

Why are cities resisting your access to public records?

Tom Grote/McCall Star-News publisher (via Lewiston Tribune)

The elected officials of local cities should tell the Association of Idaho Cities to quit trying to block a legitimate avenue of appeal for citizens of their communities who feel they have been denied access to public records. The principle of openness outshines any petty arguments over so-called local control.

This week, a representative of the cities group tried to derail an effort by a coalition of media groups to offer reasonable legislation to give citizens a way to appeal denial of public records requests other than hiring an attorney and filing a lawsuit. The lack of an alternative is the most glaring flaw of the state's public records law, which is intended to make records available to citizens cheaply and conveniently.

The media coalition wants to pass a law where a citizen could go to the state's public records ombudsman to challenge an agency's decision. The ombudsman could mediate and issue an advisory, but not binding, opinion. If either party was not satisfied with the ombudsman's recommendation, it could appeal to a five-member hearing commission, which would make a binding decision. The hearing commission's decision could be appealed to a judge, who would conduct an independent review.

Association of Idaho Cities Director Seth Grigg could not argue with the wisdom of the proposal, but could only whine that it was "unprecedented," according to press reports. But that is the whole idea, to institute a new way for the people to pry open the file cabinets in their city halls and county courthouses.

Grigg tried to argue that such legislation would amount to loss of local control and "essentially almost judicial jurisdiction over the decision of a local government entity." What Grigg seems to forget is that when a public agency denies a public records request, it gives up jurisdiction over that request by saying it no longer wants anything to do with it. The proposed commission would act in the same role as a judge, but with a process that is much cheaper and speedier than going to court. Yes, it is true the commission might overturn a wrong ruling by a public agency. But that is the way the system is supposed to work, whether it's by the courts or by a duly authorized commission.

This is an opportunity for Cally Younger, the state public records ombudsman and committee chair, to make a bold stand for the citizen and advise the committee to ignore the weak objections of the cities and let the full Legislature decide the issue. This is an issue that local elected officials should endorse, and they should send a message to their lobbying group instructing them to stop all obstructionist behavior to cooperate with those attempting to enhance the tools of democracy in the state.

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