

My name is Don Moler. I have been a local government attorney in Kansas for almost 40 years. My wife and I are lessees at 120 Cottonwood Cove (G-4) at the Council Grove City Lake. I appear today to discuss what I believe are ongoing violations of the Kansas open meetings act by the governing body of the city of Council Grove.

Under the guise of attorney/client privilege, the governing body of the city has gone into executive sessions with Mr. Riordan no fewer than 11 times since March 19, 2024. It would appear that the sessions have been used specifically to avoid all public knowledge of the development of a letter by the city governing body which was sent out a few weeks ago to the Lessees at the city lake. After a cursory review of the letter my wife and I received from the city, I found at least seven specific actions which had been taken in executive session by this governing body and which violate the Kansas open meetings act.

The decisions/actions are as follows: 1) the city intending to terminate the leases; 2) establishing a sale price of \$25,000 per lot; 3) establishing a date for response to the letter of November 15, 2024; 4) allowing for those financially unable to work with the city to effect the sale; 5) determining that the city will proceed with a lawsuit against any that do not agree to move forward with the sale; and 6) that those that do not agree to the sale will be ineligible to purchase lots in the future. The seventh violation of the act was in approving the letter in its final form in executive session.

Finally, the entire letter was obviously approved in executive session because there has been no official action of any kind to ratify or approve any of these points in an open meeting under the Kansas open meeting act. I find it sad that this governing body feels that they are above the law and do not have to have reasonable discussions in front of the citizens of Council Grove and the people that their decisions are impacting. There is nothing in this letter that rises to the level of attorney-client privilege which means that all of the discussions, and all of the ultimate decisions, should have been made in an open meeting which was open to the public. The idea that the city of Council Grove believes that ambushing people it has had a business relationship with, some for decades, is really upsetting.

Because of this cavalier attitude, and I believe unlawful behavior of the city of Council Grove, I believe the entire letter, and all decisions made therein, to be unlawful under Kansas law. For these various things to be lawful, I would respectfully suggest that the city would need to discuss them in an open meeting, and then take action in an open meeting. The idea that you are conducting the business of the City in executive sessions with your attorney, on things that don't have anything to do with an attorney client privilege, I find to be disingenuous. I have never understood this approach, and I don't understand it today.

I would hope that in the future the city would discard this method of ambushing its citizens, and the people it is doing business with, for a more positive and productive approach. It would make so much more sense for the city to work with the Lake community for the benefit of all concerned. Thank you for your time.