

- c. On or about April 5, 2021, the city council—specifically Leslie Coelho, Lois Elrod, Richard Nuzum, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss the FEMA project.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume.
- d. On or about April 5, 2021, the city council—specifically Leslie Coelho, Lois Elrod, Richard Nuzum, Clint Waggoner, and Michelle Waggoner—recessed into executive session following its original motion as described in paragraph c., above. On this occasion, the city council verbally moved to “add 10 minutes” to the executive session, rather than make a complete motion as required by K.S.A. 75-4319(a).
- e. On or about June 7, 2021, the city council—specifically Leslie Coelho, Lois Elrod, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss the resignation, at the last Council meeting, of Councilman Richard Nuzum.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume.
- f. On or about November 1, 2021, the city council—specifically Leslie Coelho, Lois Elrod, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss FEMA.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume. Although the motion did not include the time the open meeting would resume, the motion included the duration (“45 minutes”) of the executive session. Notwithstanding, the city council resumed the open meeting prior to the implied time.
- g. On or about February 7, 2022, the city council—specifically Brad Cluck, Leslie Coelho, Lois Elrod, Jennifer Goff, and Clint Waggoner—recessed into executive session, “to discuss the disbursements.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume. Although the motion included the time the open meeting would resume, the city council resumed the open meeting prior to the stated time.
- h. On or about February 7, 2022, the city council—specifically Brad Cluck, Leslie Coelho, Lois Elrod, Jennifer Goff, and Clint Waggoner—recessed into executive session “to discuss the Flea Market Manager Applications”; an adequate reference to a justification listed in K.S.A. 75-4319(b) was not made; and, the motion failed to include the place the open meeting would resume. Although the motion included the time the open meeting would resume, the city council resumed the open meeting prior to the stated time.

- i. On or about March 7, 2022, the city council—specifically Brad Cluck, Leslie Coelho, Lois Elrod, Jennifer Goff, and Clint Waggoner—recessed into executive session “to discuss the meter reader position”; an adequate reference to a justification listed in K.S.A. 75-4319(b) was not made; and, the motion failed to include the place the open meeting would resume. Although the motion included the time the open meeting would resume, the city council resumed the open meeting prior to the stated time.
- j. On or about May 8, 2023, the city council—specifically Leslie Coelho, Lois Elrod, and Clint Waggoner—recessed into executive session “to discuss the follow up of the letter that was mailed to the previous City Clerk.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume. Although the motion did not include the time the open meeting would resume, the motion included the duration (“10 minutes”) of the executive session. Notwithstanding, the city council remained in executive session beyond the stated duration.
- k. On or about October 2, 2023, the city council—specifically Leslie Coelho, Karon DeRoin, Lois Elrod, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss a letter received by Councilmembers at the end of last week and earlier today.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume. Although the motion did not include the time the open meeting would resume, the motion included the duration (“20 minutes”) of the executive session. Notwithstanding, the city council resumed the open meeting prior to the implied time.
- l. On or about November 6, 2023, the city council—specifically Leslie Coelho, Karon DeRoin, Lois Elrod, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss a letter received.” No reference to a justification listed in K.S.A. 75-4319(b) was made. Moreover, this topic of discussion does not fit within a statutory justification for executive session. Finally, the motion failed to include the time and place where the open meeting would resume.
- m. On or about December 18, 2023, the city council—specifically Leslie Coelho, Karon DeRoin, Clint Waggoner, and Michelle Waggoner—recessed into executive session “to discuss a legal matter”; an adequate reference to a justification listed in K.S.A. 75-4319(b) was not made; a statement describing the subject to be discussed was not given; and, the motion failed to include the time and place the open meeting would resume.
- n. On or about February 15, 2024, the city council—specifically Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd—recessed into executive session using as justification, “to discuss a legal matter”; a statement

describing the subject to be discussed was not given; and, the motion failed to include the time and place the open meeting would resume.

- o. On or about February 15, 2024, the city council—specifically Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd—recessed into executive session using as justification, “to further discuss the legal matter”; a statement describing the subject to be discussed was not given; and, the motion failed to include the time and place the open meeting would resume.

4. Based upon the above information, Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd individually admit and agree that they violated KOMA as set out in paragraphs 3.n., and 3.o. above concerning the February 15, 2024 executive sessions. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd further acknowledge and agree that the city council violated KOMA as set out in paragraphs 3.a. through 3.m., above.

5. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd now fully understand and agree that for each executive session held, they fully intend to comply with the requirements of K.S.A. 75-4319(a) and (b) concerning executive sessions.

6. The Attorney General and Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd mutually desire to enter into this Consent Order in lieu of further adjudicative proceedings.

7. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd understand and waive all rights to further adjudication of facts and law that could be determined pursuant to other enforcement proceedings conducted in accordance with K.S.A. 75-4320a(a), 75-4320d(a)(2), or 75-4320f concerning this matter.

8. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd waive any claim or assertion that the Kansas Judicial Review Act (KJRA), K.S.A. 77-601 et seq., applies to agency actions that are governed by the provisions of K.S.A. 75-4317 et seq., and amendments thereto, relating to open meetings (KOMA), and subject to an action for civil penalties or enforcement, and thus they do not have a right to appeal under the KJRA.

9. The Attorney General accepts the waivers and stipulations by Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd.

WHEREAS, the Attorney General finds that the above facts have been established by a preponderance of the evidence, and that it is proper that Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd be subject to this Order based on the provisions of K.S.A. 75-4320d(a)(1), which permits the Attorney General to impose conditions or requirements on a public body for violation of the KOMA in a Consent Order;

AND WHEREAS the Attorney General and Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd mutually desire to enter into a Consent Order in lieu of further adjudicative proceedings to resolve the violation.

NOW THEREFORE, Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd consent to the following terms and conditions, and the Attorney General orders that:

10. The City Council agrees and shall:
 - a. Ensure that each city council member individually obtains at least two (2.0) hours of training on the provisions of the KOMA to be presented by an attorney experienced in dealing with open meetings issues, within 90 days of the effective date of this Consent Order;
 - b. Ensure that each city council member individually obtains at least one (1.0) additional hour of training on the provision of the KOMA to be presented by an attorney experienced in dealing with open meetings issues, within six (6) months of the effective date of this Consent Order, but no sooner than 90 days following the effective date of this Consent Order;
 - c. Provide the Attorney General's Office with a written statement confirming that each city council member has obtained the required KOMA training in paragraphs 10.b., and 10.c., above, within ten (10) days of receiving the training; and
 - d. Not engage in any future violations of the KOMA.

11. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd understand and agree that if they fail to comply with the terms of this Consent Order, the Attorney General may take action to enforce its provisions as authorized by K.S.A. 75-4320d(c) and amendments thereto.

12. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd understand and agree that if they engage in any future violation of the KOMA, the facts and statements contained herein may be considered in determining the appropriate enforcement action and remedy.

13. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd agree and understand that this Consent Order does not resolve future and/or currently unknown unlawful conduct that may occur or be brought to the attention of the Attorney General or any other prosecutor, and any such alleged violations of the KOMA may be subject to investigation proceedings as provided by K.S.A. 75-4320b and/or enforcement proceedings conducted in accordance with K.S.A. 75-4320a(a), 75-4320d(a)(2), or 75-4320f.

14. In consideration of these admissions and agreements by Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd, and the above-agreed remedies, the Attorney General agrees to forgo further prosecution for the violations of the KOMA set forth herein.

15. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd agree that this Consent Order conforms to Kansas and federal law and that the Attorney General has the authority to enter into this Consent Order.

16. Except as provided in paragraphs 11 and 12, this Consent Order shall operate as a complete release of all claims Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd may have against the Attorney General, his agents or employees, arising out of the investigation of this matter. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd agree not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Attorney General, the Office of the Attorney General, its agents or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd agree that all actions in this matter were a bona fide use of discretion and authority granted to the Attorney General, the Office of the Attorney General, its agents and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

17. Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd understand that this Consent Order shall be maintained and made available for public inspection pursuant to the provisions of K.S.A. 75-4320d(e) and amendments thereto.

18. This Consent Order shall be a public record in the custody of the Office of the Attorney General.

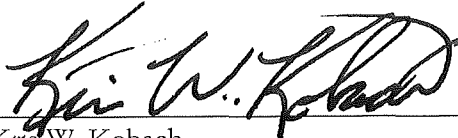
19. This Consent Order constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by the parties. This Consent Order shall be interpreted in accordance with the laws of the State of Kansas.

20. This Consent Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the Attorney General and Karon DeRoin, Robert Lock, Christopher Mooney, Katrina Nuzum, and Linda Rhodd consent to these provisions.

IT IS SO ORDERED.

OFFICE OF THE ATTORNEY GENERAL



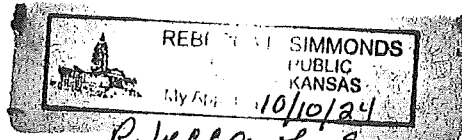
Kris W. Kobach
Kansas Attorney General

Prepared By:

Amber Smith

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First Assistant Attorney General
Open Government Enforcement Unit
Office of the Kansas Attorney General
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White Cloud City Council



Karon DeRoin
Karon DeRoin

Rebecca L. Simmonds
11-10-2024
Date

Robert Lock

Date

Christopher Mooney

Date

Katrina Nuzum

Date

Linda Rhodd

Date

ATTEST:

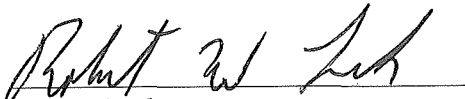
Matthew Henry, Clerk

Date

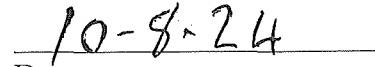
White Cloud City Council

Karon DeRoin

Date



Robert Lock



Date

Christopher Mooney

Date

Katrina Nuzum

Date

Linda Rhodd

Date

ATTEST:

Matthew Henry, Clerk

Date

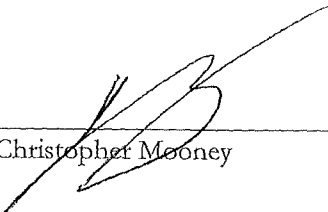
White Cloud City Council

Karon DeRoin

Date

Robert Lock

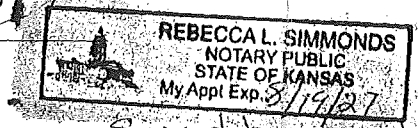
Date



Christopher Mooney

10/08/21

Date



Signed by Christopher Mooney

Katrina Nuzum

Date

Linda Rhodd

Date

ATTEST:

Matthew Henry, Clerk

Date

White Cloud City Council

Karon DeRoin

Date

Robert Lock

Date

Christopher Mooney

Date

Katrina L Nuzum

Katrina Nuzum

10/11/2024

Date

Linda Rhodd

Date

ATTEST:

Matthew Henry, Clerk

Date

White Cloud City Council

Karon DeRoin

Date

Robert Lock

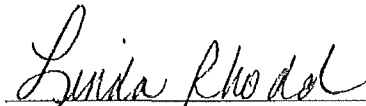
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Christopher Mooney

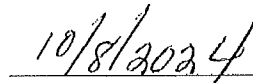
Date

Katrina Nuzum

Date



Linda Rhodd



Date

ATTEST:

Matthew Henry, Clerk

Date