

City of Lawrence
Solid Waste Task Force
April 7, 2011 (5:30 PM) Meeting Minutes
City Commission Room, City Hall

MEMBERS PRESENT:	Vice-Mayor Aron Cromwell, Billy Beeson, Suzi Cammon, Joe Harkins, Daniel Poull, Sam Porritt, Ralph Reed (via phone), Charlie Sedlock, Jeff Severin, Christine Tomlin, Dan Wethington
MEMBERS ABSENT:	
STAFF PRESENT:	Dave Corliss (staff liaison), Tammy Bennett, Michael Eglinski, Michelle Gundy, Eileen Horn, Craig Pruett, Kathy Richardson, Chuck Soules, Toni Wheeler
GUESTS PRESENT:	
PUBLIC PRESENT:	Kris Hicks, Chad Lawhorn, Lois Llewellyn

WELCOME - Vice-Mayor Aron Cromwell

INTRODUCTIONS of Solid Waste Task Force members and staff.

KANSAS OPEN MEETINGS ACT – Toni Wheeler, Legal Department Director

Toni Wheeler reviewed the [Kansas Open Meetings Act](#) . As a task force appointed by the City Commission, the Solid Waste Task Force will need to comply with the Kansas Open Meetings Act.

REVIEW OF MATERIALS – Dave Corliss, City Manager

RESOLUTION ESTABLISHING THE SOLID WASTE TASK FORCE

Dave Corliss reviewed [Resolution No. 6918](#), establishing the Solid Waste Task Force to develop recommendations to the City of Lawrence City Commission by March 1, 2012 regarding the long-term solid waste service options for the citizens of Lawrence. The Solid Waste Task Force will:

- Articulate/document the services currently provided through solid waste user fees.
- Articulate issues driving recommendations for service changes.
- Consider solid waste services that may be included in the long-range plan for the Lawrence community (such as, variable rate pricing, curbside recycling, yard trimmings collection, bulky item collection)
- Seek community-wide input in the options for desired solid waste services.
- Develop recommendations for the Lawrence City Commission regarding implementation of services or changes to existing services.
- Propose timelines and educational outreach to achieve recommended service levels.

OVERVIEW OF THE SOLID WASTE TASK FORCE WEBSITE

The task force meeting agendas and notes, a list of members and contact information, an online feedback form and comments received, and additional resources are posted on the Solid Waste Task

Force website www.lawrenceks.org/swtf/. Task force members may submit articles of interest and other resources to Dave Corliss for inclusion on the website.

Tammy Bennett, Assistant Public Works Director, presented a brief overview of the City of Lawrence Solid Waste Division which includes the Waste Reduction and Recycling Division. This presentation is also available on the Solid Waste Task Force website.

SUGGESTED NEXT STEPS – Vice-Mayor Aron Cromwell

Vice-Mayor Aron Cromwell discussed the next steps and field trip opportunities to visit the City's solid waste and recycling operations, an area landfill, and a material recovery facility (MRF). Future meeting topics include information on current solid waste and recycling services, presentation of the 2010 Solid Waste Performance Audit, and results of the City of Lawrence Citizen Survey available early May.

There was a question about the enterprise funds. The Solid Waste Fund is an enterprise fund used to account for the operations that are financed and operated such that the costs of providing services (solid waste and recycling) to the general public on a continuing basis is financed or recovered through user charges. The Solid Waste Division services are not subsidized with tax dollars. Rates for both residential and commercial solid waste services increase as needed when fuel cost increases, landfill tipping fee increases, etc.

FUTURE MEETING DATES

Meeting length will generally be 1 ½ hours. The frequency of meetings will be every other week, for the first three or four meetings. E-mails will be coordinated through Dave Corliss, City Manager and Solid Waste Task Force Staff Liaison.

Meetings scheduled:

Wednesday, April 20, 2011	6:00 p.m., City Commission Room	Agenda to be determined.
Wednesday, May 4, 2011	6:00 p.m., City Commission Room	Agenda to be determined.

Kansas Open Meetings Act

To ensure that the business of governing is done in full view of the public, the Kansas Legislature adopted the Kansas Open Meeting Act (KOMA, K.S.A. 75-4317 et seq.)

The open meetings principle is based on the belief that the people have a right to know the public business, and information is essential to the effective functioning of our democratic process.

KOMA applies when the body involved is a covered entity and there is a “meeting.”

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

A. Gathering / assembly with interactive communications

- 1. pre-arrangement not required
- 2. informal discussions before, after, and during a recess are included
- 3. meetings do not have to be face-to-face meetings – could meet by telephone or even by electronic devices (computers, etc.)

***Exercise caution in your use of emails and other electronic devices**

The Attorney General has opined that the mere fact that a communication is electronic does not automatically raise a KOMA issue. But if a majority of the body uses an electronic communication to engage in “interactive discussions”, such contact ***may*** raise an Open Meetings issue. So, out of

an abundance of caution, we request that board members refrain from discussing the task force business by email.

If you receive an email from a citizen, another task force member or a city staff person, refrain from using the **REPLY ALL** function on your email system.

B. Majority of Membership:

For the **Solid Waste Task Force**, an 11-member task force, a majority of the membership is **6**.

C. For purpose of discussing business/affairs of body

1. social gatherings are not necessarily subject to KOMA if there is no discussion of the business of body;
2. members attending a conference where items of general interest discussed are not in violation of KOMA as long as the specific business of the body is not discussed.

SERIAL MEETINGS – The open meetings law also contains this statement:

“ [I]nteractive communications in a series shall be open if they collectively involve a majority of the membership of the body or agency, share a common topic of discussion concerning the business or affairs of the body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency.”

If the body is subject to the Act, and the 3 elements of a meeting are present, what does the Act require?

- *Notice and**
- *An open meeting**

III. KOMA Requirements:

A. **Notice** - Notice of meeting must be given to those who have requested it

- *Date
- *Time
- *Place

Individual notice must be provided to those who request it; general publication in the newspaper is not sufficient notice under KOMA;

B. Meetings Must Be Open

- a. Any person may attend an open meeting
- b. Meeting rooms must be accessible and open to the public
- c. Telephone conference calls are permitted if the public can hear the full conversation (speaker telephone)
- d. Secret ballots are not allowed – public has right to know how members vote, if a vote is taken;
- e. Cameras and recording devices must be allowed but they are subject to reasonable rules

Executive sessions, or a closed meeting, are permitted for limited purposes. To recess into executive session special procedures must be followed. Please consult me or the City Manager before considering an executive session.

IV. Enforcement:

There are a number of possible legal ramifications for violation of the Kansas Open Meetings Act including:

- Injunctions or mandamus actions
- Civil penalties (fines up to \$500)
- Court costs
- Attorneys Fees
- Invalidation of actions
- Removal from office

But perhaps the most significant harm that comes from a violation or even an allegation of a violation of the Open Meetings Act is the loss of the public's trust.