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Open-meeting laws could become clearer

Measure would make language 'cleaner' while strengthening safeguards

BOISE - Idaho's open-meeting law would be revised for the first time in 17 years, under a measure backed by Idaho Secretary of State Ben Ysursa, Attorney General Lawrence Wasden and media groups.

Supporters said the bill will make the 35-year-old law clearer for public officials to understand while strengthening the safeguards against violations. It passed the Senate unanimously last week and is expected to receive a hearing soon in the House State Affairs Committee.

"The public's business should be conducted in public," Secretary of State Ben Ysursa told lawmakers in a committee hearing.

Due to the size of Idaho and its scattered population, lawyers for the hundreds of governmental agencies vary in their familiarity with the law, said Deputy Attorney General Bill van Tagen. For example, the clarity needed in small sewer districts or recreational districts might differ from issues in bigger areas like counties or even on the state level like the Public Utilities Commission.

"We try to make things as clear as we can," said van Tagen. "You need to come up with something to provide balance for all of them." Among the provisions:

- Fines up to \$50 to governmental bodies who violate the law, regardless of intent.
- A civil penalty of as much as \$500 against public bodies who knowingly violate the law.
- As much as \$500 civil penalty for those who violate the law twice within 12 months.
- Instances where public officials go into executive sessions "closed door meetings" must be cited in meeting minutes. It would also require a governmental agency to list the specific reason for entering the executive session "currently agencies may list only a general description."

The measure has generally been well-received in the Legislature. "All the Sunshine laws I'm positive on," said Sen. [Chuck Coiner](#), R-Twin Falls. "We needed the clarification."

Rep. [Bert Stevenson](#), R-Rupert, the only Magic Valley lawmaker who sits on the State Affairs Committee, said he didn't know enough about the bill yet to comment on it.

Alleged violations of the law and efforts to better follow it have made headlines in recent months in the Magic Valley. The city of Twin Falls is currently streaming all council and advisory committee meetings through the city's Web site, as well as increasing the number of meetings broadcast on the city's Cable One public-access Channel 17. The City Council has ruled against requests from the golf and the airport advisory commissions, which wanted to keep meeting away from city offices. Meanwhile the Idaho Attorney General's Office recently *Open meetings 1*

investigated complaints that the Burley City Council had violated the open meeting law by awarding a sewer line bid without proper notice. The AG determined that no violation had occurred. In an unrelated move, Burley Mayor Jon Anderson removed City Councilman Jay Lenkersdorfer from committee assignments, saying he had violated the law by holding committee meetings without proper notice.

Betsy Russell, president of the Idaho Press Club and co-president of the Idahoans for Openness in Government, a statewide nonprofit coalition, said the bill clarifies the law.

Russell filed a complaint last year against the State Board of Education, prompting Wasden to determine the board may have violated the law. However, he said he could not prove the board "knowingly" did so, as required under a Supreme Court interpretation of the law.

"The Idaho Open Meeting law is broken because of a 2007 Idaho Supreme Court decision that made it almost impossible to enforce," said Russell, who is a newspaper reporter for the Spokesman-Review. "This bill fixes it."