

SUPREME COURT OF WYOMING

Sheridan Newspapers, Inc. v. Board of Trustees

350 P.3d 266 (Wyo. 2015) · Decided May 14, 2015

SUMMARY

The Wyoming Supreme Court considered whether executive-session minutes of the Sheridan County School District Board of Trustees were confidential under the Wyoming Public Meetings Act. The court held that the minutes concerning legal advice and potential real-estate sites were too vague to reveal privileged or price-sensitive information and therefore were not confidential. It reversed the summary judgment order and remanded with instructions to release the minutes relating to real estate and potential sites near or at the high school.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Burke; Davis; Fox; Hill; Kite
JURISDICTION	Wyoming
DECIDED	May 14, 2015
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Newspaper petitioned for a court order requiring release of executive-session minutes. The district court reviewed the minutes in camera and granted the Board's motion for summary judgment, concluding that the discussions fell within exceptions to the Wyoming Public Meetings Act and that the minutes were confidential. The Newspaper appealed.
STANDARD OF REVIEW	De novo review of the district court's summary-judgment order and its interpretation of the Wyoming Public Meetings Act.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Wyoming.
PARTIES	Sheridan Newspapers, Inc. v. Board of Trustees of Sheridan County School District #2

TOPICS

administrative law

municipal law

statutory interpretation

judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Board met its burden of showing that nondisclosure of the executive-session minutes was supported by the Wyoming Public Meetings Act.
2. Whether executive sessions in which the district attorney provided legal advice concerning the high school and recreational facility were authorized under the confidential-information exception and whether the corresponding minutes were confidential.
3. Whether minutes concerning potential real-estate sites were confidential under the exception permitting executive sessions to consider site selection or real-estate purchases when publicity would likely increase the price.
4. Whether the common-law deliberative-process privilege applies under the Wyoming Public Meetings Act.

HOLDINGS

1. In the context of the Wyoming Public Meetings Act, the agency bears the burden of proving that nondisclosure of executive-session minutes is supported by the Act.
2. Executive sessions held to obtain legal advice concerning matters involving the high school and Sheridan recreation were authorized under the Wyoming Public Meetings Act's exception for information classified as confidential by law, but the minutes were not confidential because they disclosed no substantive attorney-client communications.
3. Minutes that merely mention potential sites and recite the statutory ground for an executive session are not entitled to confidential treatment when they do not identify the sites or disclose information whose release could likely increase real-estate prices.
4. The common-law deliberative-process privilege does not apply under the Wyoming Public Meetings Act.

KEY QUOTATIONS

“Under the circumstances here, however, we conclude the minutes of those sessions are not confidential because they reveal nothing substantive about the content of the legal advice the district attorney gave to the Board and their disclosure would not, therefore, invade the attorney-client privilege.” (350 P.3d at 271)

“Bare-boned minutes such as those provided by the Board in this matter that do nothing but mention “potential sites” and recite the statutory grounds for the executive session are not entitled to confidential treatment.” (350 P.3d at 272)

“Our holding in Aland, that the WPRA incorporates the deliberative process privilege was based on § 16-4-208(b)(v), which allows the custodian of public records to deny the right of inspection to an applicant on the ground that disclosure would be contrary to the public interest.” (350 P.3d at 272)

FACTUAL BACKGROUND

Sheridan County School District #2 had explored upgrading Sheridan High School and developing a multipurpose recreational facility for the school and community. The Board discussed related matters in executive sessions, including potential real-estate sites, high-school construction and facility upgrades, legal advice, and contracts. The minutes of the sessions concerning real estate and potential sites contained only general references to potential sites and statutory grounds for closure, without identifying the sites or substantive information discussed.

PROCEDURAL HISTORY

Sheridan Newspapers sought disclosure of minutes from executive sessions concerning a proposed multipurpose recreational facility. The district court ordered the minutes submitted for in-camera review, granted summary judgment for the Board, and denied disclosure. The Wyoming Supreme Court reversed and remanded with instructions to order release of specified minutes.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the district court's order and remand with instructions to enter an order requiring the Board to release the minutes submitted for in-camera inspection involving matters relating to real estate and potential sites near or at the high school.

CASES CITED

- Horning v. Penrose Plumbing & Heating, Inc., 2014 WY 133, 336 P.3d 151 (Wyo. 2014)
- Aland v. Mead, 2014 WY 83, 327 P.3d 752 (Wyo. 2014)
- Powder River Basin Res. Council v. Wyo. Oil & Gas Conservation Comm'n, 2014 WY 37, 320 P.3d 222 (Wyo. 2014)
- Gronberg v. Teton County Housing Authority, 2011 WY 13, 247 P.3d 35 (Wyo. 2011)
- Cheyenne Newspapers, Inc. v. Building Code Bd. of Appeals, City of Cheyenne, 2010 WY 2, 222 P.3d 158 (Wyo. 2010)