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ATTORNEY GENERAL OPINION NO. 91- 17

Mr. Jeffery A. Mason  
Vignery & Mason  
214 E. 10th St., Box 767  
Goodland, Kansas 67735

Re: Waters and Watercourses--Groundwater Management  
Districts--Annual Meetings of Eligible Voters;  
Organization Meeting to Elect Initial Board of  
Directors

Synopsis: The groundwater management districts act, K.S.A.  
82a-1020 et seq., has no set procedure for  
postponing a meeting and/or hearing for which  
publication notice is statutorily required.  
Methods that effectuate the public policy of user  
decision-making are appropriate. Cited herein:  
K.S.A. 82a-1020 et seq.; K.S.A. 82a-1026;  
82a-1029; 82a-1030.

\* \* \*

Dear Mr. Mason:

As counsel for the Northwest Kansas Groundwater Management  
District No. 4, you inquire about the adequacy of your  
established procedure for postponing a hearing and/or meeting  
for which publication notice is statutorily required.  
Specifically you ask:

1. Is it sufficient to make announcements through the  
electronic media that the meeting is being postponed to a date  
and place certain?

2. Must the groundwater management district republish a notice of the meeting, using the time frame contained within the statute?

3. As to any of these publication notices, is it proper to specifically state an alternative date for the meeting, indicating that announcements will be made through the electronic media concerning the rescheduling of the meeting?

The relevant sections of the statutes which refer to groundwater district meetings provide:

K.S.A. 82a-1030(b):

"Before any assessment is made, or user charge imposed, the Board shall submit the proposed budget for the ensuing year to the eligible voters of the District at a hearing called for that purpose by one (1) publication in a newspaper or newspapers of general circulation within the District, at least 28 days prior to the meeting.";

K.S.A. 82a-1029: [If a management program is revised, the Board is to follow the same procedure towards adoption of the revised program as is prescribed for the preparation, approval and adoption of the original management program.]

"When the management program is approved by the chief engineer, the Board shall fix a time and place either within or conveniently near the District for a public hearing upon the management program. A notice of the hearing shall be given by one publication in a newspaper or newspapers of general circulation within the district, at least 28 days prior to the date fixed for the hearing, setting forth the time and place of the hearing."

K.S.A. 82a-1026(a): [Concerns notice of annual meetings of the members of the District.]

"A notice of the meeting shall be given by the steering committee at least ten (10) days prior to the date thereof by one publication in a newspaper of general

circulation in each of the counties of which the Groundwater Management District is a part."

Given that neither the statutes nor case law indicate the proper procedure for postponing a groundwater district meeting, in our opinion common sense and common courtesy should dictate. It follows that announcements of cancellation through the electronic media are appropriate, though not legally required.

In determining whether the district should republish a notice of the meeting, the policy of the groundwater management districts act should be considered. K.S.A. 82a-1020 states in part:

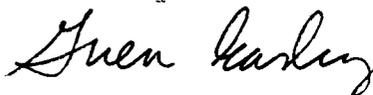
"It is the policy of this act to preserve basic water use doctrine and to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of Kansas. . . ."

The statute clearly indicates that user decision-making is a paramount concern. The statutory time frames regarding notice for the groundwater management district meetings establish a procedure that ensures that the local water users have knowledge of meetings. Therefore, in our opinion these statutory time frames in K.S.A. 82a-1026(a), 82a-1029, and 82a-1030(b) should be followed when meetings are postponed and rescheduled. Additionally, the procedure of specifically stating an alternative date for a meeting and how a meeting will be cancelled effectively promotes statutory policy and evidences good foresight.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Guen Easley  
Assistant Attorney General