EDITORIAL: A cruel irony

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Here’s a deal for you: Help contribute more than $1.6 million in taxpayer money statewide to an organization that — in at least one major case — is working against your best interests.

That’s what is happening right now as the powerful Austin-based Texas Municipal League proposes doing away with the idea of having our elected and appointed government officials face tough penalties for violating the state’s open meeting laws.

The TML, which has been around since 1913, touts that its mission is to “serve the needs and advocate the interests of its members.”

Specifically, it serves the state’s municipalities, which support the TML through taxpayer-funded dues.

And a form TML filed with the U.S. Internal Revenue Service and dated November 2008 — the most recent filing available — says that it collected $1,651,557 in “membership dues and assessments.”

That’s money coming from our collective pockets and it’s money that is being used, in part, to water down open meeting laws that now require our governmental entities to conduct their business in public.

Under the Open Meetings Act, if elected officials fail to conduct business before the public, government officials face the possibility of going to jail as long as six months and paying a fine of up to $500 on a misdemeanor criminal charge.

It’s a solid, four decades-old law that sends an absolutely clear message: back room deals and deliberations made out of public view will not be tolerated in this state.

It’s a law that underscores an enduring theory of our nation’s ideals: the best kind of democracy is the kind that stands up to public scrutiny.

So when Trib reporter Mike Copeland asked TML executive director Frank Sturzl last week about a resolution that his group passed recently calling for “less restrictive penalties,” we were shocked to hear the rationale.

The resolution says the act creates “an unreasonable and possible unconstitutional constraint on the ability of public officials to communicate with their colleagues regarding public matters outside of governmental meetings.”

Unconstitutional? Really?

And if that weren’t enough, a group of Texas cities are preparing to file a lawsuit — presumably at taxpayer expense — challenging the law’s constitutionality.

Fortunately, Central Texas cities, including Waco and Woodway, don’t seemed inclined to join in such frivolous legal action.

As Waco City Manager Larry Groth so pragmatically put it: “My advice would be not to do anything to violate the Open Meetings Act.”
We applaud such thinking by Groth and we condemn such frivolous legal action by these other Texas cities.

Both Waco and Woodway are members of the TML and we hope that the local attitude regarding this battle will sway the TML overall.

The TML, which is a mainstay when the Texas Legislature is in session, says it has not decided whether it intends to pursue weakening this law legislatively.

If they do, we strongly believe that seeking legislative relief is a foolish exercise that would normally be laughable if it weren’t such a waste of taxpayer resources.

Taking taxpayer money to help fund an effort to weaken governmental accountability to these very taxpayers is not only a cruel irony, it is a slap in the face.

If the TML continues to pursue this insulting course, we would strongly urge all local municipalities to deliberate in public about the wisdom of this organization and to reconsider using our taxpayer money to pay their membership dues to this organization.