



STATE OF KANSAS

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October 3, 1979

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ATTORNEY GENERAL OPINION NO. 79-218

Bruce H. Wingerd  
Wakefield City Attorney  
431 Court Street, P. O. Box 193  
Clay Center, Kansas 67432

Re: State Departments; Public Officers, Employees--  
Kansas Open Meetings Act--Availability of Agenda

Synopsis: The proposal of the City of Wakefield to provide copies of the agenda prepared for meetings of the city governing body by making the agenda available at the city building during business hours and by mailing copies to persons requesting the agenda who submit a self-addressed, stamped envelope complies with the requirements of K.S.A. 1978 Supp. 75-4318(d).

\* \* \*

Dear Mr. Wingerd:

You request our opinion regarding the method by which a city is required to make available to the public copies of its agenda for meetings of its governing body. You advise that the City of Wakefield does prepare a written agenda for meetings of the governing body and makes copies of such agenda available to the public at the city building during normal business hours. In addition, the City plans to publish the agenda in the local newspaper prior to the meeting and the City will mail a copy of the agenda to any person requesting it if a self-addressed, stamped envelope is provided by the requesting party.

K.S.A. 1978 Supp. 75-4318(d) provides:

"Prior to any meeting hereinabove mentioned, any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting said agenda."

Because of the City's plans to bear the expense of publishing and photocopying the city agenda, the only cost to any person under the City's proposal would be the expense of mailing a copy to such person.

On at least three separate occasions this office has addressed the subject of the availability of agenda for public meetings. See Attorney General Opinion Nos. 75-321, 77-337 and 78-281 (attached). Unfortunately, none of the above-cited opinions specifically addresses the issue of who should bear the cost of mailing and postage.

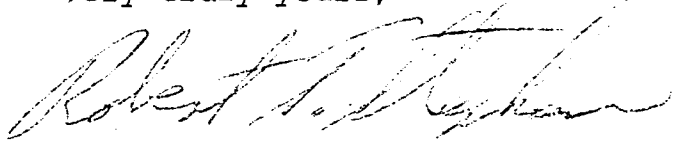
The statute itself provides little guidance regarding this question, and while this statute is to be given a liberal construction, we cannot say as a matter of law that the statutory phrase "shall be made available to any person requesting said agenda" was intended to require the expenditure of tax dollars for the mailing of individual copies. We believe the purposes and intent of the act are accomplished under the procedures you propose and note that the publication of the agenda in the local newspaper goes beyond the statutory mandates. We further note that the doctrine of "substantial compliance" has been recognized by the Kansas Supreme Court in Olathe Hospital Foundation, Inc. v. Extendicare, Inc., 217 Kan. 546, 562 (1975).

Finally, we add by way of comparison, that the Kansas Public Records Act, K.S.A. 1978 Supp. 45-201 et seq. allows municipalities to charge for the reproduction of public records. Of course, the agenda of a city is not covered by the public records act since it is not a document required by law to be "kept and maintained"; however, the public records law shows legislative acceptance for the charging of necessary costs to individuals requesting public documents.

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Therefore, it is our opinion that the City of Wakefield may refuse to mail copies of an agenda for a public meeting to persons requesting such agenda where the agenda is readily available in a public place or can be obtained by submission of a self-addressed, stamped envelope to the city for mailing of the agenda.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Bradley J. Smoot  
Deputy Attorney General

RTS:BJS:gk

Enclosures: Attorney General Opinion No. 75-321  
Attorney General Opinion No. 77-337  
Attorney General Opinion No. 78-281