



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

May 6, 1975

Opinion No. 75- 203

Mr. Rae E. Batt
Kinsley City Attorney
500 Marsh Avenue
Kinsley, Kansas 67547

Dear Mr. Batt:

I have your letter of April 24, concerning the open meeting law. I enclose a copy of my recent opinion on that subject, no. 75-171. In addition, I enclose a copy of 1975 House Bill 2101, which is effective July 1, 1975, which amends the open meeting law in certain respects.

You inquire concerning the handling of personnel problems, discussion of salaries of individual employees, and the like, and the possibility of doing so during closed 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."

There are no statutory restrictions regarding what may be discussed during such closed or executive sessions. It is necessary that the justification for recessing to a closed meeting be stated, and preferable that this statement be inserted in the minutes. However, executive sessions remain

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available to the governing body for discussions of such matters as personnel problems and the like. It is my belief that the ordinances of several cities provide for closed sessions to discuss personnel problems, prospective land acquisitions, and legal questions involving the governing body. This is entirely permissible, although there remains the prohibition against the taking of binding official action of any kind during closed sessions.

I hope this clarification is helpful to you. However, if it raises further questions, please feel free to call.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

Enclosures