

# FORUM

## Congress

*shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.*

THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION - 1791

## Quotes

*"I am very excited about the opportunity to be part of a school district that has such a proud and rich tradition. I have heard nothing but great things about the faculty and staff at Freeman Public and I look forward to the opportunity we will have to work and grow together"*

Kevin Kunz

Incoming 7-12 principal at Freeman Public Schools. Read more in the story that starts on page 2A

*I was like, 'I'm seeing things. This doesn't make sense. This is a joke. Something's not right.' But it was me. I was hyperventilating I was so excited. My wife was sleeping and I woke her up and she thought the house was on fire.*

Chad Hofer

On seeing on Facebook that he had won a \$50,000 pickup. Read more on page 12B

## COURIER EDITORIAL

# Sunshine Week: Why it matters

**OUR OPINION: Annual celebration is important because elected officials are working for you and you deserve to know what's going on.**

It's likely that some people view the annual observance of Sunshine Week as just another opportunity for newspapers to expound on their own agenda as they highlight the importance of open government and freedom of information.

It's true; Sunshine Week was launched by the American Society of News Editors in March 2005. But it's a big mistake to assume that because the March observance was created by journalists, Sunshine Week is just about newspapers and other media.

Instead, the focus should be on the rights of citizens to play an active role in their government at all levels, and to give citizens access to information that has direct impact on their lives and their communities.

Requiring elected officials to conduct their business in the open is an essential part of how a democracy functions. People need to be empowered with information that details what government officials are doing on behalf of the citizens.

When a school board discusses whether to enter into an athletic cooperative with a neighboring district, those conversations are held in the open so everyone is aware of what is being discussed. That enables continued conversations between school officials and patrons of the district based on facts, not rumors.

When a zoning board meets to discuss an application to expand a feedlot, citizens are given advance notice of the meeting so they can attend and voice their options — wheth-

er in support or opposition. And that helps the zoning board make an informed decision.

When a city council votes to hire someone to deal with personnel issues at city hall, that action is done in public so citizens know there's an effort underway to address a problem. It may make some people uncomfortable, but citizens have a right be aware of what's happening.

And why does this matter?

Because, in every case, the elected officials are working for you. What they say, and what they do, is on your behalf. They were elected to represent you and your interests.

It's not about their agenda; it should be about the people's agenda.

Now that can get messy and there are examples of where that's easier said than done.

Not everyone agrees that Freeman needs an athletic cooperative and those discussions are not always easy.

There are different views on how big a feedlot should be and that can pit neighbor against neighbor.

And some would prefer that we don't publically acknowledge there's a problem at City Hall.

But in every case, providing information to citizens and enabling citizens to com-

ment on the situation is not only healthy, it's essential to a well-functioning democracy where the real power lies in the hands of the citizens.

And Sunshine Week reminds us of that.

It's a reminder that those individuals we elect to serve on the city council, the school board, the county commission, in our state-

house and in Washington are there to represent the people. And citizens must be able to see what these people are doing in the light of day.

It's also important to remember that each of us has a choice in determining whom we want to act

on our behalf. We get that choice every time there's an election. Knowing what people have said and what they've done — what they may not have said and what they may not have done — is important when you make your choice when you vote.

Sunshine Week, like sunshine itself, provides light, helps us see more clearly and nurtures growth.

It doesn't get more important than that.

**The Freeman Courier editorial reflects the opinion of publisher Jeremy Waltner and former publisher Tim L. Waltner.**



## FROM OUR COLLEAGUES

# 10 Commandments for Open Meetings

"I think heroic deeds were all conceived in the open air."

The quote atop this editorial is from Walt Whitman's Song of the Open Road — a cheerful 1856 tribute to freedom and the great outdoors.

Hopefully, Mr. Whitman would have approved use of his prose to promote open, well-aired government. It's unlikely the great poet favored government secrecy and closed-door meetings. He also wrote, "Out of the dark confinement, out from behind the screen!"

For today's purposes, Whitman's "screen" represents the executive session — a self-important term for a classic oxymoron: closed public meeting.

Too many elected boards seek every opportunity to meet out of sight of the public they serve. Some schedule executive sessions as a regular agenda item. Some hold up to three executive sessions in a single meeting. Some have executive sessions that last longer than the open portion of their meeting.

In most cases, executive sessions do not violate open meeting laws. The closed-door discussions are often suggested or encouraged by an elected board's legal counsel. But legality and necessity are two different things.

Consider the following list our Fourth Estate counsel to county commissions, city councils, and school boards everywhere on executive sessions and general government openness. Citizens should hold their elected officials to the standards below. These are Ten Commandments for Open Meetings:



**BRIAN HUNHOFF**  
Yankton County Observer

ONE: Do not gather as a quorum outside of regular meetings, and do not hold special meetings without giving at least 24 hours public notice.

TWO: Do not habitually add last-minute items to the agenda, and do not act on anything not listed on the posted agenda.

THREE: Do not abuse the litigation excuse for executive sessions to speculate about possible or imagined lawsuits.

FOUR: Do not stretch the personnel excuse for executive sessions to discuss policy issues. Example: Creating a new position or changing a department's job descriptions are policy decisions and not appropriate topics for a closed meeting.

FIVE: Do not dial up the "negotiations" excuse to suddenly exclude the public from discussion of controversial issues that were previously aired thoroughly in open session.

SIX: Do not allow executive session conversations to stray to other topics.

SEVEN: Do not violate the spirit of the open meeting law with frequent phone, email or text dialogues with other members. Reach consensus at the meeting.

EIGHT: Do not make a habit of whispering or passing notes at meetings. You were elected to speak for us. Tell what you have to say out loud and proud!

NINE: Allow public input at every meeting. Include it on every agenda.

TEN: Be as transparent as possible. Do not hold executive sessions simply because counsel advised it is "legal" to do so. Ask yourself: "Is it absolutely critical we discuss this privately?"

That should be the standard because legality and necessity are two different things.

We appreciate our local commissioners and board members. They serve for minimal compensation. They make tough decisions. They sometimes lose friends and make enemies. Their dedication to community is admirable.

We simply ask elected officials to think twice before kicking the public out of public meetings.

Strive for fewer. Less is more. A closed meeting should be a rare occasion, not a habit.

**Brian Hunhoff writes for the Yankton County Observer in Yankton. His editorials about open government won the 2015 Freedom of Information award from the National Newspaper Association.**

