

COUNTIES REPORTING KOMA/KORA COMPLAINTS
Fiscal Year 2013
(JULY 1, 2012 through JUNE 30, 2013)
Report Pursuant to K.S.A. 2013 Supp. 75-753(a)

County	County or District Attorney	Report
ALLEN	Wade H. Bowie II	County Attorney received multiple complaints that the Iola City Council violated KOMA by improper use of “informal” committees, holding discussions outside of open meetings, and committing various violations related to executive sessions. Following an investigation that included interviews with city council members and review of council meeting minutes, the County Attorney issued a 27-page report determining that the Council committed technical violations of KOMA despite good faith efforts to comply. Council members were warned by the County Attorney to heed the requirements of KOMA; strongly advised to obtain KOMA training; cautioned on operating committees without allowing the public the opportunity to attend meetings; and advised regarding the proper use of executive sessions. All city council members provided proof they received KOMA training.
ANDERSON	Brandon L. Jones	No complaints.
ATCHISON	Gerald R. Kuckelman	No complaints.
BARBER	Richard N. Raleigh	No report.
BARTON	Douglas A. Matthews	No report.
BOURBON	Terri L. Johnson	County Attorney received complaint that Drywood Township and Scott Township held a meeting in violation of KOMA to sign a mutual aid agreement. Upon investigation, the attorney for Scott Township provided documentation showing no meeting occurred; Scott township members came to his office individually to sign the agreement. A complaint was made that the Drywood Township and Scott Township violated KORA by failing to provide minutes of meetings when requested. The minutes were provided after the County Attorney sent a letter.

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BROWN	Kevin M. Hill	Complaint received that the five member Brown County Dispatch Advisory Board violated KOMA by having two members discuss matters outside of Board meetings and that the two members were trying to reach a consensus with a third member. An investigation revealed that two members were regularly meeting outside the board meeting. There was no evidence that they contacted a third member for consensus. The County Attorney sent each Board member a copy of the KOMA/KORA outline from the Kansas Attorney General's Office and had each verify via email that they read the outline in full and agreed to comply with it. Each also indicated their awareness that it would be a violation of the Act for one member of the Board to communicate individually with other members of the Board about a common topic and try to reach consensus on an issue that requires binding action if collectively they make up a majority of the Board. No further complaints have been received since receipt of confirmation from the members.
BUTLER	Darrin C. Devinney	A complaint was made that Butler County did not provide a document requested under KORA. Upon investigation, it was determined that the requested document either did not exist or had been lost and could not be found in the County's possession after an extensive search.
CHASE	William T. North	No report.
CHAUTAUQUA	Larry Markle	No report.
CHEROKEE	Nathan R. Coleman	No complaints.
CHEYENNE	Karan M. Thadani	No complaints.
CLARK	Gerald Woolwine	No complaints.
CLAY	Richard E. James	No complaints.
CLOUD	Robert A. Walsh	No report.
COFFEY	Douglas P. Witteman	No complaints.
COMANCHE	James H. Herd	No complaints.
COWLEY	Christopher E. Smith	No complaints.
CRAWFORD	Michael Gayoso, Jr.	No complaints.
DECATUR	Steven W. Hirsch	No complaints.
DICKINSON	Daryl E. Hawkins	No report.
DONIPHAN	Charles D. Baskins	No complaints.
DOUGLAS	Charles E. Branson	No complaints.
EDWARDS	Mark Frame	No complaints.
ELK	Joe Lee	No complaints.
ELLIS	Thomas J. Drees	No complaints.
ELLSWORTH	Joe Shepack	No complaints.

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FINNEY	Susan H. Richmeier	<p>A complaint was made regarding the City of Garden City Commissioners. Complainant was dissatisfied with the outcome of a city planning commission decision and questioned the role of commissioner versus private citizen. Complainant was encouraged to talk to private counsel due to the civil nature of the complaint. A second complaint was received regarding the same matter, with an added concern about planning and zoning requirements. Complainant was referred to private counsel, as well as Art. 27 of GC Zoning Regulations and Art. 7, Chapter 12 of the Kansas Statutes. Complainant was further advised his request was outside of the purview of the County Attorney's office, as the request was for a written legal opinion as to the validity of the commission's determination.</p> <p>A complaint was made that the fees charged by Garden City Community College to retrieve and copy requested records was excessive. Upon investigation, it was determined that the fees were reasonable in comparison with similar fees charged by other agencies in the county.</p>
FORD	Natalie K. Randall	No complaints.
FRANKLIN	Stephen A. Hunting	A complaint was made about a KORA request to Wellsville Days concerning a contractual dispute. After investigation, the County Attorney determined that KORA did not apply to the organization.
GEARY	Steven L. Opat	A complaint was made that the Geary County Clerk failed to produce minutes of joint meetings between the Junction City Commission and Geary County Board of County Commissioners. The matter was resolved by having the Clerk complete the minutes and email them to the requestor.
GOVE	Mark F. Schmeidler	No complaints.
GRAHAM	Tony A. Potter	No complaints.
GRANT	Jessica Akers	No complaints.
GRAY	Curtis E. Campbell	A complaint was made that the City of Ensign was violating KOMA through lack of notice of council meetings, improper council meeting procedure, etc. The County Attorney consulted with the City Attorney to discuss meeting procedures to ensure compliance with KOMA and KORA.
GREELEY	Charles F. Moser	No complaints.
GREENWOOD	Joe E. Lee	No report.
HAMILTON	Robert H. Gale, Jr.	No report.
HARPER	Janis I. Knox	No complaints.
HARVEY	David E. Yoder	No report.
HASKELL	Lynn Koehn	No report.

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HODGEMAN	Mark A. Cowell	No report.
JACKSON	Shawna R. Miller	No complaints.
JEFFERSON	Jason W. Belveal	A newspaper complained that the City of Oskaloosa improperly failed to disclose time cards in response to a KORA request by the media, citing an exemption for personnel records. Upon investigation, it was determined that the time cards were not covered by the exemption because they did not contain personal information other than names and were not stored with personnel records. The City was advised to provide the records. In a follow up request, the requester asked for the records in a different report format in an attempt to accomodate the City's concerns; however, the City indicated that no such record existed. An investigation confirmed that the record did not exist, and thus no violation was found.
JEWELL	Darrell E. Miller	No complaints.
JOHNSON	Stephen M. Howe	<p>A KOMA complaint was made regarding the Shawnee City Council. The complaint alleged that a majority of the council members met outside an open meeting to discuss city business. District Attorney determined serial communications did occur involving a city council vacancy, however, there was insufficient evidence that a majority of the council was involved in these communications. Therefore, no violation of KOMA was found.</p> <p>A letter was received suggesting that City of Mission Woods officials may have violated KOMA during a series of meetings with representatives of Pembroke Hill School. A representative of the District Attorney's office spoke by telephone with the complainants regarding provisions of KOMA. It was determined that the complainants had not requested to be notified of special meetings of the city council. No KOMA violation occurred.</p> <p>A television reporter complained that the Prairie Village City Council illegally met in closed session to discuss taking action against an elected official. Following an investigation, correspondence was sent by the District Attorney stating that government bodies may exercise quasi-judicial functions under KSA 75-4318(g)(1), and that this is an exception to KOMA. No KOMA violation occurred.</p> <p>An individual complained that records related to the county and the consulting firm Franklin and Associates, aka Eastern Research Group, regarding the county's Solid Waste Management Plan were withheld. The District Attorney determined that all records that could be released were provided. There was no KORA violation.</p>

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		<p>A KORA complaint was made stating that the Gardner School Board would not provide a copy of Section 2000 of the school district policy to a member of the audience during a board meeting. The District Attorney requested the complainant provide more details, and that the person denied access to records contact the District Attorney's Office. No additional information was ever provided to the District Attorney. The documents requested are readily available on the Gardner School District website. No KORA violation was found at this time.</p> <p>A complaint was made that the City of Shawnee violated KOMA when the city manager sent a questionnaire to each council member to create an agenda for the 6/13/2013 city council meeting. Following investigation, the District Attorney determined that no KOMA violation occurred.</p>
KEARNY	Lori L. Jensen	No complaints.
KINGMAN	Matthew W. Ricke	No complaints.
KIOWA	J. Scott James	<p>A KOMA complaint was made by the editor of an area paper that the City of Greensburg City Administrator turned off the editor's recording equipment during a City Council meeting. There was a dispute about the reporter being disruptive with his frequent entries and exits into the meeting. The editor refused to mediate his complaints. The City passed an ordinance setting rules for orderly use of recording equipment during meetings that seemed to resolve any future issues.</p> <p>A KORA complaint was made by newspaper editor that the City of Greensburg tried to charge him for copies of records produced in response to his requests. Upon investigation, it was noted that the editor was making large requests involving hundreds of pages and considerable staff time. The editor refused to mediate his complaints. The City had a written policy concerning costs of copies; accordingly, this complaint was deemed without merit.</p>
LABETTE	Hillary McKinney	No complaints.
LANE	Dale E. Pike	No complaints.
LEAVENWORTH	Todd Thompson	No complaints.
LINCOLN	Jennifer R. O'Hare	No complaints.
LINN	John Sutherland	No complaints.
LOGAN	Margaret P. Mahoney	No complaints.
LYON	Marc Goodman	No complaints.
MARION	Susan C. Robson	No complaints.

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MARSHALL	Laura Johnson-McNish	A complaint was made that the Marysville City Council violated KOMA when one Council member sent an email regarding city business to all other Council members. The County Attorney met with the Council member, went over KOMA and the KOMA information on the Kansas Attorney General website, sent a letter and sponsored an evening class on KOMA for all local governing bodies, which the Council member attended.
MCPHERSON	David A. Page	No complaints.
MEADE	Laura H. Lewis	No complaints.
MIAMI	Elizabeth Sweeney-Reeder	A complaint was made that Miami County Commissioners were violating KOMA by discussing matters outside of appropriate meeting times and without notifying the public. Due to a conflict of interest, the previous county attorney referred the matter to the Attorney General's Office. Due to a conflict of interest, the Attorney General's Office requested that the Johnson County District Attorney's Office investigate this matter.
MITCHELL	Mark J. Noah	No report.
MONTGOMERY	Larry Markle	No report.
MORRIS	Laura E. Allen	No complaints.
MORTON	Eric L. Witcher	No complaints.
NEMAHA	Brad M. Lippert	No report.
NEOSHO	Linus A. Thuston	No report.
NESS	Craig S. Crosswhite	No complaints.
NORTON	R. Douglas Sebelius	No complaints.
OSAGE	Brandon L. Jones	No complaints.
OSBORNE	Paul S. Gregory	No complaints.
OTTAWA	Jason C. Parks	No complaints.
PAWNEE	John M. Settle	No complaints.
PHILLIPS	Melissa M. Schoen	No complaints.
POTTAWATOMIE	Sherri Schuck	No complaints.
PRATT	Kenneth Van Blaricum	No complaints.
RAWLINS	Jared Holste	No report.
RENO	Keith E. Schroeder	No report.
REPUBLIC	Marlea James	No report.
RICE	Scott E. McPherson	No complaints.
RILEY	Barry R. Wilkerson	No complaints.
ROOKS	Edward C. Hageman	No complaints.

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RUSH	Tony W. Rues	No complaints.
RUSSELL	Daniel W. Krug	No report.
SALINE	Ellen H. Mitchell	A KOMA complaint was made that the Salina City Commission met in a closed meeting. The complaint was withdrawn after the complainant learned that the Commission was permitted to meet in a closed session to discuss legal matters.
SCOTT	Rebecca J. Fautot	No complaints.
SEDGWICK	Marc A. Bennett	<p>The City of Wichita self-reported a violation of KOMA through the failure to send notification of the first meeting of the Commission of Electors. The only substantive action taken was the setting of future meeting dates. Notification of the new meeting dates was sent the next day and a meeting schedule was published on the City's website. No formal action was taken given the corrective actions taken by the City.</p> <p>A KORA complaint was made against Sunswept Highlands Improvement District regarding lack of a response to a request for copies of bank statements. No formal action was taken after complainant received a response from the District.</p> <p>A complaint was made alleging USD 259 violated KORA by not supplying student assessment preliminary results. The complaint was withdrawn upon receipt of the requested materials from USD 259. No further action was taken.</p> <p>A KORA complaint was made regarding the lack of response by the Sedgwick County Regional Forensic Science Center to repeated requests for copies of records. The Center had earlier supplied the requested records except one item not in its possession. The Center responded to the requests and directed the complainant to the appropriate custodian for the record it did not have. As the Center responded, no formal action was taken.</p> <p>An allegation was made that the Goddard City Council violated KOMA by taking binding action during executive sessions and did not properly stat the subject to be discussed and the justification for the executive session. Upon investigation, it was determined the Council did not take binding action in executive sessions. However, the Council did commit a technical violation of KOMA by only announcing the subject to be discussed, but not the justification for the executive session, which is required. The City agreed to participate in KOMA training and did so. No further action was taken.</p>

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		An allegation was made that excessive copying fees were being requested by Sunswept Highlands Improvement District for KORA requests. The issues were resolved by providing the records at a reasonable cost. No further action was taken.
SEWARD	Don Scott	No report.
SHAWNEE	Chadwick Taylor	It was alleged that certain members of the Kansas Legislature violated the KOMA based upon their attendance at Cedar Crest, during which time they were addressed by the Governor. It was alleged that the legislators met as a majority of their respective committees and engaged in interactive communications in violation of the Kansas Open Meetings Act. After investigation, the District Attorney concluded that there was not enough evidence to support a finding of substantive violations of KOMA.
SHERIDAN	Michael H. Haas	No complaints.
SHERMAN	Brock R. Abbey	No complaints.
SMITH	Tabitha Rempe Owen	No complaints.
STAFFORD	Joe Shepack	A complaint was made that the Stafford City Council held an improper executive session. Upon investigation, no KOMA violation was found.
STANTON	David C. Black	No complaints.
STEVENS	Paul F. Kitzke	No report.
SUMNER	Kerwin L. Spencer	No complaints.
THOMAS	Kevin N. Berens	No report.
TREGO	Tony A. Potter	No complaints.
WABAUNSEE	Norbert C. Marek, Jr.	No complaints.
WALLACE	Charles F. Moser	No complaints.
WASHINGTON	Elizabeth Baskerville Hiltgen	No complaints.
WICHITA	Laura L. Lewis	No complaints.
WILSON	Jill E. Chard	No complaints.
WOODSON	Zelda Schlotterbeck	A report was received that Yates Center City Council members “sat around the table and discussed various issues related to meeting topics after the meeting was closed.” Upon investigation, it was determined that there was insufficient evidence that a majority of council members discussed city business.
WYANDOTTE	Jerome A. Gorman	A complaint was made that U.S.D. No. 500 failed to respond to a KORA request. Upon investigation, it was learned that the District had since provided the records, therefore the District Attorney determined no further investigation or enforcement action would be productive. However, it was noted that the District's responses were not timely; therefore, the District was instructed regarding its KORA

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		<p>obligations, and training was recommended. The District Attorney also advised that future violations might result in formal action.</p> <p>A KORA complaint was made that the Kansas City, Kansas Housing Authority improperly denied access to records and charged excessive fees with two records requests. Upon investigation, it was determined that the Housing Authority, before fulfilling the current, tried to collect payment for an earlier KORA request in which one of the requesters did not pay for or obtain the records. In addition, the rate charged for responding to later requests was higher than the rate charged for an earlier request for similar records because the Housing Authority learned in responding to the first request that researching for the records was actually more expensive than had been anticipated. The Housing Authority agreed not to seek payment for the records that were requested but not paid for or sent to the requesters, and agreed to provide records in response to the current request once the requested fee was paid. Investigation also established that the Housing Authority's refusal to provide a portion of the requested records because they obtained personal employee information was proper. No KORA violation was found.</p>