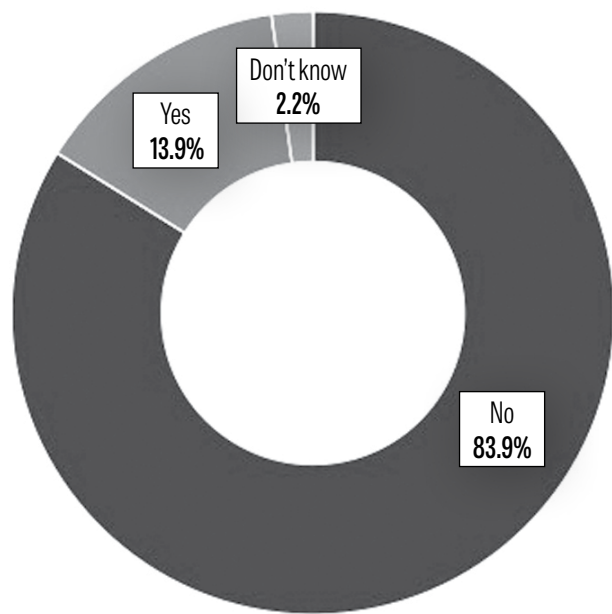


ONLINE POLL:

Do you agree with the Frankfort/Franklin County Planning Commission's decision to recommend the rezoning of land on U.S. 127 South for the proposed industrial park?



This poll reflects the opinions of 1101 respondents.
Visit www.state-journal.com to take part in today's poll.

EDITORIAL

Doggy Book Club builds better readers, pet owners

For local parents of elementary school students worried that their children may not be reading enough over the summer months, the Betty J. Martin L.I.F.E. House for Animals offers the Doggy Book Club, a once weekly program where kids ages 7-11 read to the shelter's dogs as well as it's cats.

Sponsored by First Federal Savings Bank of Kentucky, Doggy Book Club meets from 10 a.m. to noon each Thursday in June and July at L.I.F.E. House, 14 Fido Court. The last one of the summer is slated for Thursday.

The idea for Doggy Book Club is to provide a free summer activity that nurtures children's love for reading and animals while also raising awareness of L.I.F.E. House, which offers a safe haven for animals in need, according to Eve Ann Jones, First Federal Savings Bank of Kentucky marketing coordinator. She said that many of the bank's employees are pet owners and the project is one that is close to their hearts.

Doggy Book Club's two-hour sessions start with a craft project, followed by interacting with L.I.F.E. House's dogs and cats each week with the guidance of the shelter's volunteers and reading. However, participants do not need to stay for the full two hours.

"We love providing this free program for kids in our community each summer because it is a win-win for the kids and our dogs (and cats!)," said Meredith Plant, the volunteer coordinator at L.I.F.E. House.

"Our shelter animals receive loving and socialization with young kids so that they can be ready for a future home that might include kids. The kids in our community receive the opportunity to love on some animals and also practice their reading skills."

We appreciate that Doggy Book Club engages both the kids and the pets and that it allows children to become more confident readers without the fear of making mistakes. We applaud the Betty J. Martin L.I.F.E. House for Animals and First Federal Savings Bank of Kentucky for offering the program, which exposes students to shelter animals at a young age as well as gives students an opportunity to learn responsible pet care.

An opportunity for much needed clarification

Courier Journal reporter Krista Johnson examines the arguments in the open meetings lawsuit filed by the newspaper against the Jefferson County Board of Education on June 27. The dispute centers on whether the board violated the law by conducting an illegal final vote in closed session to select Dr. Brian Yearwood as superintendent of the Jefferson County Board of Education. The Courier argues that the board "illegally decided on Harold Brian Yearwood in a closed session before the public vote."

The exception the board relied on to conduct closed session discussion of the qualifications of candidates, KRS 61.810(1)(f), permits "Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student [to be conducted in closed session] without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret."

This will be an interesting — and important — case to watch for several reasons.

► Superintendent retirements are much in the news these days, and a precedent clearly defining the duties of school boards when appointing a new superintendent — and by extension, other executive officers — is timely and much needed. The fiasco that preceded Dr. Gerry Bradley's appointment as current president of the University of Louisville — during the same closed session in which then-President Schatzel tendered her resignation — generated a similar controversy.

► And although there is, at least, some authority supporting the Jefferson County Board of Education's closed session selec-

tion of Yearwood as the finalist with whom to begin contract negotiations before final appointment, the fact that both Yearwood's identity and that of the other finalist had been disclosed militates against the policies supporting these authorities. The reputational harm which the exception for closed



Amye Bensenhaver
Guest columnist

session discussion of candidates in closed session supports is undermined by prior disclosure of the candidates' identities.

The open meetings decisions supporting this view are based on the premise that contract negotiations may break down between the agency and the preferred finalist, and the agency may be forced to pursue a second candidate. A 1991 opinion, and a 1996 open meetings decision extending protection to a finalist's name until contract negotiations are concluded, a contract executed, and a final vote taken was extended to renegotiations with a sitting office holder in 2024.

(As we have often noted, these agency arguments have been disputed by open government experts, but Kentucky law does not yet recognize this current interpretation of the law.)

► Then, there is the problem created by former Attorney General Daniel Cameron's radical departure from decades of internal precedent for his office requiring strict compliance with KRS 61.815. Cameron declared that this statute — governing the mechanics for going into closed session and expressly prohibiting final action in a closed session — was permissive rather than mandatory. Under this theory, a public agency could elect to take final action in closed session.

The case was appealed to circuit court, and that court rejected Cameron's extremely dangerous interpretation of the law. The circuit court was affirmed on other grounds by the Court of Appeals in a 2024 unpublished opinion. That appellate opinion represents the last word on the subject, but a more emphatic endorsement of the principle that no final action may be taken in closed session would be welcomed.

From this perspective, the Courier's argument is not iron clad. But like other ambiguities in the law created in recent years, this case may provide the opportunity for much needed clarification.

Since the identities of Yearwood and the other finalist for JCPS superintendent were known to the public, it is possible that the facts will override the policy supporting the board's reliance on KRS 61.810(1)(f). Given the caliber of the attorney representing the Courier, widely recognized open records and meetings authority Michael Abate, the newspaper may even succeed in securing reversal of the old decisions relating to contract negotiations and renegotiation. But there is a good faith argument that the board may make based on past legal authority, and it is unlikely that the Courier will be awarded attorneys fees should it prevail.

For now, it's wait and see.

Amye Bensenhaver is a retired assistant attorney general who authored open records and open meetings decisions in that office for 25 years. She is co-founder and co-director of the Kentucky Open Government Coalition along with Jennifer P. Brown, former editor of the Kentucky New Era and currently Hoptown Chronicle editor. She can be reached at missbhaver@gmail.com.

LETTER

FLOOD INSURANCE RELIEF ACT WOULD PROVIDE A NON-REFUNDABLE TAX DEDUCTION FOR FLOOD INSURANCE PREMIUMS

Dear editor,

U.S. Senators Ashley Moody (R-FL) and Rick Scott (R-FL) have introduced the Flood Insurance Relief Act to reduce the financial burden of rising flood insurance costs on homeowners. This legislation would provide a non-refundable tax deduction for flood insurance premiums. Rep. Byron Donalds (R-FL) has introduced a companion bill in the House.

Related to this, I encourage reading a compelling article by Günther Thallinger, board member of Allianz SE, one of the world's largest insurance companies. It's titled, "Climate, Risk, Insurance: The Future of Capitalism." Here's an excerpt:

"Heat and water destroy capital. Flooded homes

lose value ... Entire asset classes are degrading in real time, which translates to loss of value, business interruption, and market devaluation on a systemic level."

Thallinger argues that climate change threatens the very viability of capitalism by undermining the insurance industry, the financial sector, and, ultimately, the entire market system.

To limit further atmospheric warming, he advocates urgently reducing and capturing carbon dioxide emissions. Thallinger asserts that technological solutions — solar, wind, batteries, green hydrogen — already exist and must be rapidly deployed at scale.

It's important to look to independent organizations like the insurance industry when evaluating the threat posed by climate change. Because this industry depends on scientific evidence to assess risk, it is less amenable to politicized science.

*Terry Hansen
Milwaukee*

SUBMIT LETTERS TO THE EDITOR

The State Journal encourages readers to submit letters to the editor. Letters should be the original work of the author, no form letters, and be fewer than 400 words. The State Journal reserves the right to edit letters for grammar and brevity. To submit a letter email letters@state-journal.com. Please provide an address and phone number with the submission for verification purposes only.

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