

## *Sunshine Op-Ed*

### *From:*

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# Study shows sunshine laws in trouble

Those of you interested in preserving our democratic society need to celebrate Sunshine Week, March 16-22.

Actually, “celebrate” is far too strong a word. “Observe with passion” is a better way to look at it, because there’s not much to celebrate. The cause of open government is going backward – in Kansas and across most of the United States.

The Sunflower State, along with 37 other states, recently flunked the sunshine test by the Better Government Association, a non-partisan watchdog group that digs into problems and solutions about transparency and accountability in government. The study examined citizens’ access to public information.

The ugly results show that “citizens have little or no recourse when faced with unlawful denial of access to their state’s FOI laws,” said Charles Davis, executive director of the National Freedom of Information Coalition.

That should be no surprise in Kansas, where there has been a recent epidemic of open government problems involving local governments and issues large and small. A few examples:

-- The Kansas Attorney General’s office has ruled that the Thomas County Commission twice violated the state’s open meetings act by discussing a salary plan behind closed doors. In early February, Assistant Attorney General Michael Smith told commissioners they must accept a settlement agreement or face prosecution.

-- Lawrence city commissioners were ordered in January to take a two-hour refresher course on compliance with the Kansas Open Meetings Act. Commissioners got into trouble when they went into a closed-door executive session to consider economic development incentives for a pharmaceutical company. After the violation became public, the company scuttled its plans to expand in Lawrence.

-- The attorney general’s office determined in January that five members of the Garfield City Council and the mayor violated the open meetings law by going into a secret session to discuss a broken window at the city’s fire station.

-- The Topeka City Council has ignited a firestorm with its “serial meeting” end run around the open meetings law to buy a backup police helicopter. Essentially, five members of the council met one-on-one in secret phone calls. The \$850,000 copter purchase passed 5-4. Now Shawnee County District Attorney Robert Hecht has filed a lawsuit seeking to block the purchase. He says the most important issue is the council’s secret run around the law.

There’s plenty more bad news, but why? Why are so many local governments

finding it so hard to operate meetings legally? Why is it often so difficult for members of the public to get access to public records?

If you want to help look for constructive answers to those questions, tune in or come by the Power of Open Government forum March 12 at 6:45 p.m. at the First United Methodist Church, 330 N. Broadway in downtown Wichita. The live telecast, which begins at 7, can be seen on Cox Channel 22 in Wichita and Topeka and around the state. It will be simulcast on KWCH.com and KFTI (1070 AM).

Panelists include State Sen. Tim Huelskamp, R-Fowler; Wichita Vice Mayor Sharon Fearey; and Wichita Eagle Editor Sherry Chisenhall.

One of the great things about these kinds of discussions is that they are wildly bipartisan. The Kansas Sunshine Coalition has honored for open government work politicians as disparate as former Kansas Sen. Kay O'Connor, R-Olathe; Kansas Sen. Tony Hensley, D-Topeka; and former Wichita Mayor Carlos Mayans. People of all political persuasions understand the power and importance of open government.

Actually, it's more than important. It's essential. Without open government, you don't have a democracy. You may have something like Iraq under Saddam or Cuba under Fidel.

But you don't have a democracy.

**Randy Brown, Senior Fellow at the Elliott School of Communication at Wichita State University, is executive director of the Kansas Sunshine Coalition for Open Government. To find out more about the open government issue, visit [nfoic.org](http://nfoic.org), [sunshinecoalition.com](http://sunshinecoalition.com) and [sunshineweek.org](http://sunshineweek.org).**