

Title: **A closed-door choice**
 Author:
 Size: 40.3 square inch
 Wichita, KS Circulation: 98425



A closed-door choice

No wonder the Sedgwick County Commission's unanimous Sept. 2 vote to hire Michael Scholes as county manager seemed so curiously anti-climactic. Turns out the choice of the one-star U.S. Army general was a done deal, having been made behind closed doors two weeks earlier.

County officials say the commissioners' Aug. 19 decision during executive session to make the job offer was nonbinding and therefore not a violation of the Kansas Open Meetings Act. Scholes didn't return the signed employment agreement until Sept. 1, they point out, the day before Commission Chairman Richard Ranzau added his signature in a regular commission meeting. The acting county counselor blessed the process.

Little did the public know, even when "discussion of county manager position" appeared on the Sept. 2 agenda and local media still were talking about all four finalists, that the actual discussion and decision had occurred two weeks before then.

The lack of transparency regarding the decision to hire Scholes also followed an insular search process, with no public and streaming interviews

or online feedback forums. The only citizen input over the course of pruning the field from 85 applicants to Scholes came from the seven members of a community committee that met with the four finalists in August.

In contrast, the city of Wichita had a much more open process when it hired City Manager Robert Layton in 2008. The city held public forums, and the City Council voted in an open meeting to hire Layton over two other finalists. Three council members then negotiated the salary with Layton, who did not sign an employment contract until a month later.

The Eagle has asked District Attorney Marc Bennett and Kansas Attorney General Derek Schmidt to investigate whether when commissioners reached consensus on Scholes and signaled their desire to make a job offer during an executive session, they violated KOMA language saying

that "no binding action shall be taken during closed or executive recesses."

Even if Bennett or Schmidt decides that the commission violated state law, there may be no meaningful sanctions.

After the City Council admitted it technically

violated KOMA in 2003 and 2008, it was assessed only minimal court costs. After a 2012 violation, the Park City council faced the maximum \$500 fine and \$180 in court costs.

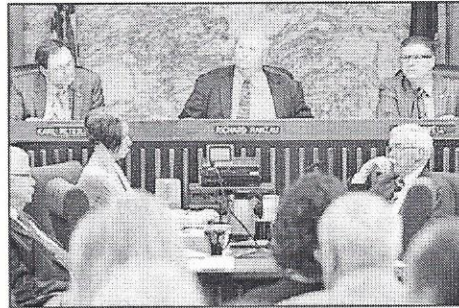
The weak punishments, which are little deterrent, reflect the low regard that state lawmakers have for open meetings. Too many officials also mistakenly think that when state law allows some records and meetings to be closed, such secrecy is required.

Even if the Sedgwick County commissioners didn't think they'd benefit from enabling the public to have a say in — or at least a view of — the first county manager search in 25 years, they should have considered how all this would look. A more inclusive, public process might have enabled citizens to recognize what commissioners saw in Scholes, whose accomplished military resume does not include experience running a local government.

In any case, an open, accountable governing body does not make a hiring decision out of public view, then keep it secret for two weeks before going through the motions of making a public decision.

— For the editorial board, Rhonda Holman

Title: **A closed-door choice**
Author:
Size: 40.3 square inch
Wichita, KS Circulation: 98425



The Sedgwick County Commission's choice for a new county manager was made two weeks before it was announced in a public meeting.