

DA: Cotton Valley should comply with public records law

BY VICKIE WELBORN • VWELBORN@GANNETT.COM • MARCH 13, 2010

COTTON VALLEY — The public cannot have immediate access to documents reviewed by public officials at public meetings, according to the Cotton Valley clerk.

Instead, Myra Kilburn says the request must be put in writing. And she claims she has three days to fulfill the request. Kilburn, who was hired in January, has prior experience as a clerk, having worked in the 1990s under a different administration.

But Kilburn's interpretation is contrary to the state's public records law, and her assertion at Tuesday night's monthly Board of Aldermen meeting was not publicly challenged by Mayor Comerdis Phillips or any of the aldermen. Instead, Phillips backed Kilburn by saying, "She said what the law was."

However, the Public Records Act of Louisiana in Revised Statutes 44:33 does not require the public to put the request in writing. It states the public record, if not in active use, to be provided if it is immediately available. If the public record is not immediately available, the custodian "shall" certify that in writing and fix a day and hour within three days, excluding weekends and legal holidays, when it will be available.

The public records discussion came up when The Times requested a copy of the town's financial records that are provided monthly to aldermen. The documents, placed in folders at the aldermen's seats, routinely have been made available to the news media, and any citizen, by the town's previous two clerks. But none were Tuesday, and

additionally no copies of the meeting agenda were available to the public. A handful of agendas were made after The Times asked for one.

While the law does not require Webster Parish District Attorney Schuyler Marvin to intervene in public records conflicts as it does open meetings violations, Marvin is making inquiries into Kilburn's refusal to comply with the law as part of his overall oversight into situations involving the town over the past year. Primarily, financial worries at one point last year left some wondering if the town would remain viable.
