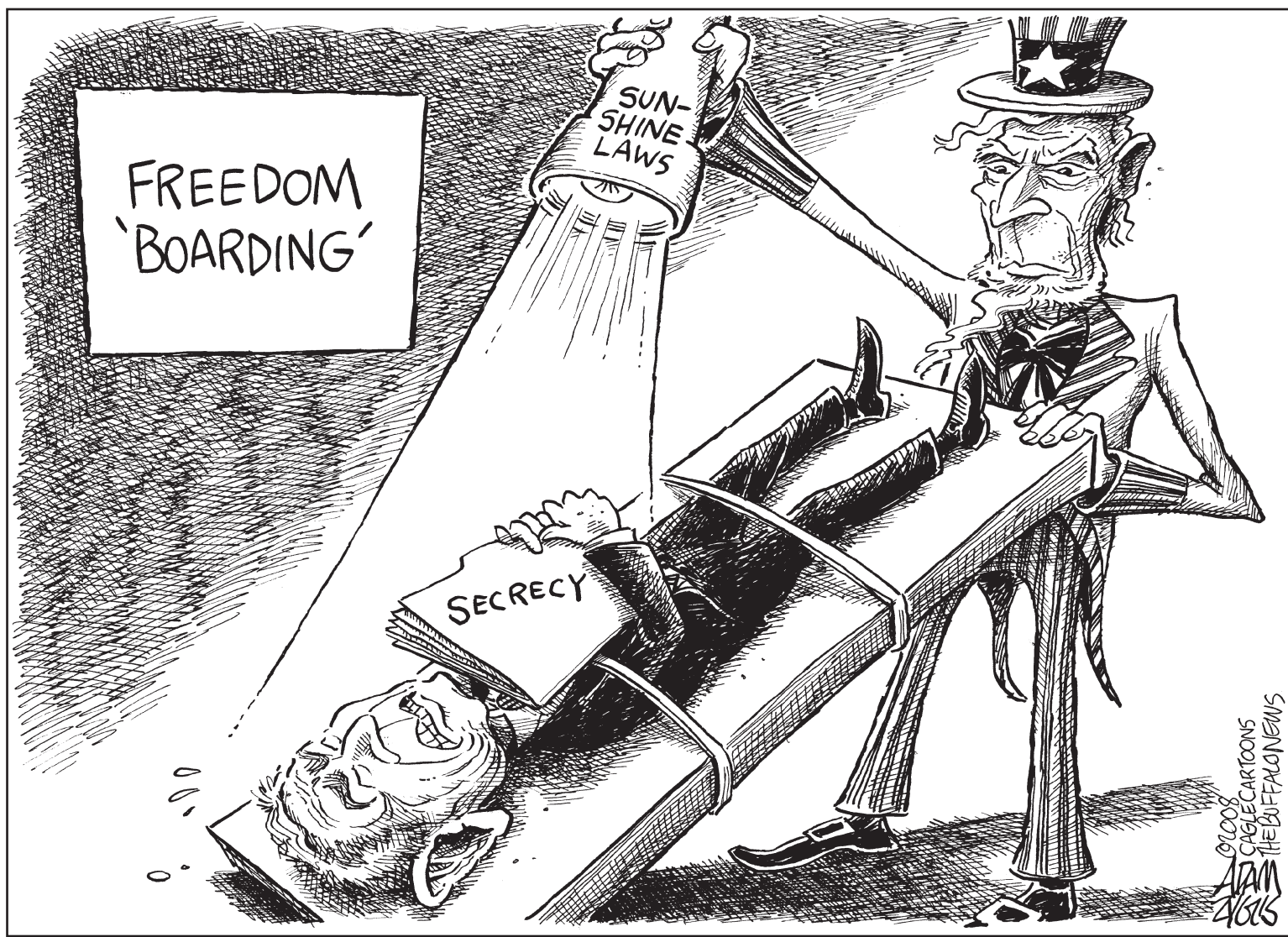
We had an insight into the class this year, as Pat Schiefen of *The Goodland Star-News* was a member.

The employers of class members allow their people to be gone for one day a month during the program and then for three days in February for the trip to Topeka.

The classes have developed a network of people interested in the future of Goodland and Sherman County. Over the past 10 years, graduates have been elected to the city commission, held county elected office, been on the school board, been appointed to city and county boards and commissions and have held leadership positions in civic clubs.

Developing leadership at home helps everyone, and the relationship of those who have been through the classes builds a knowledge base important to the businesses in our community.

Our hats off to the members of this latest class, to all those who help make this program possible and the businesses who help pay for their employees to attend. It is not an expensive program, but the students come back with a greater understanding of both the business community and the government and educational institutions in our county. — *Tom Betz*



Government secrecy: Myths vs. reality

By Robert J. Freeman
New York Committee on Open Government

Freedom of information laws differ from one state to another, and now, from one country another, but there are likely similarities that enable us to offer a few general observations.

I deal with the New York Freedom of Information Law (known widely here as "the law"), and I'm troubled by a variety of common beliefs that have grown into myths which simply are not true. The problem in part is that many Americans tend to follow like sheep, and when we hear the same kind of comments over and over again, too many of us begin to believe them.

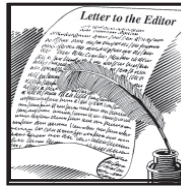
One of my continuing goals involves waking up the public, government officials, and yes, even reporters, and trying to ensure that they avoid falling into the traps created by myths relating to government's ability to keep secrets.

Although my experience involves the law in New York, my guess is that much of the following would apply in a variety of jurisdictions.

Myth: Characterizing a record as "draft," a "work in progress" or "unofficial" enables a government agency to automatically deny access to the record.

Reality: The law pertains to all government records and defines the term "record" to include any information, in any form, kept, held, filed, produced or reproduced by, with or for a government agency.

Often drafts include statistical and factual information that is available to the public. When a record comes into the possession of an agency, whether it is deemed "official" or "accepted" is irrelevant; it is subject to rights



from other pens

• commentary

conferred by the law. Also, minutes of meetings must be made available, even if they haven't been "approved."

Myth: Stamping or marking a record "confidential" enables the government to withhold it.

Reality: Under the New York the law, marking or agreeing to keep a record "confidential" is meaningless. The law says that all government records are accessible, unless fall under exceptions listed in the law. The law determines what's public and what's not, not an agreement or claim of confidentiality.

Myth: Personnel records are confidential and discussions involving personnel matters can be discussed in closed or "executive" sessions.

Reality: Although some aspects of personnel records of government employees may be withheld, others are accessible under the law, particularly those that relate to their duties, such as salary, overtime, attendance, disciplinary action, etc. Matters involving policy or the allocation of public money (i.e., whether to create or eliminate a position) must be discussed in public.

Only when an issue focuses on a particular person (such as a discussion of a specific individual's performance) would there be a basis for going into a closed session.

Myth: Records involving litigation are

confidential and government officials cannot discuss litigation.

Reality: When records are submitted to a court because a lawsuit has been initiated, the records are generally available from the court. With respect to meetings of government bodies, the courts have held that a closed meeting may be held by those bodies to discuss their litigation strategy in private, so as not to divulge their strategy to their adversaries. They have also held, however, that the mere threat, the fear or the possibility of litigation is not enough to justify holding a closed meeting. (Kansas law has an exemption for matters that fall under "attorney-client privilege.")

Myth: When an incident is under investigation, law enforcement officials cannot disclose anything about it.

Reality: There is nothing that precludes these officials from speaking, and they do when they feel it is to their advantage. The law usually requires that details relating to the incident be made public, unless disclosure would interfere with an investigation or deprive someone of the right to a fair trial, for example.

Remember: When you hear or read statements from a government official indicating that the matter can't be disclosed because it's a personnel matter, it's in litigation, it's under investigation, or because it's confidential, often what they're really saying is that they don't want to talk about it, even though they can, they should, or in some circumstances, they must.

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Sunflower Electric plants hot topic

I spent the last three weekends touring the 40th District with State Reps. Jim Morrison, Virginia Beamer, John Faber, Larry Powell, Dan Johnson and Gary Hayzlett. We heard many concerns and opinions on issues facing western Kansas.

The Sunflower Electric plant expansion project was by far the most popular topic on the minds of my constituents. An overwhelming majority support construction of the plant and encourage lawmakers to override the governor's veto (if that happens).

My constituents have done their homework, and they are very informed about both sides of this issue. People agree that natural gas is far too expensive to rely on to generate our electricity in the long run, and they also agree that we need to continue to pursue renewable energy sources such as wind and solar power to supplement our energy supply.

In addition to the jobs and property development tied directly to the power plant, there are other opportunities that will fall into place once the plant is up and going.

Our electric rates are quite a bit higher in eastern Kansas than the rates paid in eastern Kansas. All we can hope for is to keep rates from rising even more out of control.

The Holcomb power plant expansion project is the right thing to do. Even as we wait, improvements are being made to ensure this project will be state of the art, efficient, and safe.

There was also a lot of debate on the KCC regulations on farm trucks. The first tier of regulations is designed to exempt most farmers if all they are doing with their trucks is hauling their own grain and livestock. One thing that KCC is wanting to enforce is the placarding requirements for hauling fuel and fertilizer. We can only hope that KCC will find a compromise with farmers over this.

Another issue that is a problem for many western Kansas farmers is crossing state bor-



Ralph Ostmeyer

• state senator

ders with livestock and grain.

I wholeheartedly support laws that will regulate the safety of farm trucks and pickups on our state roads, but I do believe as farmers, we realize our responsibility.

Another issue that caused a lot of good debate was SB-458, known as the Illegal Immigration Act.

I realize we must move cautiously on this issue, but if nothing can be solved on the Federal level, then all states will be forced to set standards. This bill has had convincing testimony on both sides of the issue.

The Federal and State Affairs Committee

