



UNDERSTANDING THE KANSAS OPEN MEETINGS ACT (KOMA)

KOMA is a law that provides anyone with the right to observe governmental policy makers, such as your local school board, city council, county commissioners or most functions of the state legislature, that make the decisions impacting your life.

There are approximately 4,000 public bodies and agencies that fall into this category. KOMA may also apply to other organizations if they were created or controlled by a public body or agency or act on behalf of a public body or agency. This includes committees or sub-groups created by a public body or agency.

The KOMA does not apply to the meetings of private groups such as church groups, private clubs, private corporations or businesses or any other private associations.

TWO MAIN REQUIREMENTS OF KOMA

There are two main requirements of KOMA. First, any meetings must be open to all members of the public. Second, notice of meetings must be provided to anyone who has requested it. To request notice contact that entity’s clerk.

KOMA: MEETINGS DEFINED

Three conditions must be met in order for a meeting to occur. All three must be satisfied. They are:

- 1.) A gathering or assembly in person or by telephone or any other medium for interactive communications. (including a group text or a “reply all” email).
- 2.) By a majority of the members of the public body or agency.
- 3.) Discussion of the business or affairs of that public body or agency.

(Please note that a quorum could gather together for other events (i.e., graduations, weddings, other public meetings, lunch). However, discussion of their public body can’t be held unless they are holding an open meeting for their own entity.

DO PUBLIC BODIES OR AGENCIES HAVE TO LET MEMBERS OF THE AUDIENCE SPEAK AT A MEETING?

No, the KOMA does not require that the public be allowed to speak. Some other law may require a public hearing with the opportunity to speak on a specific issue/matter, but the KOMA does not.

The majority of public bodies in the area require a request form to be completed to appear on the agenda. Patrons are typically given 5 minutes to address the board/council/commission, during the public meeting. Those wishing to speak must contact that body’s clerk to fill out the request. Deadline to appear on agenda varies with each entity but could be as early as a week prior. If the entity has a time limit in place, patrons will be stopped at that time frame to allow for the meeting to proceed in a timely manner.

WHAT IS AN EXECUTIVE SESSION?

An executive session is when the public body is permitted to discuss certain subjects in private. An executive session can only take place once an open meeting has been called to order. A motion must be made to enter an executive session, and must include a subject AND a justification. The most common topics that can be discussed in an executive session, are:

- 1.) To discuss personnel matters relating to non-elected personnel.
- 2.) Consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.
- 3.) To discuss employee-employer negotiations.
- 4.) To discuss data relating to the financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships.
- 5.) To discuss matters relating to action affecting a person as a student, patient or resident of a public institution.
- 6.) For preliminary discussion of acquisition of real property.
- 7.) To discuss matters relating to security measures that protect specific systems, facilities or equipment including persons and private property if related to the agency.

No binding decisions can be made within executive sessions. The public body may reach a consensus during an executive session; however, binding action must occur during an open meeting.

WHAT IS QUORUM?

In order for a board/council/commission to hold an open meeting, they must reach quorum. This means that the majority of that board/council/commission must be in attendance. (Majority is one more than one-half of the membership.) When counting the number of members, vacant positions must be counted as well. For example, if a school board has seven members, but there are two vacancies, a majority remains four.

A majority of members also can’t gather to discuss business, unless it is in open meeting. However, they can attend other meetings/events as long as they refrain from any discussions about business of their public body or agency.

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