

Closing doors on the public

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

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(Leavenworth Times) What happens when elected officials meet behind closed doors without anyone having any knowledge about what they are discussing?

Of course, there are several outcomes.

However do these people who are elected to represent residents and taxpayers fully understand the implications of meeting behind closed doors?

First, everyone is left to wonder what they are discussing? Think about it: They come out from their private meeting after anywhere from 5 minutes to an hour or more, possibly make a motion and change the lives of people who elected them.

What happened in that room while they were meeting in private without any members of the press or the public? Is there a chance they discussed something other than what they claimed to be talking about when they decided to close the meeting to the media and taxpayers? Are they making back-room deals to curry favors with business owners, friends or family members?

There really are too many variables to consider when it comes to elected officials who meet behind closed doors without any witnesses.

A lot of elected officials believe they can call private meetings based on any number of allowed circumstances and then come to a “consensus” behind closed doors. Whether they want to admit it or not, when they poll each other for a consensus during an “executive session,” they are violating the Kansas Open Records and Open Meetings law.

Basically, they reach a decision after discussion without tax-paying residents having any knowledge about what they said or thought on the subject. Many times, when they finally return to an open session with members of the media or residents, no one comments and none of them state any reasons for their support or disapproval for the ensuing motion that is either passed or rejected by the governing body, usually unanimously.

A perfect example occurred earlier this month when the Leavenworth City Commission decided to meet behind closed doors for 45 minutes to discuss several items with the city’s lawyer.

On the agenda, the commissioners were scheduled to consider some legal issues related to a property that was scheduled for demolition. In the past, the commissioners always discussed the property in an open session, and everyone knew what was going on.

This time, once the city’s lawyer informed commissioners that there were legal implications sought by the owner of the property, they decided to discuss everything behind closed doors.

The action they took in the open session after the private meeting included no comments

and no explanation as to why they voted not to consider removing the home from a demolition list.

Instead, they quickly made their vote, as if they already knew what each other thought about the issue and how they would vote.

Once again, they reached a consensus behind closed doors, so they basically polled each other in private and determined what type of rubber stamp they should apply in front of the public.

That is contrary to open government.

How many other circumstances have arisen where elected officials determine the outcome in private and put on a public show only after they have already come to a conclusion when it comes to their decision? How many times have they circumvented the legal process when it comes to their loose definition of a “consensus” among elected officials? How much longer must residents, taxpayers and voters be kept in the dark when it comes to “important” things that are decided behind closed doors without anyone knowing what was discussed?

At least city commissioners abide by the rules when they decide to meet in private, unlike the Leavenworth County Commission.

Leavenworth County commissioners are probably the biggest violators of the Kansas Open Meetings Act. County commissioners illustrated that point earlier this week when they decided to extend their private meetings behind closed doors without following the correct procedure outlined in state laws.

If they insist on making decisions that affect the public while meeting in an “executive session”, they should at least have the decency to play by the rules and follow the law when it comes to holding their private meetings behind closed doors.

Elected officials sometimes believe they can circumvent Sunshine Laws by meeting in private under the guise of what is referred to as an “executive session.”

However all they are doing is causing voters and residents to no longer trust their ability to hold an elected office because they are afraid to participate in an open process of governing those who elected them to office.

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