

AVOIDING PROSECUTION?

***PATRICK HENRY ONCE SAID THAT LIBERTY IS NEVER SECURE
AS LONG AS GOVERNMENT DOES BUSINESS IN SECRET.***

(Colby Free Press) Thomas County Commissioners have an opportunity to avoid prosecution for two Kansas Open Meetings Act violations that took place Dec 28, 2007.

Commissioners Ken Christiansen, Paul Steele and Byron Sowers have until March 5 to accept a settlement agreement offered by the Kansas Attorney Generals Office. Assistant Attorney General Michael Smith, in a letter dated Feb. 4, told Thomas County Attorney Andrea Wyrick the commissioners violated the Open Meetings Act by "discussing a salary plan that covered all non-elected county employees behind closed doors."

Smith said a second violation took place when the commissioners failed to open the doors when they said they would.

Smith is giving Christiansen, Steele and Sowers six months to obtain one and one-half hours training on the provisions of the KOMA, according to the settlement agreement. The training must be paid for out of each commissioner's own pocket, not county money.

In addition to getting training about the Kansas Open Meetings Act, the commissioners must not violate the act in the future. Should they do so, the agreement would be nullified and they could face prosecution.

According to the act, any member of a body or agency who knowingly violates any of the provisions of it or intentionally fails to furnish information as required by it shall be liable for the payment of a civil penalty of not more than \$500 for each violation. Smith said the state is offering the commissioners the opportunity to enter into the agreement as a way to avoid expending additional time and resources on this matter.

Besides the commissioners, those meeting for non-elected personnel matters were Road and Bridge Supervisor Clair Schrock, Landfill Supervisor Larry Jumper, Emergency Medical Service Director Ken Gatlin, Undersheriff Allen Marcum, Sheriff Mike Baughn, Register of Deeds Maybelle Moore and County Clerk Shelly Harms. Baughn, Moore and Harms are elected officials, all three of which do not qualify as non-elected personnel.

Colby Free Press Editor Patty Decker contacted the Attorney Generals office after Colby Free Press reporter Kevin Johnson reported his suspicion the

commissioners violated the act. Steele was the only one of the three commissioners who believed the executive session was inappropriate, according to Decker's complaint filed with the state.

***Do you have an Open Government experience to share?
E-mail it to rgannon@kspress.com***