



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 90- 47

The Honorable Don M. Rezac
State Representative, 61st District
Route 1, Box 45
Onaga, Kansas 66521

Re: State Departments; Public Officers and Employees --
Public Officers and Employees -- Open Meetings;
Work Sessions; Minutes

Synopsis: K.S.A. 75-4317 et seq. requires Kansas cities to record specific information when an open meeting is recessed into an executive session. Minutes setting forth other matters discussed at a meeting are not dictated or required by the Kansas open meetings act. In the absence of statutory directives, a city governing body is not required to record specific information in the minutes of special or regular meetings. Cited herein: K.S.A. 75-4317; 75-4318; 75-4319.

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Dear Representative Rezac:

You request our opinion on whether a city governing body is required to keep minutes of its special and regular meetings, or work sessions during which official action of the city is directly or indirectly taken by such governing body. We note that the title of a gathering is not relevant in determining the applicability of the Kansas open meetings act (KOMA),

K.S.A. 75-4317 et seq. If a gathering has the elements set forth at K.S.A. 75-4317(a), such a gathering must comply with the requirements of the KOMA.

As political and taxing subdivisions of the state, Kansas cities must comply with the provisions of the KOMA. See K.S.A. 75-4318; Attorney General Opinion No. 81-288. If the governing body of a city participates in a prearranged gathering by a majority of a quorum of the membership of that body for the purpose of discussing business or the affairs of the body it must comply with K.S.A. 75-4317 et seq. K.S.A. 75-4319 discusses the permissible purposes and procedures for recessing into executive sessions. K.S.A. 75-4319(a) requires formal procedures in order to recess into an executive meeting and states "such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency." Thus, the KOMA clearly requires certain information to be recorded and maintained by the governing body of a city.

However, we find no additional statutory directives requiring specific statements or information to be contained in the minutes of a city governing body's meetings. Absent a specific statutory directive to the contrary, the minutes of a meeting may discretionarily include or exclude detailed information concerning matters discussed at the meeting.

We note that your specific question concerns a municipality in your district which conducts what is referred to as "work sessions" before regular bimonthly business meetings. At that time, the body reviews the next agenda and determines directly or indirectly the positions that will be taken. These "work sessions" appear to be prearranged gatherings of a majority of a quorum of the city council for the purposes of discussing the business of the body, and thus, these are meetings which are subject to the KOMA. If a body other than the city council is conducting the meeting, the provisions of the KOMA may nevertheless apply. In specific instances the gatherings of a subordinate group may also be subject to the KOMA. See Attorney General Opinions No. 84-81, 86-84 and 86-48.

Persons wishing to have access to public meetings should request notice of such meetings. If a "work session" is subject to the KOMA it can be attended by the public and the

matters discussed could be ascertained. However, we find no provision of law requiring minutes of such a gathering unless an executive session is called for a permissible reason.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



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