

Newspaper files complaints over LEST grant procedure

The editor and publisher of two area newspapers has filed a formal complaint with the Missouri attorney general, maintaining the Jasper County Sheriff's Department violated state statute regarding the posting of public meetings.

Paul Donley, editor and publisher of the *Jasper County Citizen* and *The Sarcouxie Record*, contacted the attorney general's office Monday, March 9, to file the complaint in connection with the March 5 meeting of the LEST Grant Committee. He had earlier formally complained to Jasper County Prosecuting Attorney Dean Dankelson, who opted out of acting against the sheriff's office. He referred Donley to the attorney general or a private attorney.

Representatives of the two newspapers had contacted the sheriff's office before the end of 2008, as early as Dec. 5, requesting they be notified in advance of this year's grant committee meeting. Jasper County Sheriff Archie Dunn said this was the first time any news agency had asked to be notified in advance of the meeting, stating most simply waited for the results of the meeting to be released.

Donley stated in an email to Dankelson that the meeting was held without giving 24 hours notice, resulting in it being an illegal meeting. Representatives of the sheriff's department stated notice of the meeting was posted at the sheriff's office, as well as the county courthouse, Tuesday, March 3 at 9 a.m., 48 hours before the meeting.

Donley said the two papers had requested in writing they be notified in advance of the meeting and were notified by email less than 24 hours in advance of the meeting.

Dankelson said state statute says a "reasonable" attempt should be made to notify the public of upcoming meetings. He said he felt the department complied with the statute by posting the notice two days in advance.

Donley countered that the Missouri State Statute 610.020 states in part, "Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place, which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting..."

Donley said that although the notice was posted to the public 48 hours in advance, it should have been sent to the two requesting newspapers at that time. As this was not a meeting held on a regular basis, there was no way of knowing in advance of the meeting date without proper notification, said newspaper representatives. The locations of the postings were such that newspaper personnel did not visit the boards during that 48-hour period.

Email notification was sent approximately 21

hours prior to the meeting, although one email was not received until the day of the meeting due to a server problem. Dankelson said he felt the sheriff's office "did try to notify." "They did try to comply," said Dankelson, "even though it was less than 24 hours in advance." Donley stated that had the statute been followed, notice would have been given 48 hours in advance at the time of posting. He also said "shall" in the state statute doesn't give the public body a choice to follow the law or not.

Dankelson said it comes down to an issue of determining what are "reasonable" attempts to notify.

Dankelson said as the county's prosecuting attorney, part of his job is also to defend complaints against the county. He said he would not be the one that would be able to file a complaint against the county, but said it would instead take a special prosecutor - which Donley had requested.

Dankelson said he did not want to seem as if he was trying to sweep the complaint under the carpet and said he knew that Donley felt he had a legitimate complaint. Dankelson said the other two avenues for the publisher would be to file a complaint directly with the attorney general's office or file a civil complaint in county court.

Dunn said he has made it a point all along to try to work with the media and was in no way trying to hide anything from the public. He said that Dankelson had told him weeks before the meeting that the two papers wanted

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to be notified of the meeting in advance and wanted to attend the open meeting. JCSO Captain Derek Walrod said he really felt like they were in compliance and said it was not intentional that the email notifications were sent to

the papers less than 24 hours in advance. Both Walrod and Dunn said they hoped to have a good relationship with the two papers. Donley continued to maintain the meeting last week was an illegal meeting and

that the sheriff, as the top law enforcement person in the county, should take all precautions to follow the law in such an important expenditure of taxpayer dollars.

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