

# OPINION

Editorial

## Looking for heroes

Will the day ever come when all governmental agencies – all elected officials – think long and hard about how they can make their actions more transparent to those who elected them?

In February, the city council in Pagosa Springs had a breakthrough moment. Two council members refused to vote for an executive session, saying that they preferred to discuss the issue in public. The editor of the *Pagosa Springs Sun*, Terri House, wrote an editorial about this fact.

We're jealous. We want to write that editorial. We want to some day tell how a couple of Leadville council members stood up for those who elected them and demanded that some issue be discussed in public.

Or, even better, how about a county commissioner or two? A hospital board member? Are we getting carried away here?

We want to someday say that despite the fact that the open meetings law really would have permitted an executive session on this matter or that, one or more of our elected officials believed it was far more important to let the issue see the light of day and refused to shut the door.

This is Sunshine Week. This is the week when journalists focus on the truth of what was once stated by Supreme Court Justice Louis P. Brandeis: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants."

In fact every week is Sunshine Week at the *Herald Democrat*. We keep our eyes and ears open when it comes to the actions of elected officials.

We point fingers when records that should be available are difficult or impossible to access.

We watch for closed meetings that are not held in accordance with the open meetings law.

We are sensitive to occasions in which a conflict of interest seems glaringly apparent to us, even though it seems like everyday business to the official in question. When who you know becomes the most important factor in the hiring process. When contracts somehow end up on the desks of friends or relatives.

At times, we're kind of annoying here at the *Herald*. Kind of demanding, or so we've been told.

Perhaps it's simply that we have high expectations. That we believe in our elected officials and want to be convinced of their integrity. That when candidates for office say that they are supportive of transparency in government, we believe they're telling the truth for all time and not just until the votes are cast.

Yeah, we can be sort of naive at times.

The truth is, we're looking for some heroes. We still believe that they exist.

**Marcia Martinek**  
Herald Editor

## HERALD DEMOCRAT

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## Sunshine Week

Don Landgren



Guest column

## Ten commandments for open meetings

by **Brian J. Hunhoff**  
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Observer

*"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:

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

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## vote in our WEBSITE POLL

See results in the March 24 issue.

March 9-22, 2016

### Do you consider yourself:

Old Leadville?

Former Leadville?

New Leadville?

Someday to be Leadville?

Somewhere in between?

Other

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\* please note survey results are not scientific and are used for entertainment purposes only

