Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 6-07-00

Originating Office: Workforce Development

Subject: Kansas Open Meetings Act

Issued: July 12, 2016

Program: Workforce Innovation and Opportunity Act (WIOA)

Purpose: To transmit state policy and guidance regarding the requirements of the Kansas Open Meetings Act as it relates to meetings of the Local Workforce Development Board (Local Board) and the Chief Elected Officials (CEO).

References:
The Kansas Open Meetings Act (KOMA) K.S.A. 75-4317 *et seq*., requires meetings conducted by Kansas public bodies and agencies to be open to the public. .

Background: WIOA public Law 113 – 128 (e) requires the Local Board to make available to the public, on a regular basis through open meetings, information regarding its activities. The Kansas Open Meetings Act provides the parameters for an organization that receives or expends public funds to have open meetings.

Action: Review the information in the Kansas Open Meetings Act and provide appropriate assistance to the Local Boards and the CEOs so they may comply with WIOA public law 113-128 (e) and the Kansas Open Meetings Act.

Contact: Questions should be directed to the Kansas Department of Commerce, Legal Section, (785) 296-5020, TTY (Hearing Impaired): (785) 296-3487. For general information about the Kansas Open Meetings Act contact the Kansas Attorney General, (785) 296-2215.

Attachment: Kansas Open Meetings Act

Kansas Open Meetings Act

Table of Contents

Overview 1

Definitions 1

Open Meetings 1

Closed or Executive Sessions 1

Penalties 2

Kansas Open Meetings Act

Overview

The Local Workforce Development Boards (Local Boards) and the Chief Elected Officials (CEOs) receive and expend public funds. Therefore, all meetings of the Local Boards, the CEOs and any of their subcommittees must abide by the provisions of the Kansas Open Meetings Act.

WIOA Public Law 113-128 (e) requires the Local Boards to make available to the public on a regular basis through open meetings, information about the following:

1. Strategic Five-Year Local Workforce Development Plan prior to its submission;
2. Designation and certification of One-Stop operators; and
3. Grants or contracts awarded to eligible providers of youth activities.

Definitions

The term *meeting*, as used in the Kansas Open Meetings Act, means any gathering, assembly, telephone call or any other means of interactive communication by a majority of a quorum of the membership for the purpose of discussing the business or affairs of the organization.

Open Meetings

All meetings for conducting the affairs of, and transacting business by the Local Boards, the CEOs and any of their subcommittees must be open to the public and no binding action by such bodies shall be by secret ballot. Notice of the date, time and place of any regular or special meeting shall be furnished to any person requesting such notice. Prior to any meeting, an agenda related to the business to be transacted at such meeting shall be made available to any person requesting an agenda.

The use of cameras, photographic lights and recording devices shall be allowed at any meeting, but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings of the meeting.

Closed or Executive Sessions

Upon formal motion made, seconded and carried, a meeting may recess, but not adjourn, for a closed or executive session. Any motion to recess for a closed or executive session shall include a statement of the following:

1. Justification for closing the meeting;
2. Subjects to be discussed during the closed or executive session; and
3. Time and place at which the open meeting shall resume.

Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a permanent record. Discussion during the closed or executive session shall be limited to those subjects stated in the motion. No subjects shall be discussed at any closed or executive session, except the following:

1. Personnel matters of non-elected personnel;
2. Consultation with an attorney which would be deemed privileged in the attorney-client relationship;
3. Matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the organization;
4. Confidential data relating to the financial affairs of the organization;
5. Matters relating to actions adversely or favorably affecting a person as a participant, except that any such person shall have the right to a public hearing if requested by the person;
6. Preliminary discussions relating to the acquisition of real property;
7. Matters relating to the security if the discussion of such matters at an open meeting would jeopardize the security of the organization or its information system.
8. No binding action shall be taken during closed or executive recesses.

Penalties

Local Boards, the CEOs and any of their subcommittees that knowingly violate any of the provisions of the Kansas Open Meetings Act shall be subject to a civil penalty.