



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider.
Attorney General

May 3, 1976

ATTORNEY GENERAL OPINION NO. 76-140

Mr. Nick A. Tomasic
District Attorney
Wyandotte County Courthouse
Kansas City, Kansas 66101

Re: Open Meetings--Cities--Advisory Boards

Synopsis: An advisory body established by the mayor of a city, which is vested with no administrative powers of the city and which neither receives nor expends any public funds, and which is not supported in whole or in part by public funds, is not subject to the Kansas open meeting law.

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Dear Mr. Tomasic:

You advise that the mayor of Kansas City, Kansas, has established an eight-member advisory board, consisting of four persons involved in law enforcement, and four residents of the community, to meet with the mayor and his staff monthly to discuss current community affairs, and particularly those involving the city police department. Members of the advisory group receive no compensation whatever for their service on the board, and it exercises no decision-making or policy-making power whatever. Matters discussed in the past have included police department strike, police employee contract, police and public relations, and the purpose of equipment for the department.

You request my opinion whether this group is subject to the Kansas open meeting law, K.S.A. 1975 Supp. 75-4317 *et seq.*, and is thus required to admit the public to their meetings. K.S.A. 1975 Supp. 75-4318 (a) states thus:

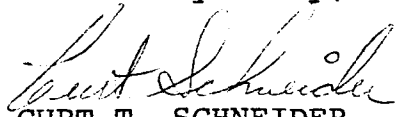
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"Except as otherwise provided by law, all meetings for the conduct of the affairs of, and the transaction of business by, all *legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof*, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, *receiving or expending and supported in whole or in part by public funds* shall be open to the public and no binding action by such bodies shall be by secret ballot."
[Emphasis supplied.]

In order to be subject to the act, the advisory board must be both a legislative or administrative body of the city, and it must receive or expend and be supported in whole or in part by public funds. This advisory board satisfies none of these criteria. It obviously has no legislative powers. Equally clearly, it has no administrative duties or powers whatever; indeed, it is not even created by action of the city governing body, so far as appears, but exists solely at the personal behest of the mayor. As such, it is obviously vested with no portion of the administrative power of the city whatever. Of equal importance, the advisory group is not supported by public funds, and it neither receives nor expends any public funds whatever.

Because the board lacks either of these attributes, I can but conclude that it is not subject to the public meeting requirements of K.S.A. 1975 Supp. 75-4317 *et seq.*

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj