

AG: Atchison Co Commission Violated KOMA

(KAIR)--The investigation into the complaint of an alleged violation of the Kansas Open Meetings Act by the Atchison County Commission has come to a conclusion; and, while wrong doing was not found in the initial complaint, filed by MSC News on September 16, 2016, the Kansas Attorney's General's Office finds, through its review, that the KOMA was violated in a different manner.

During the investigation, which included a review of Atchison County Commission meeting minutes, the Attorney General's Office found “that on at least 21 occasions, between January 5, 2016 and September 13, 2016, the Commission's motions for executive session failed to comply with the requirements” of the Kansas Statute pertaining to open meetings, in effect at that time.

At issue were several missing components of what was required to be recorded in the minutes prior to entering into executive session. Nonetheless, the investigation shows no evidence that was done in an “effort to circumvent or thwart the purposes of the KOMA,” and that corrective action was taken once the matter was brought to the County's attention.

Pauline Lee served as County Clerk at the time of the improprieties, and Atchison County Counselor Patrick Henderson took responsibility for the deficient minutes.

However, the AG's Office states the technical violation falls on the elected County leaders, who, at that time, were William Pohl, Eric Noll and Jeff Schuele.

Schuele has since resigned, and was replaced by Jack Bower.

The AG's Office, determining that formal enforcement action is not required, does stipulate remedial action, including the use of a checklist, or similar process, to ensure all requirements are met when recessing into an executive session, and that the County Commissioners attend at least one hour of KOMA training within 60 days of receipt of the investigation's findings, which is dated September 5.

Although Bower was not a member at the time of the complaint, the AG's Office strongly encourages him to attend training, as well as current Clerk Michelle Phillips and “other staff who work with the Commission.”

The original complaint, filed by MSC News, focused on last year's handling of the County's termination of the contract with TECHS, Inc, the company that

previously managed ambulance service for the County.

At issue was whether or not binding action was taken in executive session, in violation of the KOMA.

While the Attorney General's Office found a direct violation was not made, the office does recommend, in findings received by MSC News, that any and all Commission's should, when addressing such issues, promptly return to open session and vote on the consensus reached during an executive session in order to avoid a perception of wrongdoing.

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