

Keeping government open is a constant battle

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By David Seago

I don't know Kittitas City Councilman Sean Turpin, but I think he deserves a pat on the back for sticking up for open government.

A little Googling the other day turned up Turpin's complaint, duly reported in The Record on Jan. 15 that the City Council had illegally selected a new mayor by secret ballot.

Now let us note that Turpin was on the losing end of a 3-2 vote, and he was probably disappointed in the outcome. He graciously noted that he had "nothing against Fred Huber being mayor, and I think he'll do a fantastic job." But Turpin worried that the vote might be null and void because the way it was done violated the law.

Turpin was dead right about the council's mistake. The state's Open Public Meetings Act states as plain as day that "no governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot." You can look it up; it's RCW 42.30.060.

In the greater scheme of things, this episode was no great scandal. Nobody was out to cheat. A couple days later the council held a special session and elected the mayor by a proper roll call vote.

But the episode is worrisome nonetheless. The council's flub was one more example of the way local government officials, intentionally or not, fail to respect the state's open government laws.

In this case, voting by secret ballot was just the way the selection of the mayor had always been done. Kittitas City Clerk/Treasurer Robin Newcomb checked records for the previous 10 years and found the vote had always been by secret ballot.

It's also easy to imagine other reasons for taking a secret vote. A not particularly collegial city council or school board, for example, might prefer to elect a mayor or board president by secret ballot to avoid open disagreement.

Or perhaps a fire district board might try to mask some behind-the-scenes deal-making by obscuring how the commissioners voted on a controversial issue.

Citizens are always entitled to know who is voting for what. When public officials fail to respect the law, they're not respecting the people who put them in office. And Washington's open government laws clearly represent the will of the people.

In 1971 and 1972, voters approved landmark initiatives requiring open meetings and public access to public records. The preamble to the latter, enshrined in statute, declares:

"The people of this state do not yield their sovereignty to agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for the people to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Those two acts, along with other laws since enacted, are powerful tools for holding government accountable. But their power has been steadily eroded by troublesome court decisions and by legislation creating more and more exemptions to public disclosure requirements.

Last year the Legislature created a task force dubbed the Sunshine Committee to review the thick accretion of exemptions built up like barnacles on a piling. The committee's work is far from done, but some legislators, on the pretext that it's too costly and slow, want to kill it this session.

Preserving the public's right to know is a constant battle. It is an inexorable fact of nature that government officials often find open-government requirements uncomfortable or inconvenient.

Citizens who want to retain control of their government, from local fire districts and school boards to the state Legislature, must be vigilant. They should be familiar with open-government laws, or at least know where to turn for help when they think those laws are being abused.

The Washington Coalition for Open Government, a nonprofit organization, seeks to educate citizens, public officials and lawmakers about the state's Open Public Meetings Act and Public Records Act. The coalition works through the courts and the Legislature to promote open government and each year honors citizens and officials who stand up for the public's right to know.

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