



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

May 5, 1975

Opinion No. 75- 202

Mr. Fred Pence
City Commissioner
Post Office Box 708
Lawrence, Kansas 66044

Dear Commissioner Pence:

I have your letter of April 24, concerning the Kansas open meetings law. I enclose a copy of my recent opinion, no. 75-171, which is referred to in the article you enclose.

You indicate that the Lawrence City Commission holds closed sessions to discuss personnel matters, prospective land purchases, and legal matters in which the city is involved.

One section of the Kansas open meeting law permits closed or executive sessions. K.S.A. 75-4319 states thus:

"Upon formal motion made, seconded and carried, all bodies and agencies subject to this act may recess, to a specified time, but not adjourn, open meetings for closed or executive meetings provided no binding action shall be taken during such closed or executive recesses and that they shall not be used as a subterfuge to defeat the purposes of this act. The justification for closing any meeting must be stated."

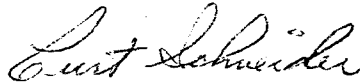
Thus, any meeting may recess for closed or executive meetings, and there are no statutory restrictions on the subjects which may be discussed and considered during such closed or executive sessions. However, when an open meeting is recessed to executive

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session, the justification for doing so must be stated and preferably inserted into the minutes of the meeting. Again, no binding action may be taken during such closed sessions.

I hope this clarification will be helpful to you and others on the commission. In addition, I enclose a copy of 1975 House Bill 2101, which becomes effective July 1, 1975, which amends the open meeting law in certain respects.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:jj

Enclosure