



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**KRIS W. KOBACH**  
ATTORNEY GENERAL

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December 13, 2024

Molly Priest, City Attorney  
City of Council Grove  
205 Union Street  
Council Grove, KS 66846

RE: KOMA Complaint - Council Grove City Council  
Our File Number PP-24-000272

Dear Ms. Priest:

We are writing to you in your capacity as City Attorney for the City of Council Grove. If you are no longer the city attorney, we would appreciate it if you would forward this letter to the attorney who currently handles civil matters for the city.

We have received a KOMA complaint from Deidre Knight, dated December 11, 2024, alleging the Council Grove City Council violated the Kansas Open Meetings Act (KOMA).<sup>1</sup> Specifically, Ms. Knight alleged on October 1, 2024, at a regular city council meeting there was a motion to enter executive session made by council member Sharon Haun. Ms. Knight goes on to allege that no justification was given for closing the regular meeting and entering into executive session; there was no subject given; and the time and place for returning to regular session was not stated. Finally, Ms. Knight alleged that the approved minutes do not match the video recording that is posted online of the council meeting. As a remedy to resolve this matter, Ms. Knight selected “[o]ther: Public accountability, awareness, and transparency.”

This office has concurrent jurisdiction with the county/district attorney over investigations and enforcement of the KOMA.<sup>2</sup> We hope that by working with you as the city attorney, we may complete our investigation quickly and without the use of more formal discovery methods authorized by statute, such as subpoenas or testimony under oath. We have enclosed a copy of the complaint and supporting documents for your review.

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<sup>1</sup> K.S.A. 75-4317 *et seq.*

<sup>2</sup> See K.S.A. 75-4320(a), 75-4320a(a), 75-4320b, 75-4320d, and 75-4320f.

To assist us in our review of this matter, we would appreciate the city council's written response to the allegations raised in the complaint and described. In particular, please be sure to identify the subject(s) discussed in the October 1, 2024, executive session.

1. The names, positions/titles, terms of office, and contact information for the Council Grove City Council.
2. Have any of the individual council members or the Council Grove City Council as a whole, ever been found in violation of the KOMA? If so, please describe the circumstances under which the violation was found to have occurred. How was the violation resolved? Provide a copy of any resolution.
3. Have any of the council members attended training about the KOMA? If so, when was the training conducted and by whom? Please provide a copy of any handouts or training materials provided during the training.
4. To your or any council members knowledge, have there been any formal or informal complaints or concerns regarding improper use of executive session? If so, how was the complaint(s) or concern(s) resolved?
5. Copies of any policies, decisions, directives, or other written documents that describe the executive session procedures used by the city council from January 1, 2021, to the present. If there are no written documents, provide a detailed explanation of the process the city council uses to recess into executive session.
6. Copies of any notes taken by the clerk, any deputy or assistant clerk, city council members, or any other county appointee or employee during the October 1, 2024 executive session.
7. Copies of any draft or final approved meeting minutes for the October 1, 2024, city council meeting. Additionally, please provide copies of final approved meeting minutes for all city council meetings from January 1, 2024, to the present.
8. A copy of any recording of the October 1, 2024, city council meeting.
9. If different from the motion(s) reflected in the meeting minutes, a copy of the *complete* motion<sup>3</sup> for each executive session held on October 1, 2024. Be sure to identify who made and seconded the motion for executive session, how the city council members voted, the subjects to be discussed and justification, as well as the place and time that the open meeting would resume.
10. Identify each person present (including the individual's title or job) during each executive session held on October 1, 2024, and the reason for the individual's presence during the executive session. Please also provide the individual's contact information, including address and phone number.

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<sup>3</sup> See Attorney General Opinion 2018-1, <http://ksag.washburnlaw.edu/opinions/2018/2018-001.pdf>, accessed December 13, 2024.

Please be sure to provide any other information or documentation that is relevant to the council's response to the allegations raised in the complaint, or that explains the council's or individual council members actions. Please also note we are not asking you, the city council, or any individual council members to reveal any confidential attorney client privileged matters in responding to this complaint.

In responding to our inquiry, you may submit statements from individual council members or provide a single document with responses from all council members. The response(s) to our request must:

- Signify the individual councilmember has reviewed and approved the response, or
- in the case of a joint response, signify the city council has reviewed and approved the joint response; and
- attest that it is true and correct.

Please also have anyone else who provides information in response to this letter attest that it is true and correct.

Once we have your response, we will review it to determine whether we need any additional information and what action, if any, is required to resolve the complaint.

The response to our request must signify that it has been reviewed with, and approved by, any individual who provides information in response to the complaint. Such individual must also attest that the response is true and accurate. Although we are not requiring the city council, each individual council member, or other employee's response to be given under oath at this time, any statement they make will be treated as admissions for purposes of the penalties and enforcement statutes in the KOMA.<sup>4</sup> Their responses may also be open in the event a request is made under the provisions of the Kansas Open Records Act, K.S.A. 45-215 et seq.

We would appreciate receiving a written response to the complaint on or before **Friday, January 3, 2025**. You may mail your response to the address on this letter or email it to the attention of the Open Government Enforcement Unit at [OGEU@ag.ks.gov](mailto:OGEU@ag.ks.gov).

Once we receive your response, we will determine the proper course of action. That may include further investigation, closing the matter, or seeking the appropriate remedy for any violation of the KOMA.

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<sup>4</sup> K.S.A. 75-4320; 75-4320d; and 75-4320f.

Molly Priest  
December 13, 2024  
Page 4

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me directly at 785-368-8421 or [amber.smith@ag.ks.gov](mailto:amber.smith@ag.ks.gov).

Sincerely,



Amber Smith  
First Assistant Attorney General  
Open Government Enforcement Section

AS:rs

Enclosure