

I. BODIES SUBJECT TO ACT

Legislative & administrative bodies, state agencies, cities, counties, townships, school districts, etc.

Subordinate groups if the group is supported by public funds and is appointed to weigh options, discuss alternatives, present recommendations or a plan of action.

II. MEETINGS – if a body is subject to KOMA, the KOMA requirements apply only when the body has a "meeting" as defined by the act

- A. a gathering or assembly, in person or through use of a telephone or other medium for interactive communications
- B. by a majority of the membership of an agency or body
- C. for purpose of discussing the business or affairs of the body or agency

ELABORATION:

A. gathering / assembly

- 1. pre-arrangement not required;
- 2. informal discussions before/after/during recess covered
- 3. Serial communications = meetings in a series if they collectively involve a majority of the membership of body, share a common topic of discussion concerning the business or affairs of the body and are intended by any or all of the participants to reach an agreement on a matter that requires binding action to be taken by the body

B. **Majority** = next whole # greater than $\frac{1}{2}$ total # members

C. For purpose of discussing business/affairs of body

- 1. social gatherings not necessarily subject to KOMA if no discussion of business of body
 - 2. members attending a conference where items of general interest of discussed are not in violation of KOAM as long as the specific business of the body is not discussed
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WHAT IS REQUIRED BY KOMA:

1. Notice of meeting must be given to those who have requested it
2. Agendas - KOMA does not require agendas to be created, but if a body creates one it should include the topics planned for discussion and must be made available to people requesting them
3. Minutes – KOMA does not require minutes
4. **Meetings Must Be Open**
 - a. any person may attend an open meeting
 - b. KOMA does not require that the public be allowed to speak
 - c. Secret ballots are not allowed – public has right to know how members vote
 - d. Cameras, recording devices must be allowed (subject to reasonable rules)
 - e. Meeting rooms must be accessible
 - f. Telephone conference calls are ok

Executive Sessions are permitted in certain limited circumstances. There is a specific procedure that must be followed to recess into executive session and request that the SAB **not attempt to recess into executive session without review and approval by the Legal Dept.**

ENFORCEMENT

There are civil (not criminal) penalties – fines up to \$500 for each violation determined by district court, but only if an action is brought by the attorney general, a county or district attorney

Binding action taken may be voided – if meeting does not comply with KOMA

Violation of KOMA can be grounds for ouster from office
Alleged violation of KOMA can be grounds for recall.

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TONI RAMIREZ WHEELER
DIRECTOR
LEGAL SERVICES DEPARTMENT

CITY OF LAWRENCE
PHONE 785-832-3404
FAX 785-832-3405

P.O. Box 708
LAWRENCE, KS 66044
EMAIL: twheeler@ci.lawrence.ks.us