

The Kentucky Press

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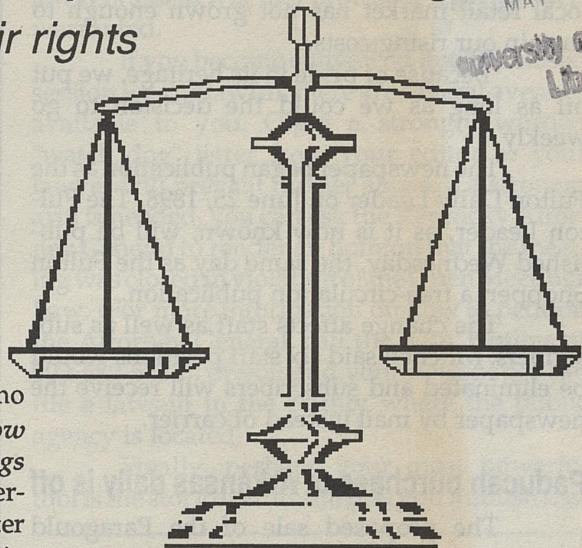
Official Publication of the Kentucky Press Service - Volume 60, Number 10 - October, 1989

Cardinal Rule of Open Meetings:

Reporters should know their rights

Kim Greene
Wyatt, Tarrant and Combs

Editor's Note: Kim Greene, with Wyatt, Tarrant and Combs law firm in Louisville, is an attorney for the Kentucky Press Association Freedom of Information Hotline. Questions for the Hotline should be directed to Kim Greene or Jon Fleischer, (502) 589-5235



The cardinal rule for any reporter who covers the meetings of public agencies is *Know Your Rights Under the Kentucky Open Meetings Law*. Many public officials do not fully understand the law, so it is likely you will encounter public agencies which will unwittingly violate it. It is your role, therefore, to insist that the law be followed.

What should you do when you are covering a meeting of a public agency and a member of that agency moves to go into closed session? First, listen carefully to the motion. Did the movant state the exception to the Open Meetings law which he or she believes pertain? If not, it is appropriate for the reporter to ask to be recognized and to inquire as to the purpose for the closed meeting. Did the motion carry by a

If there's a motion to go into closed session, listen carefully

majority vote in open, public session? If the stated purpose for the closed session is Exemption 2 (deliberations on the acquisition or sale of

real property), Exemption 5 (collective bargaining negotiations), Exemption 6 (discussions which might lead to the appointment, discipline or dismissal of a individual employee, member or student,) the public agency may not go into closed session without vote on a proper motion to do so.

Even if the closed session is appropriate under the law, the agency may only deliberate and discuss, it may not vote, take final action or reach consensus on the issue. Any vote must be taken in an open session. In addition, the discussions and deliberations are limited to the proper subject of the closed session. If the agency wishes to discuss other topics, it must return to the public session to do so. These rules apply

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Newspapers... in the News

Fulton goes weekly

The Fulton Daily Leader converted to a weekly publication on October 11, according to publisher William Mitchell, ending 90 years as a daily newspaper.

Mitchell, who made the announcement to staff October 2, said, "The reason for changing from daily to weekly is purely economics. The local retail market has not grown enough to sustain our rising costs.

"Because of pride in its heritage, we put off as long as we could the decision to go weekly."

The newspaper began publication as the Fulton Daily Leader on June 25, 1898. The Fulton Leader, as it is now known, will be published Wednesday, the same day as the Fulton Shopper, a free-circulation publication.

The change affects staff as well as subscribers. Mitchell said six staff positions would be eliminated and subscribers will receive the newspaper by mail instead of carrier.

Paducah purchase of Arkansas daily is off

The proposed sale of the Paragould (Ark.) Daily Press to the parent company of the Paducah Sun has fallen through, according to Paducah Newspapers, Inc., officials.

The two companies apparently reached an agreement for the sale in August with a change to take effect in September. However, Fred Paxton, president of the Paducah company, said, "The parties were unable to negotiate mutually satisfactory terms of the purchase, so they agreed to terminate the proceedings.

Floyd County Times now twice weekly

The Floyd County Times in Prestonsburg began publishing twice weekly on September 1.

Publisher Marty Backus said the "progressive future of this area" allowed for the increase in publication dates for the Times.

(Continued on Page 7)



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Official Publication of the Kentucky Press Service

Reporters should know rights in Open Meetings law

(Continued from Page 1)

when a quorum of the public agency itself meets or when a duly appointed committee of the public agency meets.

If all the moving member does is parrot the words of the Open Meetings exemption to explain the purpose for the closed meeting, it is appropriate to ask for more information. For example, if a public agency merely says it is going into executive session to discuss personnel matters, it has not made a proper disclosure of the basis for the closed meeting. Therefore, you should ask for more specific information. What is the particular subject for the closed meeting? Does it involve an individual employee or a group of employees? Could it lead to the appointment, discipline or dismissal of that employee? Will policy matters be discussed? If, after getting as much explanation about the closed session as you can, you believe an exemption is being improperly employed by the public agency, you should object to the closed session on the record. That means that your objection is heard and recognized by the presiding officer so that it will be noted in the minutes of the meeting. Objection on the record is important if you decide later to seek an opinion from the Attorney General or to file a lawsuit for a violation of the act.

If you believe an exemption (to the Open Meetings law) is being improperly employed by the public agency, you should object to the closed session on the record

If you believe a proposed closed session is improper and you have stated your objection to the public agency, should you dig in your heels and refuse to leave the meeting room? As the statute is currently written, this type of "civil disobedience" is not advised. Leave the room when asked, but don't pack up and go home. By staying in the vicinity, you will see who, other than members of the public agency, went into the meeting room during the closed session. Essential staff may be present and witnesses may attend, one at a time for the duration of their testimony only. If groups of people are

invited in to observe, then the session is not truly closed. That is grounds for yet another objection.

Once the public agency returns to open session, you will find out what final action, if any, the agency takes on the subject. You will also have an opportunity to question members of the public agency about what took place: were discussions of general policy held? was a straw vote taken? did the subject go beyond the scope of the legitimate exemption? All of this can lead you to: (1) information for your story and (2) information that will help you and your lawyers assess whether protest or legal action is warranted.

If you become convinced that the closed session was unlawful, there are several avenues available to you. Often a strongly worded "watch dog" letter from your editor or your lawyer will prevent further abuse. If a stronger arm is needed, you can ask the Kentucky Attorney General to render an opinion that the meeting was closed in violation of the Open Meetings Law. (For more information on how to petition the Attorney General, call the KPA Hotline at 502-589-5235), or you and your newspaper can file a lawsuit in the county where the public agency is located.

Finally, perhaps your most powerful tool is the story or editorial that you publish that

If you're convinced the closed session was unlawful, you can:

- (1) write a "watch dog" letter to the public agency**
- (2) call the Attorney General and ask that office to render an opinion**
- (3) file a lawsuit**

informs the public that its elected or appointed officials are conducting public business behind closed doors. That story is important in and of itself.

If you have questions about Kentucky's Open Meetings or Open Records law, call the KPA Hotline at (502) 589-5235. Ask for Kim Greene or Jon Fleischaker.

For Sale -- Compugraphic 7200 (headliner) with several font strips. Worked when stored two years ago. \$1,000.

Contact Alan B. Gibson
Clinton County News, Albany
(606) 387-5144

For Sale -- Compuwriter IV - low range - excellent condition - 9 to 36 points, 4 years old - 10 fonts. \$500.

Compuwriter I - 12 years old - excellent condition. Several fonts, gears, etc. \$200.

Contact Moss Vance
Woodford Sun, Versailles
(606) 873-4131

For Sale -- 5 Harris terminals and disc drives. Make Offer.

2 - 4961 Compugraphic typesetters. Make Offer.

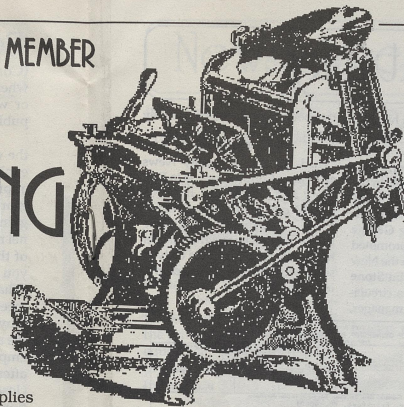
1 1400 Compugraphic headliner. \$1,000 or Best Offer

1 Compugraphic Comp IV TG. \$2,200.

Contact Michael Benham
Meade County Messenger
(502) 422-2155

If you have used equipment or supplies for sale or to give away, this free listing is available by contacting the KPA Central Office, (502) 223-8821.

FIRST ANNUAL KPA MEMBER FALL CLEANING SALE



KPA member newspapers have inventoried their supplies and equipment and are offering for sale the following items. Please contact the newspaper listed for more information.

For Sale -- 2 Compugraphic 7200 I headliners.
2 Compugraphic Compuwriter Jrs.
25 assorted font strips

One Jr. and one headliner were working when the switch was made to another typesetting system. The other two machines need repair -- could be used for spare parts.

We'll sell entire lot, plus font strips, for a song. Make us an offer. You haul.

Contact Jim Rector
Georgetown Graphic
(502) 863-4444

For Sale -- Compugraphic 7200 with 15 font strips

\$500.

Contact Donn Wimmer
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(502) 927-6945

For Sale -- 1250W Multilith press with chain delivery. In good condition \$800.

Contact Russ Metz
Bath County News Outlook
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For Sale -- Two Compugraphic 7200 headliners. Several fonts. Will sell one or both. \$500 each or Best Offer.

Contact Tom Moore
The Interior Journal, Stanford
(606) 365-2104

For Sale -- Quadritek 1410, 2 monitors, 2 keyboards, 14 fonts, excellent condition. 5 years old. Still in use. \$5,000.

Compuwriter II. \$100

Contact Charlie Hust
Providence Journal Enterprise
(502) 667-2068

For Sale -- Mycro-Tek 11 -- news, classified and editing system. \$4,500.
2 Compugraphic 8400 typesetters. Best offer.

ASD Selectline RC paper processor. Best offer.

Contact Mary Schurz
Danville Advocate Messenger
(606) 236-2551

For Sale -- Compuwriter IV TG; clean, was in very good condition when we switched to new system. Always maintained service contract on machine. \$800 or Best offer.

Minolta EP350Z copier. Needs \$150 in parts to run like new. \$500

Contact Jerlene Rose
Clay City Times
(606) 663-5540

Across Kentucky

Dane Ward, who most recently taught English and social science courses at Cincinnati Technical College, has been named associate editor of the Kenton County Recorder and the Recorder Connection.

Carroll Rowe, a recent graduate of Murray State University, has joined the Greenville Leader News as general assignment reporter.

Wade Daffron, a reporter and photographer for the Times Journal and Russell County News, has been named editor of the two weeklies by publisher David Davenport. Daffron is a graduate of Western Kentucky University and interned with the two weeklies while majoring in journalism at WKU.

Mike Wright has joined the Harrodsburg Herald as a sales representative.

Danny Brandenburg, sports editor of the Winchester Sun, resigned from that position in mid-August and is now in charge of the United Press International bureau. The bureau is being moved from Lexington to Frankfort.

Berry Craig, former feature writer for the Paducah Sun, has joined Paducah Community College as a history and journalism instructor.

Pam Logue, assistant managing editor of the Mt. Sterling Advocate, has been named editor of the Montgomery County weekly by publisher Doug Taylor. Logue, who has been with the Advocate for two years, replaces Jeff Spradlin who is returning to school.

Taylor has also announced that Brent Risner, a former intern with the Advocate and reporter for the Citizen Voice &

Times in Irvine has been hired as general assignment reporter.

Richmond Register publisher Fred Hall recently announced personnel changes in the daily's circulation department. Bruce Agee has been named circulation director, replacing George Melton, who has been promoted to a similar position with the New Albany (Ind.) Tribune. Jim Stone has joined the Register's circulation staff as district sales manager,

the position previously held by Agee.

Jamie Baker-Nantz, who joined the Grant County News and Grant County Express in February as a staff writer, has been named editor of the two Landmark newspapers, replacing Debra Jasper who resigned. Jasper has enrolled at Ohio State University to work on her master's degree in journalism.

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6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)		
Publisher (Name and Complete Mailing Address) Kentucky Press Service, address same as above		
Editor (Name and Complete Mailing Address) David T. Thompson, Editor		
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7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)		
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8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities (If there are none, so state)		
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(1) <input type="checkbox"/> Has Not Changed During Preceding 12 Months		
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10. Extent and Nature of Circulation (See instructions on reverse side)	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date
A. Total No. Copies (Net Press Run)	600	600
B. Paid and/or Requested Circulation		
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2. Mail Subscription (Paid and/or requested)	389	399
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)	389	399
D. Free Distribution by Mail, Carrier or Other Means (Samples, Complimentary, and Other Free Copies)	50	50
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F. Copies Not Distributed	161	151
1. Office use, left over, unaccounted, spoiled after printing		
2. Return from News Agents		
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)	600	600
11. I certify that the statements made by me above are correct and complete	Signature and Title of Editor, Publisher, Business Manager, or Owner <i>David T. Thompson</i>	

Newspapers in the News

(Continued from Page 2) Enterprise building dedicated

The staff and owners of the Manchester Enterprise paused for a few moments September 12 to dedicate the new building, printing press and other equipment. The service was conducted by a Manchester minister.

James Nolan, Enterprise company president, said the printing press was the only equipment in the old Enterprise building to be salvaged from a July 30 fire.

Nolan added that staff members also dedicated themselves to the purpose and the future of the newspaper during the service.

N-E wins API contest

The Elizabethtown News-Enterprise was judged to have the best classified section among 25 newspapers represented at the American Press Institute's Management and Costs seminar for newspapers under 75,000 circulation.

Larry Paden, vice president of N-E's parent company Landmark Community Newspapers, Inc., attended the conference.

Shepherdsville paper sponsors literacy fund-raiser

The Shepherdsville Pioneer News sponsored a literacy luncheon for Bullitt County with Kentucky First Lady Martha Wilkinson and

the local literacy program is \$500 richer because of the newspaper's efforts.

About 100 people attended the luncheon with proceeds benefitting the Bullitt County Adult Literacy Program.

During her speech, Mrs. Wilkinson acknowledged the efforts of the Pioneer News and encouraged others around the state to hold similar fund-raising events for literacy.

Radcliff Leader asks readers' opinions of paper's future

The Radcliff Leader took a rather unusual approach to its future, asking readers if the Hardin County weekly "is worthy of continued publication?"

Managing editor George Wright, in an article about the newspaper's future, said the Leader "is on a collision course with reality."

Wright said the weekly, which started Oct. 2, 1986, has had but a few hundred paid subscribers and advertising has plummeted, leading to serious financial losses.

"The Messenger Corporation, like all good business people, will not tolerate a loser indefinitely," said Wright.

"If The Leader is to survive, it must attract wide community support, something we have so far failed to accomplish.

"Do you feel The Leader is worthy of continued publication," the article read.

Independent, Gleaner receive safety awards

The Ashland Daily Independent and the Henderson Gleaner have received the 1988 awards for the safety records of their newspaper delivery vehicles in the Annual Safe Driving Campaign.

The annual competition is co-sponsored by the American Newspaper Publishers Association and the International Circulation Managers Association.

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