

Newsroom Seminar

Dec. 6, 2014 ♦ Indianapolis

& Awards Luncheon

Great training! ♦ Newspaper awards!
REGISTER AT HSPAfoundation.org/events



Publisher

Volume 79, Issue 11 • November 13, 2014

Published on second Thursday monthly

Notices worth cost to Hoosiers

HSPA survey shows taxpayers willing to pay for transparency

Hoosiers support public notice ads, and they want to see them in their local newspapers.

That was the clear message found in the results of a recent American Opinion Research survey of Hoosier attitudes on the publication of public notices.

When asked if they support the publication of public notices as a way to inform the public of government actions, 85 percent of respondents said yes.

That's a greater percentage than those who said they have read or seen public notice advertising in a newspaper (61 percent).

"That indicates that even people who don't read notices regularly still support the concept because they trust their neighbor or co-worker will see a notice of interest and let them know about it," said Steve Key, executive director and general counsel for the Hoosier State Press Association.

Key encourages publishers to discuss results of the survey with local legislators, particularly those who believe government website posting is the future of "transparency."

"It's not a future envisioned by most Hoosiers," he said.

The HSPA board of directors commissioned the survey from Princeton, N.J.-based American Opinion Research, which surveyed 1,000 Hoosiers about public notices, newspaper readership and sources of election information.

Key recruited four state

See NOTICES, Page 5

Full results

Publishers received full survey details via email. For a resend or a hard copy, contact HSPA's Steve Key at (317) 803-4772.

NEWSROOM SEMINAR

Covering Ferguson *in pictures*

Register by Nov. 21 to hear from photogs at protests, other top-notch speakers

From learning which public records you can access to hearing first-hand experiences of covering the Ferguson, Mo., protests, this year's Newsroom Seminar promises something for everyone.

Investigative reporters, photographers, feature writers and multimedia pros will find sessions appropriate for their niche Saturday, Dec. 6 at the Indianapolis Marriott North.

"We tried to cover the bases in this year's programming to offer a wide variety of opportunities to help attendees grow professionally," said Jo Ann Spieth-Saylor, chairwoman of the HSPA Foundation Newsroom Seminar Committee and editor of *The Corydon Democrat*.

The Better Newspaper Contest awards luncheon will follow the seminar.

Two photojournalists from St. Louis, Mo., will share their experiences while covering a sensitive event that quickly became national news. Unrest and protests in Ferguson, Mo., followed the fatal shooting of an unarmed 18-year-old black man by a white police officer in August.

Whitney Curtis, a freelance photographer who covered the situation primarily for *The New York Times*; and her husband, Jeff Roberson, a staff photographer for The Associated Press

See SEMINAR, Page 8

First-hand accounts

The HSPA Foundation welcomes Ferguson, Mo., photographers Whitney Curtis, left, and her husband, Jeff Roberson, to the Newsroom Seminar. Curtis is a freelance photographer who covered the city's protests primarily for *The New York Times*. Roberson is an Associated Press photographer based in St. Louis.



Newsroom Seminar & Awards Luncheon

What: Workshops on writing, photography and more, plus the awards luncheon

When: Saturday, Dec. 6, 2014

Where: Indianapolis Marriott North

Cost: \$65 if registered by Nov. 14 (payment may follow); registration fee increases after that date

Registration: Go to www.HSPAfoundation.org/events to register online, or return the form newsrooms received by mail.

Seminar schedule and speaker information: Download a brochure at www.HSPAfoundation.org/events or request one by sending an email to Shawn Goldsby at sgoldsby@hspa.com.

Information: (317) 803-4772 or sgoldsby@hspa.com

HSPA in talks with state officials

Legislative agenda: Budget publication requirements

HSPA's legislative agenda continues to grow as the January start to the 2015 Indiana General Assembly session approaches.

The association's top priority is a reversal of a legislative decision to end the publication of local government units' proposed budgets and notice of the public's opportunity to speak on budgets.

This fall's publication of budget notices was the last unless the legislature reverses its course.

State Rep. Dan Leonard, R-Huntington, authored the bill (H.E.A. 1266) to erase this transparency requirement. Leonard carried the bill at the request of the state Department of Local Government Finance.

Steve Key, HSPA's executive director and general counsel, believes Department of Local Government Finance bureaucrats were motivated to eliminate the publication in part because they didn't want to continue to be thrust into the role of bad guy, denying budget requests due to failure to properly publish the notice of budget hearing.

Micah Vincent, then commissioner of the Department of Local Government Finance, said he believes more people will see the budget information if it's posted on the state agency's website.

That perception isn't supported by the results of a survey conducted by American Opinion research this year, which clearly shows that Hoosiers support the publication of public notices

See BUDGET, Page 5

INSIDE

■ **Foundation Front:** Member newspapers can run a free 15-part series on Indiana history to mark the state's bicentennial in 2016. **Page 3**

■ **Postal Update:** Tap into safeguards and tips from the National Newspaper Association to maximize postal delivery of print products. **Page 5**

■ **Legal Q&A:** Sub-groups of governing bodies' sub-committees can have closed meetings. **Page 6**

■ **Key Points:** 'It's always been that way' isn't an excuse for avoiding required transparency in government. **Page 8**



NEWSPAPER INDUSTRY POSTAL INFORMATION

Safeguards maximize delivery

The U.S. Postal Service, frustrated with lack of congressional action to improve its financial position, announced this summer that it would implement the next round of 80-plus plant consolidations.

Unless the National Newspaper Association and its coalition partners are able to move a reform bill in the lame-duck session, U.S. Postal Service will proceed with closing more plants and merging mail into bigger, less efficient plants from January through October 2015.

That makes it timely to review the safeguards NNA has in place to maximize delivery service in the local office, the county/market area, the secondary market area, and distant areas.

1. Next-day delivery for destination delivery unit drops

When current service-standard “business rules” were being hammered out between the Postal Service and mailers, the National Newspaper Association was at the table of discussion.

First priority was to ensure that mail entered at the office of delivery kept one-day service. That means next day for mail dropped before Critical Entry Time, known as CET.

Another NNA-won rule change allows copies of Periodicals dropped at the delivery office under No. 1-3 of this column to be dropped in bundles only, with no containers required.

Avoiding containers also avoids the container charge for Periodicals outside-county. Bundles of Standard Mail shoppers can also be dropped – though there is no container charge – but not necessarily for next-day delivery.

Postal Update

Max Heath



2. Overnight Drop Policy at primary entry office

Since November 2009, the Postal Service Business Mail Entry has operated under a policy obtained by NNA in negotiations with postal officials to protect newspapers, which historically dropped their mail off in the middle of the night, or otherwise could not meet the Critical Entry Time referenced above.

The current policy applies to community newspapers that mail no more than 500,000 copies per year and meet certain other conditions (more than 50 percent in-county, etc.).

The interpretation of the policy was clarified later to include not only mail dropped after CET, but also before operating hours in the morning. It is also interpreted to apply to situations where CETs were moved earlier or operating hours started later, reducing the window of time to drop the newspaper to as little as 1.5 hours in some offices.

Such occurrences have been widespread as the Postal Service sought to cut expenses rather than close offices.

3. Dispatch to other offices in-county or out

This policy in Domestic Mail Manual 207.28.3 has long existed, but NNA worked to broaden it more than a decade ago to include sectional center facilities, or SCFs. It consists of a simple letter request to your local postmaster, who must approve it. The newspaper can then take copies directly to other post offices in

the area, even dropping after hours as needed, without taking them to the local office first.

No verification is required on these copies. Some postmasters confuse this with Plant-Verified Drop Shipment copies and require Postal Service Form 8125s. These do not apply to Periodicals dropped under Exceptional Dispatch.

The National Newspaper Association suggests that newspapers resend their requests annually because there are so many changes at the postmaster level.

4. Hubs dispatch “Direct” containers within old sectional center facilities

This helps protect delivery to mail in areas just outside a newspaper’s primary market covered by Nos. 1-3 in this column. NNA worked long and hard to get the “Hub Policy” in effect earlier in 2014.

As the Postal Service closed smaller sectional center facilities, it made sense for them to keep mail that didn’t have to be opened and worked upstream to be cross-docked or distributed. USPS agreed to a formal policy designating that certain containers entered at the old SCF or at post offices served by it will be sent directly to their destinations in other towns within the territory served.

Direct containers are defined as five-digit, carrier-route, or a mix of the two (Merged 5-digit, or M5D, for merger of both sortations to same ZIP). Only “working” containers sorted to either

3-digit or SCF must be sent to the new distant sorting plant.

5. Use Flats Trays to improve distant delivery

NNA has worked with U.S. Postal Service headquarters since 2005 on this policy change, for Periodicals only. This allows newspapers to get out of costly, harder-to-spot generic sacks and into what is essentially a first-class container so that Periodicals move on the same trucks.

Although they currently require a green lid, identical to first-class mail, NNA is working with Postal Service headquarters on removing lids for mail within the origin sectional center facility, or SCF.

Some plants and post offices already encourage unlidded trays, which allows nesting in trucks for better space utilization and instant

recognition of newspapers in mail processing plants.

Sacks are costly to process, driving up Periodicals prices. The National Newspaper Association will seek lower prices for tray users when it can prove widespread use.

A new sortation created in late 2005, Origin Mixed area distribution center, or ADC, removes

pieces from Mixed ADC to create delivery via first-class truck trips for destinations available from the origin processing plant.

It is a mandatory sort for PAVE-certified software vendors (Presort Accuracy, Validation, and Evaluation), which newspapers should use to be in compliance with continual changes in U.S. Postal Service labeling lists.

6. Electronic subscriptions to distant locations

NNA worked five years to gain approval of paid/requester subscriptions to count on the annual Postal Service Form 3526, Statement of Ownership, Management and Circulation.

This legitimizes non-postal subscribers to advertisers. Those subscribers willing to read the newspaper electronically should be encouraged to take this route for problem deliveries far outside the newspaper market.

7. Tips from publishers

Many newspaper publishers try creative solutions to solve their delivery problems, from putting notices on the front page about whom in the U.S. Postal Service to contact with complaints to a reminder of day of mailing and “deliver by” dates.

Joe Moss of the *Carroll County Comet* in Flora, Indiana, recently had problems with tubs going through the Sectional Center Facility 479 in Lafayette, Indiana, to Indianapolis, and then back to his county.

He slapped a note on the trays stating “DO NOT SEND TO INDY, SORT AT 479.”

It worked. But that plant is set for 2015 closure, and he may need to use Exceptional Dispatch on in-county copies going through SCF 479.

The *Ellsworth* (Maine) *American*, featured in the May *Publishers Auxiliary*, runs a boxed notice on its front page stating the date entered, an 800 number to call if the paper does not arrive on time, and the expected postal delivery times by location.

Max Heath, the National Newspaper Association postal chairman, is a postal consultant for Athlon Media Group.

NOTICES

Continued from Page 1

legislators to review the questions to be asked in the survey to avoid any perceived bias in the wording. State Reps. Kevin Mahan, R-Hartford City; and Jerry Torr, R-Carmel; and State Sens. Brandt Hershman, R-Buck Creek; and Randy Head, R-Logansport, all participated.

Mahan suggested the following question to see if the taxpayer cost of publishing public notices would dissolve support for them:

When government units publish legal and public notices, they must pay for the publication with taxpayer dollars. While at a rate set by the state legislature that is often lower than a newspaper’s regular rates, it still may cost a public agency several thousand dollars a year. Knowing this, do you believe government units should be required to publish these notices?

Yes was the response from 64 percent of respondents.

Sixty-nine percent of Hoosiers who participated in the survey by phone, both landline and cell, answered yes to the above question. Those answering online said yes 56 percent of the time.

Of the 61 percent of adult Hoosiers who have seen public notices in newspapers, an overwhelming 83 percent said they have read them. That’s 51 percent of all adult Hoosiers, or roughly 2.5 million people.

Of Hoosiers familiar with public notices, 38 percent said they preferred seeing them in a printed newspaper. That number grows to 49 percent if you add newspaper websites as a preferred source.

Only 25 percent of the respondents picked government websites as their preferred source for public notices.

Newspaper preference for the location of public notices also was clear when Hoosiers were asked whether they would read public notices more

often or less often if they were moved from printed newspapers to government websites. Answering “much less often” or “less often” were 46 percent of adult Hoosiers. Only 15 percent answered “much more often” or “more often.”

The difference was even greater among adults who say they read public notices: 54 percent said they would read them less often online, and 12 percent said more often.

In the 18-34 age group, 37 percent said they would read notices less often if posted on government websites, compared to 23 percent who said more often.

HSPA has shared the survey results with the Indiana legislature’s top leaders.

“The survey confirms the value of publication of public notices,” Key said. “Hoosiers want and expect public notices to be placed in their hands through a local newspaper. They don’t want to have to guess when they should get online and search for this important information.”

BUDGET

Continued from Page 1

in newspapers over posting on government websites.

HSPA is in the process of securing a legislator willing to file legislation to restore the publication requirement.

On the public access front, HSPA will work once again with Speaker of the House Brian Bosma toward passage of a bill that would do two things:

- Allow citizens to choose whether they receive a public record electronically or via paper copy. Current law gives the public agency control over whether the requester can get an electronically available record via email instead of being forced to pick up a hard copy.

- Allow government units to charge a search fee when a records request requires more than two hours of labor to compile. This legislation has been filed in the last two legislative sessions, where it

failed due to Senate amendments that added a third item opposed by county recorders.

State Rep. Bill Friend, R-Macy, has been the author of this legislation in the last two sessions.

HSPA is also working with the Indiana State Police on language that would clarify a point concerning the “investigatory records” exception in the Access to Public Records Act.

Key said the intent is to make clear that disclosable public records should remain available for copying and inspection, even if law enforcement officials are using that document as they investigate possible wrongdoing.

“A record that a citizen could inspect and copy on Monday shouldn’t become a secret document on Tuesday just because it is evidence of a crime,” Key said. “That’s the reason public records should be available for inspection and copying – accountability.”