

# KANSAS OPEN MEETINGS ACT



“In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public.”<sup>1</sup>

Food and active transportation councils are a powerful tool that can be used to improve the food and active transportation systems in communities. These councils have increasingly been used in policymaking and to provide guidance



## Kansas Health Foundation

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on complex issues. Food and active transportation councils can be set up and run in a variety of ways and can be adapted to the specific needs of each communities.

This, however, means that some of these councils are subject to the Kansas Open Meetings Act.

Open meeting laws, sometimes referred to as “sunshine laws” or “freedom of access laws,”<sup>2</sup> have been enacted to promote government transparency. Through the creation of the Kansas Open Meetings Act<sup>3</sup> in 1972 the State of Kansas demonstrated that the public has an interest in observing government business and that open and accessible government is important.<sup>4</sup>

### Q: What is the Kansas Open Meetings Act?

**A:** The Kansas Open Meetings Act (KOMA) is a law that guarantees the public’s right to attend, observe, and record state and local governmental meetings and proceedings.<sup>5</sup> Under the law, legislative and administrative agencies’ policy-making business must be conducted in open meetings to which the public has access. For KOMA to apply, the public body or agency involved must be a covered entity and there must be a “meeting.”<sup>6</sup> The Supreme Court of Kansas held that KOMA was created for the benefit of the public and should be interpreted broadly in favor of the public to ensure openness and transparency.<sup>7</sup>

### Q: Are Food and Active Transportation Councils Subject to KOMA?

**A:** KOMA applies to all public legislative\* and administrative bodies and agencies at both the state and local level. KOMA also applies to any committees, subcommittees, and other subordinate groups formed by those public bodies and agencies to assist with public policy-making business.<sup>8</sup> KOMA does not apply to private persons, entities, or associations.<sup>9</sup>

There are two factors that are considered when determining whether a food or active transportation council is a covered entity under KOMA. First, the council must be a legislative or administrative body. This means that it must be public in nature and act in some governmental capacity. Second, the council must meet the public funds test. The public funds test is met when the council or its parent body either receives or expends public funds.<sup>10</sup> If a food or active transportation council is a legislative or administrative body and it passes the public funds test, it is a covered entity and must comply with KOMA.

\* The Kansas Legislature has the authority to exempt itself or a particular body from KOMA through the passage of a Senate or House rule. Therefore, it is important to review the rules of the House or Senate in order to determine if KOMA applies. KAN. STAT. ANN. § 75-4318(f)(4); see also *Frequently Asked Questions about the Kansas Open Meetings Act*, KAN. ATT’Y GEN. OFFICE, <http://ag.ks.gov/open-government/koma-faq> (last visited 3/27/2017).



### **Kansas Example: Food Council Subject to KOMA**

The Allen County, Kansas, Board of Commissioners passed a resolution creating the Allen County Growing Rural Opportunities Works (GROW) Food Policy Council. GROW was created to increase access to affordable, nutritious food and to coordinate with Allen County, other Kansas counties, and Kansas state food policy organizations.<sup>11</sup>

GROW is a covered entity that is subject to KOMA because it is a legislative or administrative body and it meets the public funds test. GROW meets the first factor because it is public in nature and acts in some governmental capacity. GROW was created through a county resolution, its members are publicly appointed, and its responsibilities constitute governmental action. GROW also likely meets the public funds test because it appears to both receive and expend public funds.<sup>12</sup>

### **Kansas Example: Active Transportation Council Subject to KOMA**

The City of Pittsburg, Kansas, passed an ordinance in 2014 creating an Active Transportation Advisory Board. The ordinance includes specific details regarding Board membership, public participation in Board decisions, and the Board's responsibilities. The Board is appointed by the city's governing body and is responsible for advising the governing body on matters related to active transportation and funding to develop active transportation.<sup>13</sup>

The Pittsburg Active Transportation Advisory Board is a covered entity that is subject to KOMA because it is a legislative or administrative body and it meets the public funds test. The Active Transportation Advisory Board meets the first factor because it is public in nature and acts in some governmental capacity. The Board itself is created through a city ordinance and its members are publicly appointed by the city's governing body. The Board is also responsible for assisting the City of Pittsburg in promoting new active transportation networks. The Board also likely meets the public funds test because it has the duty to assist the City of Pittsburg in seeking grants for active transportation development. This means that the Active Transportation Advisory Board likely receives and expends public funds.<sup>14</sup>

### **Q: Are subordinate groups subject to KOMA?**

**A:** Subordinate groups are subject to KOMA as long as their parent body is a covered entity and they are participating in the transaction of governmental business or affairs. All subordinate groups, such as boards, commissions, authorities, councils, committees, and subcommittees, are covered by KOMA if the subordinate group was appointed by the parent body, either the subordinate group or its parent body meets the public funds test, and the subordinate group participates in the decision-making process.<sup>15</sup> Even if the subordinate group itself does not receive or expend public funds, it is still subject to KOMA if its parent body does.<sup>16</sup> Additionally, a subordinate group participates in the decision-making process when it gathers information, evaluates options, and makes recommendations to the parent body.<sup>17</sup>

### **Q: Are any public bodies exempt from KOMA?**

**A:** Yes, KOMA provides four exceptions for public entities which do not have to comply with the Act. KOMA does not apply:

- 1 To administrative agencies authorized by law to exercise quasi-judicial functions when that agency is deliberating matters related to those functions;<sup>21</sup>
- 2 To the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;<sup>22</sup>
- 3 To any impeachment inquiry or other impeachment matter referred to any committee of the Kansas House of Representatives prior to the report of such committee to the full house of representatives; and <sup>23</sup>
- 4 If otherwise provided by state or federal law or by rules of the Kansas Senate or House of Representatives.

### DEFINITION: Quasi-Judicial Function

An administrative body carries out a quasi-judicial function when it investigates facts, draws conclusions, and exercises discretion of a judicial nature.<sup>18</sup>

Examples include zoning boards reviewing and deliberating an appeal related to a specific property,<sup>19</sup> or a city's grievance committee deliberating on the disposition of an individual employee's grievance matter.<sup>20</sup>

Additionally, Kansas courts have created two further exceptions for public entities which do not have to comply with KOMA. The courts have held that KOMA does not apply to:

- 1 Entities that have no decision-making authority and are merely advisory in nature.<sup>24</sup> However, it is important to note that a public agency cannot intentionally appoint an advisory board to determine the agency's actions to avoid compliance with KOMA requirements. The court stated, "[W]here the actions of the private citizens are in any way binding upon the elected officials, the meetings of such groups should be open to public scrutiny"; and<sup>25</sup>
- 2 Entities which are essentially independent but have some connection, by contract or other tie, to a government entity and are not actually created by any form of government action.<sup>26</sup> For example, a private company leasing property from a public agency would not be required to comply with KOMA.

### Q: What constitutes a meeting that must comply with KOMA?

**A:** KOMA only applies when a public body or agency subject to the act holds a meeting. The Kansas Court of Appeals has held that under KOMA, the term meeting "includes all gatherings at all stages of the decision-making process."<sup>27</sup> KOMA defines meeting as: (1) any gathering or assembly, in person or through the use of a telephone or any other medium for interactive communication, (2) by a majority of the membership of an agency or body, (3) for the purpose of discussing the business or affairs of the body or agency."<sup>28</sup>

All three elements must be met to constitute a meeting under KOMA. If all three elements are met, then KOMA applies regardless of the title of the gathering.<sup>29</sup> Additionally, informal discussions before, after, or during any recess of a public meeting are subject to KOMA.<sup>30</sup>

## Majority of Membership

Membership refers to the number of voting members of the body or agency. All voting positions are included in this number, even if a position is currently vacant.<sup>31</sup> For example, if the number of voting members of an agency is five, the majority of membership required to trigger KOMA would be three. KOMA applies *anytime* a majority of the body or agency meets and the other two elements are met. This includes situations in which the body or agency participates in a joint meeting with another agency or other individuals.<sup>32</sup>

## Interactive Communication

Meetings are not limited to in-person interactions between members of a body or agency, but may be conducted via other means of interactive communication so long as the other requirements of KOMA are met.<sup>33</sup> Examples of interactive communications include teleconference, videoconference, and online communication when there is opportunity for simultaneous interaction.<sup>34</sup>

E-mail does not generally qualify as an interactive communication; a single e-mail sent to other agency members would not be considered a violation of KOMA. However, if emails become excessive, they may constitute a meeting that is subject to KOMA. Members cannot avoid the KOMA requirements by discussing matters indirectly, through e-mail or serial meetings. If e-mail between members becomes extensive enough that it amounts to a discussion of the business of the body by a majority of members, then KOMA will apply.<sup>35</sup>

## Discussing Business of the Body

The majority of the membership of a body or agency must be discussing the business of the body in order for KOMA to apply. Individual members, however, are allowed to gather for other purposes as long as they do not engage in discussion regarding the business of the body.<sup>36</sup> Additionally, members of a covered agency may attend and participate in an educational conference or seminar where items of general interest are discussed so long as the specific business of the body is not discussed.<sup>37</sup>

## Q: Are serial meetings covered by KOMA?

**A:** Yes, serial meetings are subject to KOMA and must be open to the public.<sup>39</sup> To constitute a meeting under KOMA, a majority of members do not have to be present at one time. Not all communications must take place at one time either. As long as a majority of members are



involved in the communications at some point in time, and there is a common topic of discussion about the business of the body or agency, a serial meeting has taken place and must be open to the public to avoid a KOMA violation. It should be noted that binding action or voting is not necessary for a serial meeting to occur; "it is the discussion itself that triggers the requirements of the open meetings law."<sup>40</sup>

**DEFINITION: Serial Meeting**

Serial meetings are meetings that happen through a series of different communications. A serial meeting occurs when there is a series of interactive communications of less than a majority that (1) collectively involves a majority of the membership of the body or agency, (2) share a common topic of discussion concerning the business or affairs of the body or agency, and (3) are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency.<sup>38</sup>

Examples of serial meetings include the use of a calling-tree, e-mail, instant messaging, or the use of an agent (i.e. a non-member acting as a go-between for the members).<sup>41</sup> Whether a series of communications constitutes a meeting is very fact specific. Each situation is evaluated individually when determining whether a KOMA violation has occurred.<sup>42</sup> Members of a food or active transportation council are advised to use caution when engaging in communication that could potentially be a serial meeting.<sup>43</sup>

**Q: Does KOMA apply every time a majority of a food or active transportation council assembles or interacts?**

**A:** No, KOMA is not applicable just because the majority of council members communicate or are in the same place. KOMA only applies if the majority requirement is met *and* the group discusses the business of the body; members may gather for purposes other than discussing the business of the body.<sup>44</sup> Nevertheless, in order to avoid the appearance of impropriety, members of a covered entity should use caution whenever a majority of the membership could be perceived as discussing council business outside of a formally called open meeting.<sup>45</sup>

## Q: What are the KOMA requirements for a meeting?

**A:** The most important aspect of the meeting requirement under KOMA is accessibility of the public. Therefore, it is essential that food and active transportation councils make every effort to maximize citizen participation in their decision-making processes.<sup>46</sup>

### Open and Accessible

KOMA requires meetings to be open and accessible to the public. Although KOMA does not state where meetings must be held, food and active transportation councils should consider appropriate meeting spaces and should be mindful of the accessibility for disabled citizens. Holding a meeting in a place that is clearly not accessible to the general public, such as at an unreasonably inconvenient location or in a room so small as to make it inaccessible for public attendance, would violate KOMA.

It should be noted that KOMA requirements can be satisfied so long as the general public is able to listen to the discussion and determine how individual members of the public body voted on matters.<sup>47</sup> As a result, meetings may be conducted through electronic means such as teleconference or videoconference.<sup>48</sup>

### Notice

KOMA requires notice of the date, time, and place of any regular or special meeting to be provided to any person or organization requesting such notice.<sup>52</sup> The agency's presiding officer or the person calling the meeting is responsible for providing notice to all those who have requested it.<sup>53</sup> Regularly scheduled meetings may be listed in a single notice, but special meetings require separate notification.<sup>54</sup> While notice must be provided to all who request it, KOMA does not require agencies to publish notice of meetings in a public space like a newspaper or on the Internet.<sup>55</sup>

Both the notice request as well as the notice that must be given may be made orally or in writing.<sup>56</sup> Requests can also be made by petition. Requests made this way must designate one person to receive notice on behalf of all the people listed on the petition.<sup>57</sup> A request for notice of public meetings remains valid for a reasonable period of time.<sup>58</sup> However, before discontinuing notice, the agency must inform the requestor and allow them to resubmit a notice request.<sup>59</sup> An agency may also require a notice request to be re-submitted each fiscal year.<sup>60</sup> An agency may not charge a fee to provide notice of public meetings.<sup>61</sup> Delivery of notice to an employee or organization may be provided to an executive officer of the organization.<sup>62</sup>





### **DEFINITION: Regular Meetings**

A regular meeting is a periodically held meeting at a time set in a body or agency's governing documents or under a standing rule or schedule that the body or agency has adopted.<sup>49</sup>

### **DEFINITION: Special Meetings**

Special meetings are called for a particular purpose only. Special meetings are usually held between regular meetings.<sup>50</sup>

Under KOMA, only the business for which the special meeting was called may be discussed and acted upon by the body or agency during the special meeting.<sup>51</sup>

## **Public Participation**

While any person may attend and observe open meetings, KOMA does not require that the public be allowed to speak or have an item placed on the agenda.<sup>63</sup> However, other applicable statutes, local ordinances, or the specific policies or rules of the food or active transportation council may provide a right to speak at the particular agency's public meetings.

## Agendas

Agencies are not required to create agendas for public meetings under KOMA but they are not prohibited from doing so.<sup>64</sup> If an agenda is created, it must include all planned topics of discussion.<sup>65</sup> An agenda may be amended and supplemented during any regular meeting so long as there is no statute or rule specifically prohibiting it.<sup>66</sup> Additionally, if created, an agenda must be made available to anyone who requests it.<sup>67</sup> An agency is not required to mail the agenda to a requesting party; it can satisfy the requirement by placing the agenda in a public place.<sup>68</sup>

## Meeting Minutes and Recording

KOMA does not require meeting minutes to be kept, except to record motions for executive sessions (discussed below).<sup>69</sup> However, local bylaws, ordinances, or policies may require meeting minutes to be kept.

Additionally, a public body or agency may not prohibit the use of cameras, photographic lights, or recording devices in open meetings under KOMA. The use of such devices is subject to reasonable rules designed to ensure the orderly conduct of the meeting.<sup>70</sup>

### Q: May an agency vote by secret ballot?

**A:** No, KOMA specifically prohibits secret ballots. All binding action must be conducted in the open.<sup>71</sup> An agency may recess for an executive session to discuss certain topics where privacy is an issue. However, no binding action can take place during an executive session.<sup>72</sup>

### Q: When may a public agency recess for an executive session?

**A:** An agency may recess into an executive session only for the discussion of specific topics laid out in the language of KOMA.<sup>74</sup> Those topics include:

- 1 Personnel matters of non-elected personnel;
- 2 Consultation with the agency's attorney which would be deemed privileged;
- 3 Matters relating to employer-employee negotiations;
- 4 Confidential information relating to financial affairs or trade secrets;

- 5 Matters relating to actions affecting a person as a student, patient, or resident of a public institution except that such person has the right to a hearing if requested;
- 6 Preliminary discussions relating to the acquisition of real property;
- 7 Matters permitted to be discussed in a closed meeting concerning discussions of criminal information by the Parimutuel Racing Commission;
- 8 Matters permitted to be discussed in a closed meeting by legislative committees regarding child care, abuse, and neglect;
- 9 Matters permitted to be discussed in a closed meeting by a legislative committee regarding child deaths;
- 10 Matters permitted to be discussed in a closed meeting by a workers' compensation advisory council;
- 11 Matters permitted to be discussed in a closed meeting regarding identifiable patients or health care providers by a Medicaid review board;
- 12 Matters required to be discussed in a closed meeting by a tribal-state gaming compact;
- 13 Matters relating to security measures;
- 14 Discussions by legislative committees of child care facilities, maternity centers, or family day care homes; and
- 15 Discussions by the Department of Health and Environment and the Inspector General regarding investigations and audits.

**DEFINITION: Executive Session**

An executive session is a meeting, usually held in secret, that only the members of a body or agency and invited non-members may attend. An executive session is also referred to as a closed session.<sup>73</sup>

**Q: What is the procedure for recessing into an executive session?**

**A:** KOMA requires specific steps be taken in order to recess into an executive session. The body or agency must convene an open meeting and then recess into the executive session through a motion that is recorded in the minutes. Only the motion itself must be noted in the

minutes; KOMA does not require other information discussed during the open meeting or the executive session to be recorded.<sup>75</sup>

The motion must contain three elements:

- 1 The justification for closure;
- 2 The subject to be discussed; and
- 3 The time and place where the open meeting will resume.<sup>76</sup>

### Sample Motion for Executive Session

“Madam Chairman, I move we recess into executive session to discuss disciplinary action against a student in order to protect the privacy of the parties involved. We will reconvene the open meeting in the conference room at 8:30 p.m.”

The justification for closure and the subject to be discussed must be one of the topics allowed for executive session under KOMA. It must also include a specific description of the topic to be discussed in the executive session.<sup>77</sup> Only members of a public body may attend an executive session; if non-members are allowed to observe, then the session must be an open meeting. Individuals who aid the agency in its discussion or are needed to present information may be admitted at the agency’s discretion. However, mere observers are not allowed.<sup>78</sup> KOMA prohibits a body or agency from taking any binding action during an executive session. Reaching a consensus in an executive session is not considered a violation of KOMA as long as the executive session is followed by an open vote on the decision.<sup>79</sup>

### Q: Who enforces KOMA?

**A:** The Kansas Attorney General as well as county and district attorneys have the authority to investigate and bring an action against a member of a public body or agency who violates KOMA.<sup>80</sup> If a violation is found to have occurred, a civil penalty of up to \$500 for each violation may be assessed against the individual. The Attorney General, county, or district attorney may also seek to void any binding action taken at a meeting that was not in substantial compliance with KOMA.<sup>81</sup> Additionally, the district court may require someone who violates KOMA to complete training concerning the rules of KOMA.<sup>82</sup>

A court may require a public body or agency in violation of KOMA to pay the court costs of the person who sought to enforce the Act.<sup>83</sup> On the other hand, if the public body or agency wins the case, the court may award court costs to the public body if it finds the person seeking enforcement “maintained the action frivolously, not in good faith or without a reasonable basis in law.”<sup>84</sup>

In conclusion, a food or active transportation council will be subject to KOMA if the council is a covered entity. This means that the council will be subject to KOMA if it is a legislative or administrative body and it meets the public funds test. If the council is a covered entity under KOMA, its meetings must be open and accessible to the public. A meeting under KOMA has been held when the majority of the membership of the council engages in interactive communication to discuss the business of the body. When a meeting is held, KOMA requires a food or active transportation council to conduct the meeting so that the it is accessible to the public and the public can observe or listen to the proceedings. KOMA additionally requires the council to provide notice of the meetings to anyone who requests it. If a food or active transportation council violates KOMA, the Attorney General may impose civil remedies and invalidate any action taken by the council.

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## Endnotes

- 1 KAN. STAT. ANN. § 75-4317(a).
- 2 *Open-Meeting Law*, BLACK’S LAW DICTIONARY (10th ed. 2014).
- 3 KAN. STAT. ANN. §§ 75-4317-75-4320a.
- 4 See generally, KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL (League of Kan. Municipalities 2008).
- 5 See generally, KAN. STAT. ANN. §§ 75-4317-75-4320a.
- 6 KAN. STAT. ANN. § 75-4318(a).
- 7 State ex rel. Murray v. Palmgren, 231 Kan. 524, 531 (1982).
- 8 KAN. STAT. ANN. § 75-4318(a).
- 9 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 4 (League of Kan. Municipalities 2008).
- 10 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 4 (League of Kan. Municipalities 2008).

- 11 ALLEN CNTY., KAN., RES. No. 201409 (2014), available at <http://www.allencounty.org/Commissioner%20Minutes/COMM2014.pdf>.
- 12 See generally, ALLEN CNTY., KAN., RES. No. 201409 (2014), available at <http://www.allencounty.org/Commissioner%20Minutes/COMM2014.pdf>.
- 13 PITTSBURG, KAN., ORD. No. G-1201 (2014), available at <http://www.pittks.org/ArchiveCenter/ViewFile/Item/747>.
- 14 See generally, PITTSBURG, KAN., ORD. No. G-1201 (2014), available at <http://www.pittks.org/ArchiveCenter/ViewFile/Item/747>.
- 15 State ex rel. Murray v. Palmgren, 231 Kan. 524, 535 (1982).
- 16 State ex rel. Murray v. Palmgren, 231 Kan. 524, 535 (1982).
- 17 84 Kan. Op. Att'y Gen. 81 (Aug. 8, 1984).
- 18 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 5 (League of Kan. Municipalities 2008).
- 19 78 Kan. Op. Att'y Gen. 13 (Jan. 11, 1978).
- 20 91 Kan. Op. Att'y Gen. 31 (Apr. 1, 1991).
- 21 KAN. STAT. ANN. § 75-4318(g)(1).
- 22 KAN. STAT. ANN. § 75-4318(g)(2).
- 23 KAN. STAT. ANN. § 75-4318(g)(3).
- 24 Mem'l Hosp. Ass'n. v. Knutson, 239 Kan. 663, 671 (1986).
- 25 Mem'l Hosp. Ass'n. v. Knutson, 239 Kan. 663, 671 (1986).
- 26 Mem'l Hosp. Ass'n. v. Knutson, 239 Kan. 663, 671 (1986).
- 27 Coggins v. Pub. Emp. Relations Bd., 2 Kan. App. 2d 416, 423 (Kan. Ct. App. 1979).
- 28 KAN. STAT. ANN. § 75-4317(a).
- 29 90 Kan. Op. Att'y Gen. 47 (Apr. 13, 1990).
- 30 Coggins v. Pub. Emp. Relations Bd., 2 Kan. App. 2d 416, 423 (Kan. Ct. App. 1979).
- 31 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 8 (League of Kan. Municipalities 2008).
- 32 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 8 (League of Kan. Municipalities 2008).
- 33 2011 Kan. Op. Att'y Gen. 23 (Dec. 28, 2011); 2005 Kan. Op. Att'y Gen. 3 (Jan. 27, 2005).
- 34 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 9 (League of Kan. Municipalities 2008).
- 35 98 Kan. Op. Att'y Gen. 49 (Sept. 16, 1998).
- 36 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 10-11 (League of Kan. Municipalities 2008).
- 37 82 Kan. Op. Att'y Gen. 133 (June 17, 1982).
- 38 KAN. STAT. ANN. § 75-4318(f).
- 39 KAN. STAT. ANN. § 75-4318(f).
- 40 *Kansas Legislator Briefing Book*, KAN. LEGISLATIVE RESEARCH DEP'T (2016) § Q-2, 3 available at [http://www.kslegresearch.org/KLRD-web/Publications/2016Briefs/2016\\_briefing\\_book.pdf](http://www.kslegresearch.org/KLRD-web/Publications/2016Briefs/2016_briefing_book.pdf); See also 79 Kan. Op. Att'y Gen. 200 (Sept. 7, 1979).



- 41 See 98 Kan. Op. Att’y Gen. 49 (Sept. 16, 1998); 98 Kan. Op. Att’y Gen. 26 (Apr. 20, 1998).
- 42 2009 Kan. Op. Att’y Gen. 22 (Oct. 28, 2009) (citing 98 Kan. Op. Att’y Gen. 49 (Sept. 16, 1998)).
- 43 KAN. STAT. ANN. § 75-4320(a).
- 44 2000 Kan. Op. Att’y Gen. 64 (Dec. 15, 2000).
- 45 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 11 (League of Kan. Municipalities 2008).
- 46 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 15 (League of Kan. Municipalities 2008).
- 47 2011 Kan. Op. Att’y Gen. 23 (Dec. 28, 2011).
- 48 2011 Kan. Op. Att’y Gen. 23 (Dec. 28, 2011).
- 49 *Regular Meeting*, BLACK’S LAW DICTIONARY (10th ed. 2014).
- 50 *Special Meeting*, BLACK’S LAW DICTIONARY (10th ed. 2014).
- 51 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 13 (League of Kan. Municipalities 2008).
- 52 KAN. STAT. ANN. § 75-4318(b).
- 53 KAN. STAT. ANN. § 75-4318(c).
- 54 86 Kan. Op. Att’y Gen. 133 (Sept. 17, 1986).
- 55 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 16 (League of Kan. Municipalities 2008).
- 56 86 Kan. Op. Att’y Gen. 133 (Sept. 17, 1986); 81 Kan. Op. Att’y Gen. 22 (Jan. 21, 1981).
- 57 KAN. STAT. ANN. § 75-4318(b)(1).
- 58 81 Kan. Op. Att’y Gen. 137 (June 12, 1981).
- 59 KAN. STAT. ANN. § 75-4318(b)(c).
- 60 KAN. STAT. ANN. § 75-4318(b)(c).
- 61 86 Kan. Op. Att’y Gen. 133 (Sept. 17, 1986).
- 62 KAN. STAT. ANN. § 75-4318(b)(2).
- 63 2005 Kan. Op. Att’y Gen. 3 (Jan. 27, 2005).
- 64 86 Kan. Op. Att’y Gen. 133 (Sept. 17, 1986).
- 65 *Stevens v. City of Hutchinson*, 11 Kan. App. 2d 290, 293 (Kan. Ct. App. 1986).
- 66 *Unified Sch. Dist. 407 v. Fisk*, 232 Kan. 820, 825 (1983).
- 67 KAN. STAT. ANN. § 75-4318(d).
- 68 86 Kan. Op. Att’y Gen. 133 (Sept. 17, 1986), *aff’d* 79 Kan. Op. Att’y Gen. 218 (Oct. 3, 1979).
- 69 90 Kan. Op. Att’y Gen. 47 (Apr. 13, 1990).
- 70 KAN. STAT. ANN. § 75-4318(e).
- 71 KAN. STAT. ANN. § 75-4318(a).
- 72 KAN. STAT. ANN. § 75-4319.
- 73 *Executive Session*, BLACK’S LAW DICTIONARY (10th ed. 2014).

74 KAN. STAT. ANN. § 75-4319(b).

75 KAN. STAT. ANN. § 75-4319(a).

76 KAN. STAT. ANN. § 75-4319(a).

77 KIMBERLY A. WINN, KANSAS OPEN MEETINGS MANUAL 27 (League of Kan. Municipalities 2008).

78 91 Kan. Op. Att’y Gen. 31 (Apr. 1 1991); 82 Kan. Op. Att’y Gen. 176 (Aug. 16, 1982).

79 City of Topeka v. Watertower Place Dev. Grp., 265 Kan. 148, 156-157 (1998); O’Hair v. Unified Sch. Dist. 300, 15 Kan. App. 2d 52, 65 (Kan. Ct. App. 1991).

80 KAN. STAT. ANN. § 75-4320.

81 KAN. STAT. ANN. § 75-4320(a).

82 KAN. STAT. ANN. § 75-4320a(a).

83 KAN. STAT. ANN. § 75-4320a(c).

84 KAN. STAT. ANN. § 75-4320a(d).