



# City Commission Agenda Item

**Meeting Date:** September 19, 2023  
**From:** Diana Spielman, Mayor  
**Item:** Executive Session – City Manager’s Contract

**Purpose:** Recess into executive session to discuss the City Manager’s contract, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel.

**Background:**

Requesting to recess into executive session to discuss the City Manager’s contract. 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:**

**(1) to discuss personnel matters of nonelected personnel**

**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, **to discuss the City Manager’s contract, pursuant to K.S.A. 75-4319(b)(1), personnel matters of nonelected personnel. The open meeting will resume in the commission chambers at \_\_\_\_:\_\_\_\_ p.m.” (Voice Vote)**

**Approved for Agenda by:**

Randy Frazer, City Manager