

University Park Board Meeting Minutes November 14th, 2025

7:00 at the clubhouse and on ZOOM

Call to Order: Board Members present: Jo Ann Zahner, James Slaymaker and Sarah Dahl

In person: Karla Slaymaker, Jim Jackson, Todd Schmidt, Dave Chizek, Heather Morgan, Mike Couch, Paul Weiler, Karen Weiler, Diane Wilcox, Kevin Wilcox, Laura Mendenhall, Curt Friedrich

On Zoom: Mark Feldman, Don Turner, Susan Turner, Travis Gilbert

Announcements

Please note that meeting minutes are a summary of the meetings that are kept as a permanent record on the University Park Board website. If you are interested in more details, recent ZOOM recordings are posted there as well for your reviewing or download.

Congratulations to Sarah Dahl, Jim Jackson and Kelli Nelson on their election to the University Park Board. They will be installed at the January 2026 Board Meeting. The new Board members will decide among themselves who will serve in each position: President, Treasurer or Secretary.

Audience Comments

No comments from audience.

A Motion to approve October meeting minutes and financial report was made by Jo Ann Zahner and seconded by Sarah Dahl with no objections. **3-0 approved**

A question was asked by James about the check to Heather Morgan for \$1872 for the pickle ball net. A donation was received for \$1000 from an anonymous donor and Heather paid for the nets and was reimbursed by University Park for the \$872.

Old Business

Standing Committee Reports

- Boat dock – John Cassida - James paraphrased the report from John. Gangway was power washed and he applied two coats of paint. The boat dock team has recommended some enhancements that will make the removal of the boat dock easier. Anchor poles will be removed and painted. PVC guide poles will be installed in the spring. John will cover the cost.
- Golf Course – No report. Please let the board or Jeff know if you are interested in heading up this committee.

- Welcome Committee – Karla Slaymaker - John and Joyce Tarpoff moved into 11415 Rimrock. They aren't going to be full time residents but moved closer to family. Welcome to John and Joyce! There are also new renters in the UP rental house.
- Firewise – Todd Schmidt. Submit your hours to the Firewise hours email. Upidfirewise@gmail.com. Email is also on the website. December hours will go on next year's hours.
- Parks and Rec – Curt Friedrich. 2nd Tuesday in December is the county parks board meeting and that is when we are supposed to be submitting our request for additional funds. Will discuss this later in the meeting.
- Sherman Township – Tracy Sabo. They have said they will get all the roads addressed before winter. Sherman Township plans to have a meeting in early December. We will post that information as soon as confirmed.
- Golf Course Prairie Management – Laura Mendenhall. Setting date for Christmas tree cedar harvest for Saturday December 6th between 8 and 11. Crafts, hot chocolate, coffee, music. Flyer posted on Facebook and shared by email. This will be the 3rd year. Laura is going to give a five-year strategic plan for managing Old World Bluestem and invasives to the new board in writing. A motion was made by Sarah Dahl to approve up to \$150 for refreshments and crafts for the Cedar Tree activity. Seconded by Jo Ann Zahner **approved 3-0**.
- Equipment – Curt Friedrich – all in good working order.
- Rental House – James Slaymaker said that Italian Estates has found a new renter that moved in October 17th. \$1600/month with \$1440 coming back to University Park. **See the attached Italian Estates document.** An itemized list will be on the next financial report.
- Sewer Lagoon update- James Slaymaker said that they will be conducting a traffic survey, Public Works Dept is reviewing bids for the Lagoon project. Updates will continue to be posted at www.universityparkks.org. Waterline relocation easement document is attached to the agenda as attachment #2 for draft easement language. Does anyone see a problem with it? James Slaymaker said it doesn't say anything about having a golf course on top of the line. He will make sure they add that into the document. If everyone is comfortable we would like to sign the document once they make the changes and not meet again. Paul Weiler asked a question regarding costs and wondered if we are going to have a large hidden expense. A motion was made by Sarah Dahl to sign the relocation easement document once we receive it from Riley County, seconded by Jo Ann Zahner and **approved 3-0**.
- Replatting UP rental – We received an email from Evan McMillan from RC Public Works stating, "After some discussion with our County Appraiser, we have come to the conclusion that the best way to maintain the District's tax exemption status once the lagoon is installed is to parcel off the rental property, to be taxed as a regular home, and to reapply for an exemption status for the remainder of the Improvement District property. From my understanding, any time there is a change in the function of a tax-exempt parcel there must be a new tax-exempt permit issued." A discussion was had about the future costs and meeting with the county and the appraiser. Sarah Dahl mentioned that the new board can tackle this issue.
- New firehouse building- firefighting equipment has been moved to new firehouse. The clubhouse bathroom is functioning again. Contractor prepared the ground and put grass growing mats down. Have they put enough dirt on the west side of the firehouse so that it is graded sufficiently for UP to safely mow? Cedar trees are going to be planted around the station in lieu of mowing. The light on

the front is going to be put on a switch so it can only be turned on when needed. JoAnn will ask about the bright side lights – can they be domed, dimmed or toned down to lessen impact on residents.

- Heywood Park Sign- Brian McNulty is working on the sign.
- Basketball/Pickleball court: Slab looks great. Discussion was had on the items that still need resolution - including reinstall parking lot barricades, painting lines on court, ground needs to be leveled with concrete pad, install nets and basketball posts once it is safe to play, retaining wall or other solution for high and low sides, fencing – multiple quotes have been gathered. More quotes are coming in. Discussion regarding keeping people off the concrete until the goals are put in place so that the flaps for the basketball goals don't get damaged and people don't get hurt. Will need to mark the area better to keep people off. Discussion regarding retaining wall or limestone blocks. It was decided to wait for the experts to come in with their solutions for the wall and then make a decision. Looking from input from the community for a good plan to finish this area. After discussion on fencing options and retaining wall a motion was made by Sarah Dahl to send Curt with the faithful fencing quote and ask for \$14,000 for fencing and retaining wall. Jo Ann Zahner seconded the motion. **3-0 approved.**
- Porta potty – two bills paid under \$400. Sarah Dahl will try to get that reimbursed from the county.
- Insurance – decision was made to sign with Charles and Wilson for the Errors and Omissions insurance. A motion was made by Sarah Dahl and seconded by Jo Ann Zahner to purchase E&O insurance with Charles and Wilson for the quote of \$3,262. **3-0 approved.**
- Kansas Attorney General Complaint – the Board received a letter from the Kansas Attorney General's office in October saying they had received a complaint from Danielle Maple alleging the University Park Improvement District Board had violated the Kansas Open Meeting Act (KOMA). Specifically, Ms. Maple alleged that the board met to discuss public business outside of an open meeting. The Board submitted its response to the Attorney Generals office prior to our last meeting which is included in full in the October UPID Board Meeting minutes at www.universityparkks.org. Basically, we did make a mistake with how we entered Executive sessions We received a letter stating that the Kansas Attorney General (KSAG) has concluded their inquiry into this matter and KSAG have declined to take formal enforcement action (**see attached**). They have, however, explained that we were not using executive sessions properly and explained how executive sessions are required to function. The KSAG has asked the board members to receive at least one hour of KOMA training provided by an attorney qualified to provide such training, provide a copy of the meeting minutes that reflect the training, provide a copy of training materials for their review and establish a checklist to ensure that the board meets all the statutory requirements for recessing into executive session each time it calls for such a session (**see attached**). James Slaymaker, Sarah Dahl and Jo Ann Zahner all completed the one-hour online training session provided by the Kansas Association of Counties General Counsel, Jay Hall. A check sheet will be used for the new board on how to properly use executive sessions (**see attached**).
- Old Firehouse – we have the keys and the garage door remotes. There are still a few items inside that need to be removed from the old firehouse. James Slaymaker did request documentation that the old firehouse is ours now, so we have something in writing. A discussion was had about whether we turn off the electricity for the firehouse until we are ready to use it – it is a five dollar reconnect fee. There is no water, and the propane tank has been removed. All that is left is a furnace mounted to the wall

and a table. James Slaymaker will take care of putting electric bill in University Parks name. The fire station doesn't want the sign on the firehouse (Ed Wright- former resident). It's bolted into the siding and will be difficult to take off. Discussion was had and we decided to leave it in place.

Other things to think about that need to be resolved in the future...

1. **Plans for utilizing the old fire house.**
2. **Sewer lagoon project**
3. **Reconfiguring golf & disc golf course layouts after lagoon project is complete.**

New Business

Due to complaints about disruptions to the flow of recent meetings, the UPID public comment policy for the next few meetings will be changed. Although the Kansas Open Meeting Act states that there is no requirement to allow public comment, public comments can lead to better decisions for our community and therefore will continue to be allowed and encouraged for those who are attending in person and follow these rules. Public comments will continue to be made after announcements and before the approval of minutes and financial statement. State your name, limit comments to under 5 minutes and keep them brief and respectful of the Board and other community members. This will be the only opportunity for public comments. The board is not required to respond to questions at this time, but comments may be addressed in the next meeting agenda. Only in-person attendees will have the opportunity to give public comments and take part in discussion of agenda items in the order that they appear on the agenda. If you have input for the meeting and are unable to attend, please email universityparkboard@gmail.com. Your email may be included in discussion at the discretion of the Board members. Public comments are out of order if made outside the designated time on the agenda of a public meeting and without the speaker having been first recognized by a Board member. These rules are intended to promote the orderly and dignified conduct of the public business of University Park improvement District.

The meetings will still be broadcast over zoom and recorded but no interactive online participation will be allowed. The written comments online will still be part of the recording but will not be read aloud. When the new Board takes office in January 2026, they will decide how they want to run the meetings and this policy may change. Speakers who violate any one or more of these rules shall be asked to end their comments. And speakers (or non-speakers attending the meeting) whose conduct disrupts the orderly and dignified conduct of any public meeting at any time shall be asked by the Board to leave such meeting. This notice was emailed out and posted to the Residents Facebook page on November 4th, 2025.

A discussion was had, and it was agreed to limit comments to under 3 minutes and residents were in agreement with changing our process. Comments on zoom will not be read. An exception would be for a board member who must zoom in for a meeting or someone who has to present under a standing committee report. It was agreed it was best practice to state this policy at each meeting. The plan is to start this new process in December 2025.

A motion was made by Sarah Dahl to amend the public comment policy for University Park board meetings as discussed and agreed upon herein. Jo Ann Zahner seconded it. **3-0 approved**

A motion was made by Sarah Dahl that University Park Board members may attend meetings virtually and participate in conversations and vote. Jo Ann Zahner seconded it. **3-0 approved.**

Jo Ann Zahner made a motion to adjourn the board meeting. Sarah Dahl seconded it. **3-0 approved**

Meeting adjourned at 9:02.

Italian Estates Property Management

8103 Hwy 24
Manhattan, KS 66502
(785) 706-1636



University Park Board
7321 High-view Dr
Manhattan, KS 66503

Owner Statement
Jan 01, 2025 - Nov 10, 2025

11015 Lakeview Dr, Manhattan, KS 66503

Property Manager: Casie Meyerkorth

Transactions

Date	Payee / Payer	Type	Reference	Description	Cash In	Cash Out	Balance
				Beginning Cash Balance as of 01/01/2025			0.00
07/24/2025	University Park Board	Receipt	Reserve Paid #1133 along with \$2250 for the security deposit they held	Owner Contribution	300.00		300.00
08/01/2025	11015 Lakeview Dr	Receipt	306155	Rent Income - Move In Charge: Rent Income	1,650.00		1,950.00
08/01/2025	Italian Estates Property Management	Check	18963747	Commissions/Placement Fees - Lease Fee		150.00	1,800.00
08/04/2025	Italian Estates Property Management	Check	18963726	Management Fees - Management Fees for 08/2025		165.00	1,635.00
09/29/2025	Menards	Payment	567	General Maintenance Labor - Tenant Charge Blinds for replacement		160.39	1,474.61
09/29/2025	Sanchez Construction	Payment	567	Cleaning and Maintenance -Other - Deep Clean -- Tenant Move Out Charge		650.00	824.61
09/29/2025	Urista's Carpet Cleaning	Payment	567	Carpet Cleaning - (Tenant Charge) Carpet Cleaning -Move Out		280.00	544.61
09/29/2025	Italian Estates Property Management	Payment	567	Italian Estates Maintenance - Tenant Move Out Charge -- Maintenance: Replace lightbulbs (outside, above range), Replace Air filter, Paint touch ups (entry room, upstairs walls), Replace Blinds		350.00	194.61
09/29/2025	Italian Estates Property Management	Receipt		Clearing Account - Terry Spead, Tiara Spead, 11015 Lakeview Dr: Security Deposit Transfer	2,250.00		2,444.61
09/29/2025	Wanklyn Oil Company	Payment	567	General Maintenance Labor - Tenant Move Out Charge -- Maintenance: Fill from 55% to 80%		197.50	2,247.11
09/29/2025	11015 Lakeview Dr	Check	18963847	Clearing Account - Tiara Spead, 11015 Lakeview Dr: Move Out Refund		306.06	1,941.05
09/29/2025	11015 Lakeview Dr	Check	18963848	Clearing Account - Terry Spead, 11015 Lakeview Dr: Move Out Refund		306.05	1,635.00
10/02/2025	Ace Hardware	Payment	567	Key/Lock Replacement - Key Copies		19.67	1,615.33

Date	Payee / Payer	Type	Reference	Description	Cash In	Cash Out	Balance
10/02/2025	Italian Estates Property Management	Payment	567	Italian Estates Maintenance - Changed out all locks on exterior doors, installed keypad on front door, and installed toilet tissue holder. Also replaced light fixture on ceiling fan.	100.00		1,515.33
10/02/2025	Waters Hardware	Payment	567	Key/Lock Replacement - Key Copies	6.53		1,508.80
10/02/2025	Menards	Payment	567	General Maintenance Labor - make ready work order	160.39		1,348.41
10/02/2025	Menards	Payment	567	General Maintenance Labor - light bulbs - Light bulbs and moulding	10.51		1,337.90
10/02/2025	Ace Hardware	Payment	567	Key/Lock Replacement - Key Copies	10.51		1,327.39
10/02/2025	Menards	Payment	567	Key/Lock Replacement	125.00		1,202.39
10/15/2025	Evergy	Payment	567	Electricity - 9/10/25--10/9/25	90.34		1,112.05
10/17/2025	Italian Estates Property Management	Check	18963886	Commissions/Placement Fees - Lease Fee	150.00		962.05
10/24/2025	Evergy	Payment	567	Electricity - Electricity Use - 10/09 - 10/17/2025 - Electricity Use - 10/09 - 10/17/2025	116.89		845.16
10/28/2025	Italian Estates Property Management	Check	18963896	Management Fees - Management Fees for 10/2025	80.00		765.16
10/28/2025	University Park Board	eCheck	BB76-3C00	Owner Distribution - Owner payment for 10/2025	465.16		300.00
11/01/2025	11015 Lakeview Dr	eCheck receipt	1566-BB10	Rent Income - November 2025	1,600.00		1,900.00
11/03/2025	Italian Estates Property Management	Check	18963905	Management Fees - Management Fees for 11/2025	160.00		1,740.00
11/06/2025	University Park Board	eCheck	6177-6300	Owner Distribution - Owner payment for 11/2025	1,440.00		300.00
11/10/2025		JE	149	Fixing a ESA Deposit that went into Security Cash	800.00		1,100.00
11/10/2025	University Park Board	eCheck	07B8-1870	Owner Distribution - Owner payment for 11/2025	800.00		300.00
				Ending Cash Balance			300.00
Total					6,600.00	6,300.00	



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH

ATTORNEY GENERAL

MEMORIAL HALL

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WWW.AG.KS.GOV

October 15, 2025

James Slaymaker, President
University Park Improvement District
7321 Hi-View Drive
Manhattan, KS 66503

RE: KOMA Complaint – University Park Improvement District
Our File Number PP-25-000126

Dear Mr. Slaymaker:

On June 10, 2025, our office received a complaint from Danielle Maple alleging the University Park Improvement District (UPID) violated the KOMA. On September 22, 2025, we wrote to you in your capacity as president of the UPID board as part of our investigation pursuant to our authority under the Act.¹ We have concluded our inquiry into this matter, and are writing to inform you of the results of our review.

Ms. Maple's complaint focused on an "unscheduled meeting" held at your property on April 26, 2024.² In your response, you explained that this meeting was intended to be an executive session. We have identified two issues with the board's practice of entering executive session that warrant remedial action. First, the board's April 26, 2024 executive session was not held during the same open meeting where the motion to enter executive session was passed. Second, the board's March 12, 2024, and April 9, 2024, motions to enter executive session are missing several required elements.

Executive sessions must be held during open meetings

Meetings for the conduct of government affairs and the transaction of governmental business must be open to the public.³ A public body may, but is not required to, hold an executive session. When the public body enters executive session, the open meeting is recessed, not adjourned. The term "recess" means to suspend an open meeting, while "adjourn" means to end an open meeting.⁴ An

¹ See K.S.A. 75-4320(a), 75-4320a(a), 75-4320b, 75-4320d, and 75-4320f.

² We note that a public body may hold meetings on private property, so long as the meeting complies with all provisions of the KOMA.

³ K.S.A. 75-4317(a).

⁴ Attorney General Opinion 2017-20, <https://ksag.washburnlaw.edu/opinions/2017/2017-020.pdf>, accessed October 13, 2025.

Letter to James Slaymaker

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open meeting cannot be “recessed” for multiple days. Because of this, a public body may only recess an open meeting to enter executive session if the executive session occurs contemporaneously with the open meeting.⁵

In your letter to our office, you stated, “At the end of the April 9, 2024 regular monthly meeting, we left the meeting open for a future executive session to allow us to consult with our lawyer in the next three weeks.” Our review of the meeting’s recording identified this motion as, “I motion that we adjourn the meeting, move it into executive session.” You also stated that the board’s April 26, 2024, meeting was closed to the public and intended to function as the executive session motioned for on April 9, 2024.

An executive session must occur during the same open meeting as the motion to enter executive session was made. When board members left the monthly meeting on April 9, 2024, the meeting became adjourned. Any motion made to enter executive session becomes ineffective upon the adjournment of a meeting. Therefore, this executive session does not comply with the KOMA because it did not occur contemporaneously with an open meeting.

Motions to enter executive session must follow statutory procedure

If the public body decides to recess into executive session, the public body must follow a specific procedure in order to comply with certain statutory requirements.⁶ The motion to recess into closed or executive session must include a statement describing the subject(s) to be discussed, and a justification listed in the statute. The “subject” refers to an explanation of “what” is to be discussed, without revealing confidential information. A public body must do more than provide a generic or vague summary, or a list of the items to be discussed. “However, the KOMA does not require that the statement describing what will be discussed to be so detailed that it negates the usefulness of” an executive session.⁷ The determination about whether the motion sufficiently describes the subject(s) to be discussed in a specific situation is a fact-sensitive question that must be determined on a case-by-case basis.

A “justification” refers to one of the topics identified in K.S.A. 75-4319(b), such as to discuss personnel matters of nonelected personnel or for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.⁸ A motion to recess into executive session may only utilize one justification, but multiple subjects may be discussed if those subjects fall within the justification cited in the motion for executive session.⁹

⁵ *Id.*

⁶ See K.S.A. 75-4319(a) (“Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.”).

⁷ Attorney General Opinion 2018-1, <https://ksag.washburnlaw.edu/opinions/2018/2018-001.pdf>, accessed October 13, 2025.

⁸ K.S.A. 75-4319(b)(1) and (2).

⁹ Attorney General Opinion 2018-1, *supra*.

The motion for executive session must also include the time and place at which the open meeting will resume. The reason for this is simple—it allows members of the public to know when and where the public body will take up the public or open portion of the meeting. The announcement of place is required even when the public body does not recess to another location to hold its executive session.

The KOMA also establishes certain requirements for the recording of the motion for executive session. The recording of the motion “is not ‘complete’ if it merely summarizes the actual motion in a manner that addresses only the three statutory elements but omits other content of the motion.”¹⁰

With these rules in mind, and based on our review, it is clear that the board’s motions to recess into executive session falls short of complying with the KOMA. A review of the March 12, 2024, motion helps to illustrate the lack of compliance with the statutory requirements:

“We are going to leave the meeting open for an executive session to consult with the lawyer, sometime to be determined in the next three weeks. And we will notify the community when we do that, as we’re supposed to. And it’ll be in the minutes.... I motion to leave open the meeting for an executive session.”

Here, you described the required justification as “to consult with the lawyer.” This is consistent with the statutory justification “for consultation with an attorney for the public body or agency, which would be deemed privileged in the attorney-client relationship.”¹¹ However, the justification was not included as part of the formal motion. Additionally, this motion does not include a statement of the subject to be discussed. We also noticed the minutes did not state the time the open meeting would resume as required. As stated in the section above, executive sessions must be recessed into during an open meeting. The board’s failure to (i) recess into executive session during an open meeting, (ii) include the required justification in the motion, (iii) sufficiently describe the subject(s) to be discussed, and (iv) state the time and place where the open meeting would resume violated the KOMA.

Although the board violated the KOMA as described above, our analysis does not end there. We must consider whether these failures are more than technical violations of the KOMA.¹² “Technical violation” is a term of art adopted by the courts in discussing KOMA violations. “Our courts will look to the spirit of the law, and will overlook mere technical violations where the public body has made a good faith effort to comply and is in substantial compliance with the KOMA, and where no one is prejudiced or the public right to know has not been effectively denied. [Citations omitted].”¹³

The procedural and substantive requirements for executive session help ensure that the public’s right to know is not harmed or impaired. The motion itself promotes the policy and purpose of the KOMA by ensuring the public knows the reason given by the public body for holding any discussions outside of public view. It is also a reminder to the public body that the KOMA stands for more than mere procedural requirements.

¹⁰ *Id.*

¹¹ K.S.A. 75-4319(b)(2).

¹² See *Stevens v. City of Hutchinson*, 11 Kan.App.2d 290, 291 726 P.2d 279 (1986).

¹³ *Id.*

We note, in mitigation, that the board made an effort to notify the community of this unscheduled executive session through email and in meeting minutes. While the motion to enter executive session was clearly deficient, recordings of the March 12, 2024, and April 9, 2024, meetings demonstrate the board's intent to keep the public informed. There is also nothing to suggest that the board discussed matters other than those permitted under the attorney-client privilege justification. Because of this, we have no evidence of prejudice resulting from these actions, or that the public's right to know was effectively denied. Likewise, we have no evidence that the board's failure to meet the required elements for recessing into executive session was an effort to circumvent or thwart the purposes of the KOMA.

In light of the foregoing, we find the board's failure to comply with the statutory requirements for recessing into executive session in its March 12, 2024, and April 9, 2024, motions for executive session is a technical violation of the KOMA that did not affect the public's substantial rights. Nevertheless, remedial action is required to resolve this violation.

The KOMA provides a broad range of remedies to help ensure that a public body does not ignore its provisions. Ultimately, our goal is to ensure compliance with the law. Because we have no evidence that the public's right to know was effectively denied based on these technical violations, we decline to pursue any further formal enforcement action to resolve these violations. However, we will report these violations in our Annual Report.¹⁴

Although we decline to take formal enforcement action, we ask that the board take the following remedial action to resolve these violations:

- Complete at least one hour of KOMA training within the next 45 days. The training must be provided by an attorney qualified to provide training on the subject;
- Provide a copy of the meeting minutes that reflect the training. If the board does not record the training in its meeting minutes, please have each board member submit an affidavit that sets out the date and time of the training, who provided the training, and confirms the board members attendance;
- Provide a copy of any training materials for our review; and
- Establish a checklist to ensure that the board meets all the statutory requirements for recessing into executive session each time it calls for such a session.

To ensure that the board has taken the remedial actions described above, we ask that you provide us with a written report within 30 days of the date of this letter, describing the status of efforts to schedule or complete the training and, if not yet completed, the anticipated date of completion. Please also provide a copy of the executive session checklist/procedure.

¹⁴ K.S.A. 75-753(b) ("The attorney general shall compile . . . information relating to investigations of violations of the open records act and the open meetings act conducted by the office of the attorney general. The attorney general shall publish a yearly abstract of such information listing by name the public agencies which are the subject of such complaints or investigations.").

Letter to James Slaymaker

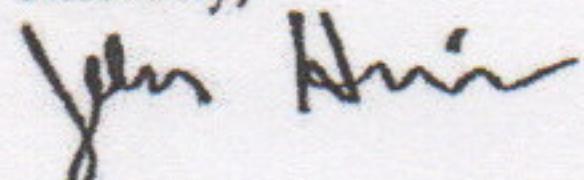
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We take this opportunity to remind the board that it is responsible for ensuring compliance with the KOMA. Although the reason for the identified shortcomings is unclear, each board member carries a shared burden to remain vigilant to ensure the board complies with the KOMA.

We appreciate the board's cooperation and patience during our investigation. Once we receive the confirmation of compliance with our request for remedial action, we will consider this matter closed.

Sincerely,



John Harris
Assistant Attorney General
Open Government Enforcement Section

Attachment 4 – Checklist for Required Steps to conduct an Executive Session

**Checklist for Required Steps to conduct an Executive Session
per Kansas Open Meetings Act requirements**

75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure.

- _____ Make a formal motion that is seconded and carried, stating that the Board will recess, but not adjourn, an open meeting for closed or executive session. Any motion to recess for a closed or executive meeting shall include:
 - _____ (1) A statement describing the subjects to be discussed during the closed or executive meeting;
 - _____ (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume.
- _____ The complete motion shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

Justifications for recess to a closed or executive meeting may only include the following, the need:

- (1) To discuss personnel matters of nonelected personnel;
- (2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;
- (3) to discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;
- (4) to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) to discuss matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) for the preliminary discussion of the acquisition of real property;
- (7) to discuss matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 38-2212(d)(1) or 38-2213(e), and amendments thereto;

- (9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
- (10) to discuss matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;
- (11) to discuss matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
- (12) to discuss matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the public body or agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;
- (13) to discuss matters relating to maternity centers and child care facilities permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 65-525(d), and amendments thereto;
- (14) to discuss matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 75-7427, and amendments thereto; and
- (15) for the governor's domestic violence fatality review board to conduct case reviews.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(12), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.