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November 13, 1979

ATTORNEY GENERAL OPINION NO. 79- 253

Mr. Don E. Brown
Pratt City Attorney
203 South Main
Pratt, Kansas 67124

Re: State Departments; Public Officers, Employees
--Open Public Meetings--Size of Meeting Room

Synopsis: A governing body of a taxing subdivision subject to the Kansas Open Meetings Act, K.S.A. 75-4317 et seq., does not violate the Act by refusing to move a regular meeting of the body from its usual and normally adequate meeting place to more spacious quarters to accommodate an unusually large crowd of citizens.

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Dear Mr. Brown:

You request our opinion regarding the application of the Kansas Open Meetings Act, K.S.A. 75-4317 et seq., to a meeting of the City Council for Pratt, Kansas. You advise that the City Council held a regularly scheduled meeting at the usual and announced location. The meeting room is so designated by ordinance, and is large enough to accommodate the council members, the press and the usual number of interested citizens. However, on this occasion, there was apparently sufficient public interest in the business of the city governing body to warrant attendance by a substantially greater number of Pratt residents.

Further, you indicate that some citizens requested that the meeting be moved to larger quarters to allow attendance by all interested persons. This request, however, was made during the meeting, not before, and, prior to the meeting, members of the council had no reason to believe the number of interested

citizens would be too large for the regular meeting room. The request to move the meeting was rejected by the council. Thus, you inquire, under the facts related, whether the City Council violated the terms of the Kansas open meetings law by refusing to move the meeting from the established meeting place to a more spacious room to accommodate the unusually large crowd.

Based on the facts you recite we conclude that the Pratt City Council did not violate the Kansas Open Meetings Act in refusing to move a public meeting from the usual location to a location providing greater space for interested citizens. K.S.A. 75-4317 et seq. does not require that public meetings be held in places large enough to accommodate whatever number of citizens wish to attend. In fact, the statute does not address the issue of where meetings are to be conducted nor can such a requirement be reasonably inferred from the language of the act. The Kansas law only requires that meetings of government bodies subject to the act be held in the open.

In the case you describe there is no evidence that the meeting was closed to the public. There is no evidence that the action of the City Council was taken "in order to subvert the policy of open public meetings." K.S.A. 75-4317. There is no evidence that the business of the council was not readily ascertainable by the general public. There is no evidence that the action of council discriminated as to which individuals could attend. The meeting was open to the public. The meeting place was the place designated by ordinance for City Council meetings; it was the place announced in the notice of the meeting; it was the place normally used, without objection, for regular meetings of the City Council, and it was a place suitable for the admission of the public under normal conditions.

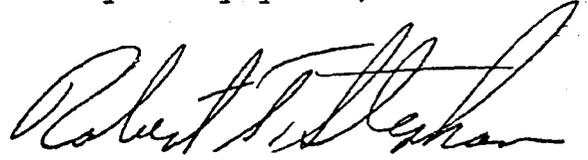
To be sure, if the facts indicated the selection of a place for a public meeting was made to subvert the statutory open meetings mandate we would view the question differently. If no citizens, or so few as to make public disclosure of the city's affairs impossible, we would be otherwise inclined. But, here, a substantial portion of the crowd seeking admission to the meeting was able to attend, thus, we cannot find that the City Council erred as a matter of law by not removing the meeting to more spacious quarters.

Therefore, we must conclude that a governing body of a taxing subdivision subject to the Kansas Open Meetings Act, K.S.A. 75-4317 et seq. does not violate the Act by refusing to

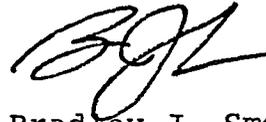
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move a regular meeting of the body, from its usual and normally adequate meeting place to more spacious quarters to accommodate an unusually large crowd of citizens.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:pc