

2021 Johnson County Charter Commission

March 1, 2021

Organizational Meeting



Home Rule Charter--History

- Kansas statutes provide for charter for county government
 - Urban area
 - Commission appointed to study and draft charter for county government
 - Home Rule Charter must be approved by county voters
- 1975 Charter Commission
 - Voters narrowly defeated Charter in 1976

Home Rule Charter--History

- 1999 statutes amended & new charter commission appointed
- Home Rule Charter approved by Johnson County voters in November 2000
- Effective January 11, 2001

New Charter Commission

- Home Rule Charter requires a new charter commission be appointed every 10 years
 - Section 6.04
- Composition and appointment of Charter Commission is specified by statute.
- List of appointments provided

Responsibilities--§6.04

- Organizational meeting
- Elect officers
- May adopt rules governing conduct of meetings
- Serve without compensation except for necessary expenses authorized by BOCC
- Determine meeting frequency
- Minutes required
- At least one meeting must be a public hearing

Responsibilities--§6.04

- Commission is “empowered to conduct comprehensive studies of any or all phases of County government operations” including
 - Home Rule Charter
 - Major BOCC resolutions re: operation of county government

Responsibilities--§6.04

- Report of Charter Commission's findings is due no later than one year from today.
 - Recommendations
 - Suggested changes in the administration of County government, programs and activities.
 - Proposed amendments to Home Rule Charter
- Recommendations must be adopted by a majority vote of Charter Commission membership

Responsibilities--§6.04

- BOCC “shall consider all suggested changes, as allowed by law”
 - Any suggested changes must be consistent with state laws.
 - State law requires County to pay for and administer certain services.
- Proposed Charter amendments submitted to the voters in 2022
- Charter Commission terminates 30 days following submission of its report to BOCC

Support

- BOCC provides meeting space & pays all necessary expenses including administrative fees & expenses.
- Options for legal services:
 - the County Legal Department
 - member of the Commission who is a lawyer
 - retain outside counsel
- Legal opinion required: Charter Commission's recommendations comply with state law & Kansas Constitution

Kansas Open Meetings Act (KOMA)

- Charter Commission is subject to KOMA
- All meetings shall be open to the public and no binding action may be taken by secret ballot.

K.S.A. 2019 Supp. 75-4318

What is a “Meeting”?

1. Gathering or Assembly—in person or via telephone or other medium for interactive communication;
2. By a majority of the membership of the Charter Commission; and
3. For the purpose of discussing the business or affairs of the Charter Commission.

K.S.A. 2019 Supp. 75-4317a

1. Gathering or Assembly

- In person
 - Informal discussions before, after or during recesses of a public meeting are subject to KOMA;
- Via phone or other medium for **“interactive communication”**
 - May conduct meetings by phone or other medium (Zoom, Teams, etc.) if all KOMA requirements are met.

Interactive Communication

- Communication must be “interactive”
 - Requires a mutual or reciprocal exchange among or between members.
 - Two-way communication.
 - A one-way message to other members is not interactive. A reply to all makes it interactive.
 - Do not “reply all”; do not forward.
 - Applies to all mediums of communication: emails, messaging, calling trees, use of an agent.

Serial Meetings

- **Interactive Communications in a Series:**
 1. **Collectively** involve a majority of the members;
 2. Share a common topic of discussion concerning the business or affairs of the body; and
 3. Intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body.

K.S.A. 2019 Supp. 75-4318(f)

2. What is a “majority”?

- “Majority” means a simple majority of the membership of the Charter Commission.
- Commission consists of 25 members
 - Majority is 13 members

3. For the Purpose of Discussing the Business or Affairs of the Charter Commission

- **Discussion is the trigger under KOMA.**
 - Even if no action or vote is taken.

Notice of Meetings

- KOMA does **not** require notice of meetings to be published in the newspaper, on the Internet, or other media.
- Charter Commissioner website:
 - Notice of the meeting date, time and place
 - Agendas
 - Minutes
 - Other materials/resources

Conduct of Meetings

- Virtual meetings—Facebook Live
- The public may attend and observe all open meetings.
 - But KOMA does not require that the public be allowed to speak or to place an item on the agenda.
 - Home Rule Charter requires one public hearing where the public can provide comments.
- Action taken by voting in open meeting

Kansas Open Records Act (KORA)

- KORA applies to Charter Commission records
 - Includes documents and emails.
- Applies regardless of the record's location
 - Does the record pertain to the business of the Charter Commission?
 - Includes emails sent, received or maintained in personal email accounts if conducting Charter Commission business.

Contacts & List Serve

- Charter Commission email address
- CharterCommission@jocogov.org
 - All members will receive emails sent to Charter Commission email address
 - Communications will be emailed by County staff to members using list serve