



City of Lawrence

SUSTAINABILITY
ADVISORY BOARD

KEY HIGHLIGHTS:

- **SAB approved revised bylaws to align with City Commission direction.**
- **SAB members discussed the importance of the City Commission selecting a City Manager with a strong value for sustainability. SAB will present a statement to the City Commission to this affect in February.**

MINUTES

January 9, 2018 – 5:30 pm

MEETING LOCATION: Parks and Recreation Administration Building in South Park, 1141 Massachusetts St, Lawrence, KS 66044

Members present: Sharon Ashworth, Tresa McAlhane, Kira McPherson, Rachel Krause, Travis Robinett, Michael Steinle

Members not present: Jackie Carroll, Ma'Ko Quah Jones, Jessi Lee

Staff present: Jasmin Moore, Helen Schnoes

Public present: several members of the public were present

- I. **CALL MEETING TO ORDER:** Determine quorum of members. 5:38
- II. Approve December meeting minutes. Motion by Rachel Krause. Second by Travis Robinett. Motion passed.
- III. SAB administrative items
 - a. Welcome new members Tresa McAlhane and Kira McPherson.
 - b. Kansas Open Meetings Act Training. Presentation by staff included below.
- IV. Action Item: Statement to City Commission about City Manager search
 - a. The City Commission is being the process of searching for the next City Manager. SAB discussed the importance of the next City Manager having a high value for sustainability. Motion by Robinett to send a letter to the City Commission in February with a recommendation to select a candidate with demonstrated sustainability experience. Second by McAlhane. Motion passed. A draft letter will be presented at the February SAB meeting.
- V. 2019 Subcommittees.
 - a. Each subcommittee gave a brief description of their scope of work and alignment with [SAB priorities](#). SAB may consider a retreat in February to reaffirm or edit priorities.
 - b. Land Use. Travis Robinett is currently the only member of the Land Use subcommittee. Robinett was offered a job in Reno, NV and will be stepping down from SAB after the February meeting.

Related SAB Priorities:

 - i. Provide feedback on the Downtown Master Plan process

1. integration of redevelopment incentives for existing buildings and subdivisions
 2. infill development policy
 3. Historic Preservation chapter of the new comprehensive plan
- c. Water. Members include Sharon Ashworth and Jessi Lee.
Related SAB Priorities:
- i. Encourage water rate structure that encourages conservation
 - ii. Support the adoption of a stream buffer ordinance.
- d. Energy. Members include Jackie Carroll, Rachel Krause, and Ma’Ko Quah Jones.
Related SAB Priorities:
- i. Set a Net Zero Energy Goal for City of Lawrence
 - ii. Establish a LEED Gold Certified Building Policy for city facilities
- e. Single Use Plastics. Members include Michael Steinle and Rachel. Krause. This subcommittee is ad hoc and was created in 2018 to examine potential policies to reduce the use of single use plastic in Lawrence. Related SAB Priority: Explore a single-use plastic ordinance.
- f. Food Waste. Member includes Michael Steinle. This is a joint committee with the Food Policy Council.
Related SAB Priority: Support organizations, institutions, and businesses to conduct food waste audits and implement best practices. This is a joint priority with the Food Policy Council.
- i. Reduce post-consumer food waste
 - ii. Reduce food packaging waste
- VI. Action Item: Consider Bylaws update.
- a. Motion by Ashworth to accept the bylaws as presented. Second by Krause. Motion passed.
- VII. Staff Report
- a. Plan 2040. The Planning Commission is in the process of considering the draft comprehensive plan, [Plan 2040](#). SAB previously presented comments on the comprehensive plan in November 2017. The Planning Commission is scheduled to begin the review of the Natural Resources chapter at the [February 25](#) meeting.
 - b. New Mayor. Mayor Lisa Larsen was installed as the mayor and mentioned climate change in her opening statements.
 - c. Wind Energy Update. An update will be presented to the City Commission on January 14. In November 2018 the City of Lawrence entered into an agreement with Black & Veatch to review energy usage of the City’s facilities to better understand if future participation in Westar Energy’s (Westar) proposed Direct Renewable Participation Service Agreement (the “Agreement”) would be advantageous for the City, given its large energy portfolio. Tasks included in the assessment are for Black & Veatch to review the Westar Energy’s proposed Direct Renewable Participation Service Agreement, review the City’s monthly historical energy usage at their major facilities and analyze monthly usage patterns that may impact the amount of wind energy the City could potentially contract for, estimate and project what future energy usage may be based on

known changes to its infrastructure, review City's current electric rates applicable to each major City facility including all applicable Westar riders and base rate charges, and ultimately make a recommendation on an appropriate amount of energy to contract for should a similar Agreement become available in the future.

A progress meeting for this ongoing assessment is scheduled for January 15th.

- d. Common Ground. [Common Ground](#), the City's award-winning community garden program, concluded its seventh season in 2018. Staff used the outcome of a program evaluation to initiate strategic planning with community stakeholders, including current program participants, and other City staff. Plans for 2019 include creating an internal interdepartmental staff team, strengthening community partnerships, and launching a community conversation about future garden sites in 2020 and beyond. Any SAB members interested in a garden tour during the 2019 season should reach out to Sustainability staff to coordinate. The program is looking to expand application review and engage members of advisory boards – Sustainability, Parks & Recreation, Arts Commission, and garden managers two to three times a year. Several SAB members expressed initial interest.

VIII. Key takeaways to share with the City Commission

- a. Updated bylaws
- b. Letter is coming about the City Manager search

IX. Future Agenda Items

- a. Revisit SAB priorities
- b. Would like to engage with the Parks & Rec Board regarding the Police HQ
- c. Single Use Plastics update
- d. There was brief discussion about a need for a pathway to engage and influence capital projects of the city. This may include policy recommendations and revisiting the Climate Protection Plan.

X. Member Updates

- a. None.

XI. Public Comment

- a. None.

XII. Motion to adjourn by Ashworth. Second by Krause. Motion passed. Meeting adjourned 7:29 pm

Next regular SAB meeting:

February 13, 2019 at 5:30 p.m.

Venue: Parks and Recreation Administration Building in South Park, 1141 Massachusetts St, Lawrence, KS 66044

Kansas Open Meetings Act

K.S.A. 75-4317 *et seq.*



City of Lawrence

Open Meetings Principle

- 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.

Purpose of KOMA

“In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public.”

K.S.A. 2014 Supp. 75-4317(a)

KOMA Applies When

- The body involved is a covered entity;
and
- There is a “meeting.”



Bodies Subject to the Act

- Applies to all legislative and administrative bodies, state agencies and political and taxing subdivisions;
(including city advisory boards)
- Which receive or expend and are supported in whole or in part by public funds.

Meeting

3 conditions must be met for a “meeting” to occur. All 3 must be present:

1. A gathering of a majority of the members of the body;
2. Interactive communication – in person, by telephone or any other medium; and
3. Discussion of the business or affairs of the body.

1. Majority of Membership

- For the **10**-member Sustainability Advisory Board, a majority of the membership of the body is **6**.



2. Interactive Communication

Act applies when there is
“*interactive communication...*”

- clearly applies when members are in physical presence of one another;
- telephone calls, including conference calls;
- work sessions, staff briefings, video conferencing, online communications (when there is the opportunity for contemporaneous interaction)

3. Discussing the Business of the Body



- **Discussion** of public business is what triggers the application of KOMA (a vote or binding action is not necessary for KOMA to apply).
 - **Social gatherings** are not subject to KOMA if, there is no discussion of the business of the body;
 - **Conferences** may be attended by Board members where items of general interest are discussed as long as specific business of the body is not discussed by a majority of the Sustainability Advisory Board.

Electronic Communications

- The Attorney General has indicated that the mere fact that a communication is electronic does not raise a KOMA issue.
- If a majority of the body uses an electronic communication to engage in “interactive discussions” such contact may raise a KOMA issue.
- A single email sent to other members would likely not be considered a violation, but participation in an online chat room or instant messaging may be considered a violation of KOMA because of its interactive nature.

E-mails

- Avoid initiating an on-line discussion with fellow advisory board members through email.
- You may receive emails about a city matter in which other advisory board members are also sent or copied on the email.
- Avoid the “REPLY ALL” function.



Serial Meetings



A series of interactive communications of less than a majority is not permitted under KOMA.

A violation of KOMA may occur if the communications:

- 1) Collectively involve a majority of the membership of the body;
- 2) Share a common topic of discussion concerning business or affairs of the body; and
- 3) 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.

Review: KOMA Applies When...

- The body involved is a covered entity **and**
- There is a “meeting”
 - ✓ Majority of the membership of the body; and
 - ✓ Interactive communication; and
 - ✓ Members discuss the business of the body.

KOMA Requirements

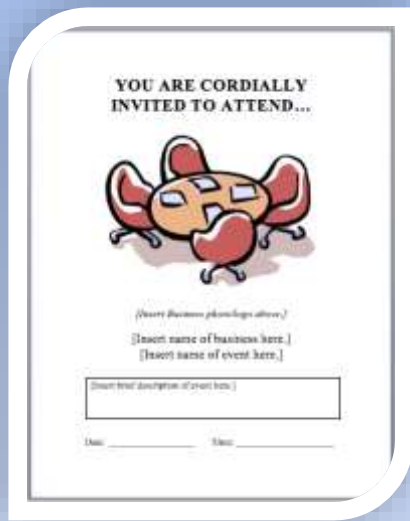
- All meetings of entities covered by KOMA must be open to the public and proper notice must be given.



Meetings Open to the Public

- Meetings must be held in places accessible to the general public.
- Meetings must be conducted so the public may observe or listen to the proceedings.

Notice



Notice of the date, time and place of any regular or special meeting must be given to any person requesting such notice.

- KOMA does not require notice to be given within any particular time frame.
- Notice must first be requested before a body is required to provide it.

Agendas

- KOMA does not require an agenda be created.
 - If a body creates one, it should include the topics planned for discussion.
 - Agendas can be amended.
 - If agendas exist, copies must be available to those who request them.



Executive Sessions

- Meetings closed to the public (executive sessions) are permitted in limited circumstances.
- City advisory boards should not have an executive session without the prior approval of the City Attorney's Office.
- Certain procedures must be followed, and only certain topics may be discussed.

Possible ramifications for violation of KOMA requirements

- The Attorney General or the District Attorney investigates potential KOMA violations.
- The Attorney General has stated that his office seeks compliance with the Act and his office wants to assure future violations do not occur. They may require the body to receive additional KOMA training.
- 2015 changes to the act provide the Attorney General with new enforcement authority and creates an Open Government Fund. The AG can determine by a “preponderance of the evidence” KOMA violations. If violations are found, the AG can enter into a consent order with public agencies and may apply to district court to enforce a consent order.

The consent order may:

- Impose civil penalties up to \$250 / violation
- Require training
- District court action may impose court costs, investigative and attorney fees if the AG must enforce compliance through district court
- The AG may also enter into a consent judgment with a violator which may contain any remedy available to the court
- Invalidation of actions
- Removal from office (ouster or recall)





Questions?

- Contact your staff liaison.
- You may also contact the City Attorney's Office at 832-3475.

Thank you for your attention to this important law!