

Let sun shine, he says

By TIM RICHARD

Public officials who adamantly oppose broad open meeting laws have never operated under one, says a Florida attorney experienced in the operation of that state's "sunshine" law.

Bayer Harrison spent four years in the Florida attorney general's office including 18 months as deputy. "Our office interpreted and enforced the sunshine law," said Harrison, now in private practice in Tallahassee.

Harrison was touring Michigan this week with State Rep. David Hollister (D-Lansing), author of a Common Cause-supported bill requiring virtually all policy-making bodies in Michigan to hold all portions of all their meetings in public.

The bill has strong opposition from school boards, city councils, townships and counties.

"THE PROBLEMS come basically from the little ward politicians, the backslapping good ol' boys who don't like the least they get at public meetings," said Harrison.

But his message is reassuring. Florida's experience has been that opening up meetings has stirred strong public interest and done local government virtually no harm.

Hollister notes that "school boards are the most vocal opponents of my sunshine bill." But Harrison said that Florida school boards found they had actually gained public support when it came to bargaining with faculty unions by letting the public know the broad outlines of the school district's bargaining position.

Harrison was critical of an amendment to a senate bill that lists many exceptions to the open meeting rule. The amendment, offered by Sen. Daniel Cooper (D-Oak Park), would allow "information" meetings to be held in secret.

"Information meetings are the most important ones," Harrison said. "Doing is largely ceremonial. By having information, the public has the opportunity to increase its alternatives. It's the whole basis of Jeffersonian democracy. It's good for the public to be there during the decision-making process."

LOCAL SCHOOL and community college board members raised several objections to open meeting bills last month in a public hearing in Livonia. Harrison said these replies:

"Labor negotiations—Michigan officials say strategy discussions should be held in secret so unions won't know management's strategy. Harrison said 'major policy decisions should be taken out before the public,' although 'detailed, nitty-gritty' could be discussed elsewhere.

Florida's law exempts labor negotiations from the public meeting law, but Harrison says Hollister's bill is superior because it would allow no except...

"Evaluations—Michigan officials say discussions of personnel should occur behind closed doors. Harrison contends 'the process should be public. If someone is to occupy a major position in a tax-supported agency, the public as well as the board should know what kind of job he's doing.'

Florida exempts faculty evaluations and records from public scrutiny, but hearings on tenure are open.

"Student discipline—Florida school boards rarely handle these cases because they are taken care of at the administrative level. But if a student's appeal to the board involves a policy decision, the discussion is held in public.

"Real estate—Michigan officials contend land prices would be driven up if speculators knew what acreage a government was considering buying.

Harrison's strongest defense of open meetings was on this point: "There are more corruptions, more payoffs, more kickbacks and more bribes in land negotiations with developers than in any other area."

In Florida, three Pinellas County commissioners have been indicted in the last 15 months for taking kickbacks from developers who were discovered because of the open meeting process.

VIOLATION of Florida's law is a misdemeanor. Harrison said several future school boards have been indicted, but the conviction rate is low.

"Usually they didn't have an attorney to advise them, and they didn't realize they were doing wrong."



BAYER HARRISON

"Nine times out of 10, a call from the attorney general's office will get them to open up."

He said removal from office could be one penalty, but he advised against criminal proceedings. A Florida remedy is for a citizen to get a court injunction against secret meetings and to collect damages and attorney fees.

DESPITE VEHEMENT opposition, Rep. Hollister said his bill (HB 504) is the only one with any chance in the legislature. The senate bill (SB 800) has been no different with amendments that it can't win support from open meeting advocates, Hollister said.

Hollister is a former teacher of Spanish-speaking high school students in the Lansing area. He was chairman of the Ingham County Board of Commissioners before winning his House seat.

He credited Dick Baker, a youthful candidate for the Lansing City Council, with being the first to promote a sunshine rule for local government. Hollister predicted more young candidates would run on open meeting platforms.

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Sen. Bishop backed jail bill

Sen. Donald Bishop (R-Rochester) voted in favor of a HB 5073, requiring mandatory prison sentences for gun-carrying felons. He was incorrectly reported to have been absent on the final vote. Actually, he was absent for a vote on reconsideration. Bishop supported the bill on final passage and an unsuccessful attempt to give it immediate effect.

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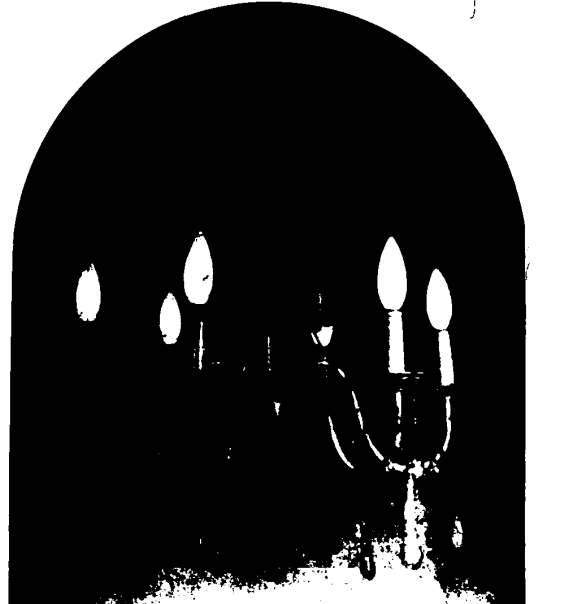
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