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300 Park City violates meeting statute

City fined \$500, admits violation

By Matt Hellman

Park City leaders broke the law. That's what a recent ruling from the Sedgwick County District Attorney's Office says.

Last fall, then Mayor Emil Bergquist and the eight-member city council agreed to hold an Oct. 10 special meeting, a meeting in which the public didn't receive proper notice and formal action was taken.

A ruling was made last week that the meeting violated the Kansas Open Meetings Act. The ruling was made after the district attorney's office reviewed the case that was initially brought to their attention by a Park City resident.

Park City was assessed a \$500 fine and ordered "to undertake remedial measures to attempt to ensure that future violations will not occur."

The remedial measures include improving the notification process on the city's website and training for the city's staff on the requirements of the Kansas Open Meetings Act.

Seven council members at the group's Oct. 9 regularly scheduled meeting signed the petition to hold a special meeting. Park City Clerk Dennis Nichols circulated the petition among the council members. Bergquist authorized the following evening's special meeting with his signature.

The purpose of the Oct. 10 special meeting was to discuss cuts to personnel and a question about the city pool in Hap

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Fine

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McLean Park.

During part of the meeting, the council was to consider placing an item on the April election ballot for a public vote to decide if residents were willing to pay one extra mill in property taxes to support keeping the city pool open for this summer.

The Ark Valley News, the official newspaper for Park City, didn't receive the notice for the special meeting until after 5 p.m. Oct. 10 when the News office was closed. The

of people or entities that had formally requested notification of regular and special council meetings.

From that list, the district attorney's office found that only two entities were notified of the Oct. 10 special meeting.

The city also maintained a list of 80 names that requested agendas for regular council meetings, 37 of which requested to be notified by e-mail. Park City Attorney Doug Moshier said the city was at fault in its failure to alert the 16 names that had formally requested notice of special meetings.

"As a result of the DA's

city claims it faxed the notice at 4:45 p.m. The meeting started at 7 p.m.

With nobody from the media or public present at the special meeting, the Park City council took a vote to close the pool and layoff as many as seven city employees.

The measures passed 7-1 with then council member Cecil Goldsmith opposed. The council also suspended employee raises that had been approved in the 2013 budget.

Park City Attorney Doug Moshier said the special meeting was intentionally kept on the down-low because much of the discussion at the meet-

investigation, we realized that we had some real potential problems in our process of giving notice for special meetings," Moshier said.

He said the city "agreed to make some further changes" in its outreach to people and entities that request notifications for all meetings. The changes are to include the improved notifications on the city's website.

Moshier said the city will reverse its previous rule that told people they had to reach out to the city every year to keep their names on the list to be notified for meetings. Now, any citizen that has requested to be notified of meetings will

ing dealt with non-elected city employees.

At regularly scheduled meetings that occur in Park City on the second and fourth Tuesdays of every month, matters relating to non-elected personnel can be discussed behind closed doors in executive sessions.

The executive sessions are allowed as long as the council states their purpose and gives a time limit for how long the discussion should last. But the council is not allowed to take any formal action unless it's in an open meeting.

As of Oct. 9, the city maintained a list of 16 names

stay on the list unless that citizen makes a request to be taken off the list.

Moshier said he has not been made aware of any concerns with notices for the regularly scheduled council meetings that take place twice per month. Moving forward, he said the city will have the same transparency for special meetings as it does for regular meetings. He said Park City leaders now have a better grasp of their responsibilities following the district attorney's ruling against the city.

"It was a good learning experience for the governing body," Moshier said.