

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 9-member Parks and Recreation Advisory Board, a majority of the membership of the body is 5.



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 Parks and Recreation 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

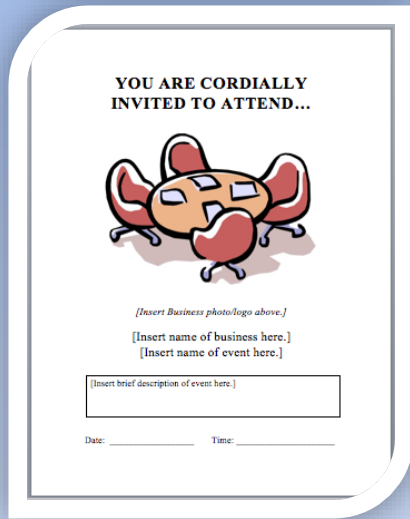
- All meetings of entities covered by KOMA must be open to the public and proper notice must be given.



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!

Goal 1: Improve Programs and Service Delivery.				
Objective 1.1:				
Increase programming using public input and recreational trends				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
1.1.a Pursue more active opportunities for Baby Boomers who may not attend traditional senior center activities.	N/A	TBD	Short Term	Ongoing
1.1.b Initiate programming sessions to enhance youth non-sports activities where possible	N/A	TBD	Short Term	Ongoing
1.1.c Work with Boys & Girls Club to allow teens and tweens to assist in creating programs and activities they will attend	N/A	TBD	Short Term	Ongoing
1.1.d When tournament quality facilities are available, create outdoor economic impact sports events	N/A	TBD	Short Term	
1.1.e Offer more fitness & wellness classes	N/A	TBD	Short Term	Ongoing
1.1.f Offer more hobby interest programs	N/A	TBD	Short Term	Ongoing
1.1.g Offer more outdoor recreation and nature programs	N/A	TBD	Short Term	Ongoing
1.1.h Initiate programming sessions weekday evenings and weekends	N/A	TBD	Short Term	Ongoing
1.1.i Offer more adult sports programs	N/A	TBD	Short Term	Ongoing
1.1.j Research and implement programs in partnership with local outreach; adopt inclusion policy; ADA language	N/A	TBD	Short Term	
1.1.k Develop Bike & Pedestrian safety programs with local partners	N/A	TBD	Short Term	Ongoing
1.1.l Create additional community events	N/A	TBD	Short Term	Ongoing
Goal 2: Provide New or Improved Facilities and Amenities.				
Objective 2.1:				

Maintain and/or upgrade existing facilities and build new amenities and				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
2.1.a Holcom Park Center		TBD		
Replace HVAC units in gym.	\$250,000		Short Term	Completed 2017
Resurface North Parking Lot.	\$104,000		Short Term	Completed 2018
Interior remodel, floor, gym floor, restrooms.	\$75,000		Short Term	Completed 2017 - Gym Floor
Replace Ball Diamond Light on Complex.	\$500,000		Short Term	Completed 2017
Major enhancements to Holcom Recreation Center workout/weight rooms and additional program space. (2,500 – 3,000 sf addition).	\$800,000		Long Term	
2.1.b East Lawrence Center				
Add Parking Lot.	\$83,000		Short Term	Completed 2018
Interior remodel, floor, gym floor, restrooms.	\$75,000	TBD	Short Term	Completed 2017 - Gym Floor, Lobby Floor and meeting room
Major enhancements to the East Lawrence Center workout/weight rooms and additional program space. (2,000 – 2,500 sf addition).	\$600,000		Long Term	
2.1.c Community Building				
HVAC Replacements.	\$200,000		Short Term	Completed 2017
Interior meeting room renovations.	\$100,000	TBD	Short Term	Completed 2018

Major enhancements to the Community Building workout/weight rooms and additional program space. (3,000 – 3,500 sf renovation).	\$600,000		Long Term	
2.1.d Lawrence Loop Trail Install new section on 29 the street to Haskell.	\$300,000 (south)	TBD	Short Term	Restroom added at Burroughs Creek 2018, Arboretum 2019
Develop trail from hospital to Peterson Road.	\$300,000 (west)		Short Term	
Finish the Lawrence trail “loop.” and include new restroom facilities and drinking fountains.	\$300,000 (southeast)		Long Term	
2.1.e Land Acquisition Dedicate significant dollars to future land acquisition of no less than 3 areas. These areas to include the west, south, and southeast edges of Lawrence.	\$300,000 (south)	N/A	Short Term	
	\$300,000 (west)		Short Term	
	\$300,000 (southeast)		Long Term	
2.1.f Eagle Bend Golf Course Upgrades to Eagle Bend Golf Course including the expansion of the clubhouse and additional parking.	\$500,000	TBD	Short Term	Completed 2017
Upgrades to Eagle Bend Golf Course including additional maintenance facilities, add 9 or 18 holes to the course, and an additional pump station.	\$1,200,000		Long Term	
2.1.g Historic Structures				

Carnegie Building – Clean and tuck point oldest part of building.	\$150,000		Short Term	2019 CIP
Union Pacific Depot interior and exterior renovation.	\$75,000	N/A	Short Term	
Preservation of Historic Structures.	\$700,000		Long Term	
2.1.h Downtown				
Replace brick pavers in sidewalk	\$375,000 (\$75,000 for 5 years)	TBD	Short Term	Completed 2017 and 2018 added phases scheduled for 2019
Downtown planter/streetscape improvements	\$500,000		Long Term	
Locate and Provide a new downtown event space to include large paved area, water, power, designated restrooms, and adequate lighting. One potential area for the new Downtown Event Space is Vermont St. between 7 th & 8 th St.	\$750,000		Long Term	2018/ 2019 Downtown Master Planning
2.1.i Spray Parks	\$450,000 (\$225,000 per park)	TBD	Short Term	
Provide 2 new spray parks at John Taylor Park and Burroughs Creek Park.				
2.1.j Spray Parks	\$450,000 (\$225,000 per park)	TBD	Mid Term	
Provide 2 new Spray Parks at South Park and Dad Perry Park.				
2.1.k Spray Parks	\$450,000 (\$225,000 per park)	TBD	Long Term	
Provide 2 new Spray Parks at Holcom Park and Broken Arrow Park.				
2.1.l Outdoor Aquatic Center				
Paint Pool.	\$75,000	N/A	Short Term	Completed 2017
Replace Old Slide.	\$95,000		Short Term	
Remove and replace bad section of concrete.	\$75,000		Short Term	Ongoing

Renovate the Outdoor Aquatics Facility.	\$2,000,000		Mid Term	
2.1.m Commit to an updated (or additional) park space in North Lawrence. Updates to include a renovated shelter at Lyon Street Park.	\$120,000	TBD	Mid Term	
2.1.n Amphitheater Provide a new community outdoor amphitheater.	\$1,300,000	TBD	Long Term	
2.1.o Work on providing a new connection to the Kansas and Wakarusa Rivers with future riverfront development. Lawrence Parks & Rec has the opportunity to take on a lead role in this effort.	TBD	TBD	Long Term	
2.1.p Youth Sport Complex Install ADA compliant restrooms.	\$120,000	TBD	Short Term	Completed 2017
Install restroom at west end of complex.	\$125,000		Short Term	Completed 2018
Resurface Speicher Road.	\$100,000		Mid Term	
Extend 27 th Street to Dam road for second exit.	\$400,000		Mid Term	
Improve access from Hwy 10.	TBD		Long Term	
Develop paved walking trail.	\$900,000		Long Term	
Develop an outdoor "destination complex" for tournaments in Lawrence. Destination complex to include major enhancements to YSC (additional soccer fields, football fields, and better site access along with additional parking) and building a new baseball and softball complex.	\$2,300,000		Long Term	
2.1.q Adventure Park Develop a new Adventure Park that provides activities such as Zip lines. One possible location could be the Prairie Nature Center.	\$750,000	TBD	Long Term	
2.1.r Develop Parks				

Green Meadows Park – Pond trail	\$150,000		Short Term	2019 CIP
Peterson Park – restroom, parking, dog park	\$200,000		Short Term	
Broken Arrow Park – Parking Lot	\$100,000		Short Term	
Broken Arrow Park – Replace Shelter and Restroom	\$350,000		Mid Term	
Burcham Park – shelter and playground	\$75,000	TBD	Mid Term	
Veterans Park – Upgrade courts	\$115,000		Mid Term	
Deerfield Park – shelter and restroom	\$120,000		Mid Term	
Overland Drive Park – playground, shelter, trail	\$200,000		Long Term	
Edgewood Park – courts and ball diamond	\$75,000		Long Term	
Centennial Park – Upgrade Skate Park	\$125,000		Long Term	
2.1.s Dog Park				
Provide a new fenced in dog park for east/southeast Lawrence.	\$150,000	TBD	Long Term	
2.1.t South Park Playground				
Provide “destination” style of playground equipment at South Park. Remove existing playground equipment and provide ADA approved play surface.	\$500,000	TBD	Mid Term	Playground replaced in 2018 - not destination
2.1.u				
Provide a new large picnic shelter (200-250 people) including ac/heated gathering space.	\$800,000	TBD	Long Term	
2.1.v Indoor Aquatic Center				
HVAC unit Replacements in Leisure Pool.	\$330,000		Short Term	Completed 2017
Upgrades and Improvements to the Indoor Aquatic Center.	\$900,000	N/A	Short Term	
Paint Pool.	\$100,000		Short Term	Completed 2018
Lighting upgrades.	\$75,000		Long Term	Completed 2017
2.1.w				
Replace and/or refurbish low scoring park amenities in poor condition. (Amenities with a score of 1).	See <i>Staff Document</i>	N/A	On Going	Completed 2017 and 2018 scheduled in 2019

2.1.x Preserve natural areas and pocket parks.	TBD	N/A	On Going	
2.1.y Upgrade parking and restroom throughout the system.	TBD	N/A	Short Term	Scheduled for 2019
2.1.z Create an ADA Transition Plan.	N/A	Staff Time	Short Term	Scheduled for 2019
Goal 3: Organizational Efficiency				
Objective 3.1: Aspire to the new recommended organizational chart				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.1.a As attrition occurs, hire the right people that fit the positions on the new org. chart	N/A	Staff Time	Short Term	Ongoing
3.1.b Create a Succession Plan to address pending retirements	N/A	Staff Time	Short Term	Ongoing
Objective 3.2: Employ full time and part time/seasonal positions to the City's advantage				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.2.a Convert part time to full time positions where it is the most effective	N/A	Added cost of benefits	Short Term	
3.2.b Increase wages for part-time and seasonal employees to a minimum of \$10.50 per hour	N/A	\$666,720 per year	Short Term	maintenance positions scheduled for 2019
Objective 3.3: Create a Support Services section of LPRD per the new recommended organizational chart				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.3.a				

Add one Assistant Director for LPRD	N/A	\$68,500 per year + Benefits	Short Term	Completed 2017
3.3.b				
Add one Support Services Manager to supervise the Support Services section of LPRD	N/A	\$50,000 per year + Benefits	Long Term	Completed 2018
3.3.c				
Add one Human Resources Specialist for LPRD	N/A	\$50,000 per year + Benefits	Long Term	Completed 2018
3.3.d				
Add one Finance Manager for LPRD	N/A	\$50,000 per year + Benefits	Long Term	
3.3.e				
Add one Grants, Alliances, Partnerships, and Sponsorships (GAPS) Specialist for LPRD	N/A	\$40,000 per year + Benefits (Can bring in more than Paid)	Long Term	
3.3.f				
Add one Customer Services Registration Specialist for LPRD	N/A	\$35,000 per year + Benefits	Long Term	
Objective 3.4: Define Customers, Target Markets/Audiences				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.4.a				
Review preliminary list of strategies provided and refine	N/A	Staff Time	Short Term	
3.4.b				

Assess existing messages and materials for targeting to identified audiences	N/A	Staff Time	Short Term	
3.4.c				
Evaluate potential for creating specific Marketing Plans and Budgets for Eagle Bend Golf Course and Sports Pavilion Lawrence and implement as appropriate	N/A	Staff Time	Short Term	
Objective 3.5: Enhance Partnerships				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.5.a				
Assess existing partnerships specifically related to marketing; identify those to strengthen	N/A	Staff Time	Short Term	
3.5.b				
Work with Explore Lawrence and City Administration to review guest tax proceeds distribution	N/A	Staff Time	Short Term	Ongoing
Objective 3.6: Refine Marketing and Promotion Strategies				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.6.a.(1)				
Review Activity Guide for opportunities to make the document more user friendly -- perhaps reorganize; use the guide to move people to the website. Begin to move away from paper to electronic guide	N/A	Staff Time	Short Term	Ongoing
3.6.a.(2)				
Enlist the help of a volunteer committee to review the website for ease of use	N/A	Staff Time	Short Term	
3.6.a.(3)				
Review the possibilities for redesign of the website to be more friendly, inviting, and fun within constraints of the overall City system.	N/A	Staff Time	Short Term	
3.6.b				
Social Media review -- present pilot program for increasing immediacy of information sharing	N/A	Staff Time	Short Term	Ongoing
3.6.c				
Simplify online registration	N/A	Staff Time	Short Term	

Objective 3.7: Public Relations Strategies				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.7.a Design and implement a one-year program of initial promotions	N/A	Staff Time	Short Term	
3.7.b Evaluate effectiveness and revise as appropriate	N/A	Staff Time	Short Term	
Objective 3.8: Performance Monitoring				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
3.8.a Design and implement routine surveys relative to effectiveness of marketing and promotions. Specifically include a question of where people get their information regarding programs and activities on all materials	N/A	Staff Time	On Going	
3.8.b Continue to track, monitor, and report facility use to support economic impact measures	Increase in CIP	N/A	On Going	
Goal 4: Improve Financial Position of LPRD				
Objective 4.1: Increase Funding Opportunities				
Actions	Capital Cost Estimate	Operational Budget Impact	Timeframe to Complete	Year to be Completed
4.1.a Implement a Cost Recovery Philosophy and Policy to track cost center expenses and provide consistent, equitable, and fair user fees	N/A	\$50,000	Short Term	Planned 2019
4.1.b				

Implement Land Dedication (or Fee-In-Lieu) and Developer Impact Fee Policy for all new residential developments to build trails, parks, and open space approved by the City	N/A	Staff Time	Short Term	
4.1.c Pursue dedicated, ongoing funding source through sales or special Parks and Recreation district tax	N/A	Staff Time	Mid Term	
4.1.d Create and fund a five-year CIP budget for LPRD to plan on deferred maintenance	TBD	Staff Time	Short Term	Completed annually
4.1.e Investigate the creation of a LPRD Foundation to solicit tax-deductible donations for LPRD as well as the Scholarship Fund	N/A	Staff Time	Short Term	
4.1.f Pursue new, and continue ongoing, opportunities with universities, schools, wellness, state, and other public or private opportunities	N/A	Staff Time	On Going	
4.1.g Maintain portion of the sales tax so it is distributed equitably as intended when it passed	N/A	Staff Time	Short Term	
4.1.h Pursue sponsorships with appropriate entities	N/A	Staff Time	On Going	
4.1.i Develop and adopt a formal Partnership Policy	N/A	Staff Time	Short Term	
4.1.j Investigate passing a bond referendum for major facility upgrades	N/A	Staff Time	Long Term	
4.1.k Develop and adopt a formal Sponsorship Policy	N/A	Staff Time	Short Term	Completed 2018
4.1.l Pursue partnerships with organizations that can assist with joint programming opportunities	N/A	Staff Time	On Going	