



City Commission Agenda Item

Meeting Date: May 7, 2024
From: City Attorney Larry Schwartz
Item: Executive Session – Attorney Consultation

Purpose: Recess into executive session regarding tax abatement payments to Diversified Acquisitions, LLC, pursuant to K.S.A. 75-4319(b)(2), for consultation with attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.

Background:

Requesting to recess into executive session to discuss tax abatement payments to Diversified Acquisitions, LLC. A complete copy of K.S.A. 75-4319 is enclosed.

State Reference K.S.A. 75 -4319(b)(1) defined:

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

(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.

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

(2), for consultation with attorney for the public body or agency which would be deemed privileged in the attorney-client relationship.

Commission Options:

1. Make a motion to recess into executive session, establishing a time to resume the open meeting.

To be in compliance with the Kansas Open Meetings Act, City Attorney Larry Schwartz recommends the following motion be stated when the City Commission requests an executive session:

Motion: "I move that the governing body recess into executive session, regarding tax abatement payments to Diversified Acquisitions, LLC, pursuant to K.S.A. 75-4319(b)(2), for consultation with attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. For _____ minutes. The open meeting will resume in the commission chambers at ____ : ____ p.m." (Voice Vote)

Approved for Agenda by:

Randy Frazer, City Manager