



Let the sun shine in...

# Hail to Sunshine!

By Debbie Lowe  
Staff writer



**Baker**



**Hylton**

It seems like spring has arrived in Carroll County. The sun visits bright and cheerful almost every day and the flowers will soon begin to poke their heads above the soil.

But there is another bit of sunshine being celebrated across the nation this week. March 11-17 is national Sunshine Week. It is the week to remember that our nation enjoys freedom of speech and the public's right to know what their elected officials and public servants are doing.

Throughout the United States newspapers are running editorials and featuring cartoons about "open door" and how it is an uncomfortable animal for many in government.

The essence of Indiana's Access to Public Records Act of 1983 states, "All persons are entitled to full and complete information regarding the affairs of government and official acts of those who represent them as public officials and employees."

Most would agree with this concept. After all, it's government by the people and for the people and taxpayers always pay the bill.

However the practicality of adhering to the essentials of the law are not always easy to accomplish.

Sunshine Laws are designed to increase accountability of those who govern by allowing citizens access to meetings and public documents. To do that, all records, not only those presented and approved at meetings but also those merely created and in draft form are required to be available to the public for scrutiny.

Carroll County at times experiences violations of the open door law as noted by the *Comet*. The question is always, What to do about this?

"We try to be sensitive," *Comet* editor Susan Scholl said. "Sometimes we try to educate rather than take the punitive approach to a violation. We know there are violations and we do try to watch."

Scholl said one reason a *Comet* reporter is present at public meetings is to help elected officials remember to abide by the law.

"Government officials tend to be more mindful of the law when the media is present," Scholl said.

people violate the statute knowingly."

"Indiana is one of the few states that doesn't have civil or criminal penalties for violations," Key added. "Most issues are resolved by going through the public access counselor," Key said. "If it (a problem) goes to court, the price tag is paid by taxpayers."

Key said approximately 14 percent of the calls to the public access office for clarification are from the media. The other 86 percent are from the public or from governmental agencies.

"Indiana's Sunshine Law is a law without teeth for the most part," Scholl said. "The *Comet* and Carroll County citizens can note when violations occur, and address the situation with the party involved, but it is difficult to think about taking a county entity or public official to court because they don't understand the statute or they choose to ignore the law sporadically."

"It comes down to the integrity of our government officials to know the law and abide by it," she concluded. "It is really about integrity."

"Open government laws are absolutely essential to getting the information officials might prefer to see locked away," former Washington Post Editor and honorary chair of the National Sunshine Week committee Ben Bradlee said. "When you're seeking information, you know that with these laws you're on the side of right. Sunshine Week is an opportunity for journalists, the public and government officials to reinforce the importance of these laws and their foundations."

"If we present ourselves to the world as patrons of democracy," honorary co-chair Tom Brokaw said, "then we must be vigilant stewards at home of the oxygen that it requires - access to what our government is doing and the right to speak freely about it. The Greatest Generation fought valiantly to preserve and protect those freedoms. It is up to us to ensure during Sunshine Week and all year that their sacrifices were not for naught."

**The Handbook on Indiana's Public Access Laws is available in PDF format at [www.IN.gov/pac](http://www.IN.gov/pac). The office of the public access counselor can be reached by calling (800) 228-6013.**

I think in most cases, our elected officials try to adhere to the law."

"We do occasionally seek the opinion of the Hoosier State Press Association (HSPA) general counsel and we have referred several citizens to the public access counselor in the past," she added.

The Office of Public Access Counselor was created by the general assembly in 1999. The role of the office is to interpret the law and educate the public by preparing and distributing materials.

The public access office distributes the "Handbook on Indiana's Public Access Laws." The guide contains the statutes of the Indiana Open Door Law, which governs meetings of governing bodies of public agencies, and the Access to Public Records Act, which governs access to public records.

County council president Rob Baker said there are questions about how to conduct business "in the sunshine" which makes it difficult to strictly abide by the law.

"Knowing exactly what we are supposed to do is a problem for us," Baker said of the council. "We don't knowingly push the issue."

Commissioners' president Loren Hylton said the commissioners adhere as closely as possible to the law.

"About the only time our commissioners talk is at meetings," he said. "It makes it difficult when there are only three commissioners, because two make a majority."

"I think there does need to be some communication," Hylton added. "You can't run a business without talking to your partners."

Steve Key, HSPA general counsel, said that it is fairly common for communities to struggle with the issue.

"A lot of it is that people don't understand the law or they panic due to lack of understanding," he said. "Only a small percentage of

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