



As counties continue to work through the COVID-19 crisis at the local level, it is important to remember to continue to follow Open Meeting requirements.

As a reminder, a meeting is a gathering of:

1. A majority of the body
2. Having interactive communication
3. To discuss issues that may come before the body

Clearly, discussions of county action regarding the COVID-19 situation would fall under this definition.

There are, however, ways for county commissioners to receive information regarding the COVID-19 response without violating the Kansas Open Meetings Act (KOMA).

The first option is to designate a single commissioner to be the contact person for the county health officials to update as necessary, with the commissioner then able to update the other commissioners during open meetings. If a county chooses to go this route, such a designation should be made during an open meeting, with any updates to the full commission done in open meetings. This type of designation will also give local health officials a single point of contact on the commission as the situation changes.

The second option is to allow the entire commission to receive updates from county health officials. If the county chooses this option, however, there are some precautions that must be taken. KAC would discourage this option.

1. There can be no questions, discussion or feedback during these updates.

Commissioners can only receive information. They cannot ask questions or discuss anything amongst themselves, as this would violate KOMA. Only the health officials should speak during these updates to ensure that there is no discussion. Commissioners may listen, but should not speak to avoid a potential KOMA violation.

2. Commissioners and health officials must be cautious about serial meetings.

Any discussion or questions must be held off until there is an open meeting. Any follow-up done outside the meeting could create a “serial meeting” situation where the response to a question is given to all of the commissioners, sparking further questions and/or discussion.

3. Understand that KOMA complaints are still possible.

Even if the above precautions are taken, there may be situations where members of the public may believe that commissioners are in violation of KOMA.