

3 Minute Public Comment

August 6, 2012

I'm going to paraphrase to you a letter I sent to Bob Morris, Chair of the HCC Board of Trustees over the weekend.

Dear Mr. Morris,

I see from the Board Of Trustees agenda for August 6, that you will be considering a Public Records Policy in both the Executive Committee, and again at the regular Board of Trustees Meeting, later in the afternoon. Perhaps I can be of assistance in providing background material for the boards consideration. I would like to offer four (4) items:

First, the North Carolina General Statues § 132 Public Records is the law and must be followed strictly.

Second, the North Carolina Guide to Open Government and Public Records, by Roy Cooper, the Attorney General, provides an easy to understand interpretation of General Statue § 132 on access to Public Records.

Third, the Public Records Request Policy adopted by the County Commissioners on September 7, 2010, was, I believe, primarily directed at me, for my benefit. You will notice that commissioners have inserted "gatekeepers", David Teague, the Public Information Officer, and Marty Stamey, the County Manager. Note the mailing address, who responds to requests, who can deny a request (David Teague), and whom an appeal can be made to (Marty Stamey).

The last item, Case number 99 CVS 03497, an old Superior Court ruling from Buncombe County, was brought to my attention recently, and I made a trip over to the Buncombe County Courthouse to get it. Had to go to archives. It was a lawsuit filed by Buncombe County citizens against the Buncombe County Commissioners and the County Manager in 1999, and it basically said that the Buncombe County Manager cannot act as a "gatekeeper" for Public Records. Rather, citizens can go directly to the custodian of the public information for their requests. This was a Superior Court Ruling, and certainly trumps any Public Records Request Policy adopted by the Haywood County Commissioners, who are using David Teague and Marty Stamey as "gatekeepers". The next time I request public information from the county, for example, it will be directly to a custodian of that public record, not a "gatekeeper". Additionally, I have posted 99 CVS 03497 on my website, www.haywoodtp.net.

Please keep these documents in mind when the Board of Trustees considers an official Public Records Policy for HCC, and don't get carried away like David Teague, [David Cotton, who was the current county manager at the time] and the Haywood County Commissioners did when they adopted their September 7, 2010 Public Records Request Policy. Keep it clean.

Sincerely,
Monroe Miller

It appears as though your current Public Records Request Policy has been rendered null and void.

I appreciate your allowing time for me to express my concerns.

Thank you.