



NOTICE OF SPECIAL MEETING AND SPECIAL MEETING FORMAT

Abilene City Commission
9:30 a.m. Friday, April 3, 2020
Abilene Public Library
209 NW Fourth Street, Abilene, Kansas

A special meeting of the City Commission of the City of Abilene, Kansas will be held on Friday, April 3, 2020, at 9:30 a.m., at the Abilene Public Library, 209 NW 4th Street, Abilene, Kansas 67410.

The purpose of such special meeting shall be to:

1. Discussion regarding the format for future City Commission meetings due to the COVID-19 pandemic; and
2. Consider Resolution 04032020-1, **A RESOLUTION OF THE CITY OF ABILENE, KANSAS TEMPORARILY EXPANDING THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN RESPONSE TO THE COVID-19 EMERGENCY; AND RATIFYING PREVIOUS DECISIONS REGARDING THE COVID-19 EMERGENCY**

MEMBERS OF THE PUBLIC WILL NOT BE ALLOWED TO BE PRESENT AT THE MEETING BECAUSE OF EMERGENCY LIMITATIONS.

Although members of the public may not physically attend the meeting, the live meeting can be viewed on YouTube at https://www.youtube.com/channel/UCNURrU0ueP6_dRpHYu1wJEg. After the meeting concludes, the recorded video will also be made available for public viewing on YouTube.

To view the Abilene City Commission agenda and any related information, visit <https://www.abilenecityhall.com/84/City-Commission> and click on “Most Recent Agenda,” or contact the City Clerk’s office at (785) 263-2550 to make alternative arrangements.

The decision to revise the meeting format was made to align with the following:

- On March 28, 2020, the Governor for the State of Kansas issued Executive Order No. 20-16 directing all individuals within the state of Kansas to stay in their homes or residences unless performing an essential activity, while exempting specified essential functions, effective March 30, 2020 until April 19, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.

For further information, contact the City Manager’s Office at (785) 263-2550.



K.A.R. 16-20-1. Compliance with the Kansas open meetings act during an emergency declaration. (a) This regulation shall be in effect only as follows:

(1) During a state of disaster emergency lawfully declared by the governor pursuant to K.S.A. 48-924(a) through (c), and amendments thereto, or other emergency declaration lawfully declared pursuant to applicable emergency-powers provisions of local, state, or federal law;

(2) in the territory affected by any such declaration; and

(3) to the extent that emergency responses required pursuant to any such declaration prevent or impede the ability of any of the following:

(A) Members of a public body or agency subject to the Kansas open meetings act, K.S.A. 75-4317 et seq. and amendments thereto, to conduct meetings by physically gathering in person;

(B) members of the public to attend or observe public meetings by physically attending the meetings; or

(C) a combination of both paragraph (a)(3)(A) and paragraph (a)(3)(B).

(b) All requirements of the Kansas open meetings act, K.S.A. 75-4317 et seq. and amendments thereto, shall remain in force and effect during any emergency declared as described in paragraph (a)(1) unless expressly suspended by order of the governor pursuant to K.S.A. 48-925(c)(1), and amendments thereto, or other applicable provision of K.S.A. 48-925, and amendments thereto. No order of the governor shall be construed to suspend any

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requirement of the Kansas open meetings act, unless the order meets the following conditions:

(1) Expressly cites and invokes K.S.A. 48-925(c)(1), and amendments thereto, and any other specific provision of K.S.A. 48-925, and amendments thereto, from which the order draws authority;

(2) expressly references the Kansas open meetings act and the specific provisions thereof that the governor intends to suspend during the state of disaster emergency; and

(3) makes plain and unequivocal the intent of the governor to suspend any such requirement.

(c) Any public body or agency may comply with the requirement of K.S.A. 75-4318(a), and amendments thereto, that a meeting be "open to the public" through the use of a telephone or other medium for interactive communication if the requirements of subsection (e) are met.

(d) As used in this regulation, "medium for interactive communication" shall include teleconference, videoconference, internet conference, television broadcast, or any other method that permits the public to listen to the meeting and also to observe the meeting if the method allows for visual observation.

(e) Each public body or agency conducting an open meeting utilizing solely a telephone or another medium of interactive communication rather than by members the

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body or agency gathering in person at a physical location shall meet the following requirements:

(1) Use a medium of interactive communication that, at a minimum, allows members of the public, without cost, to listen to the meeting and, if available, also allows video observation of the meeting;

(2) comply with all requirements of the Kansas open meetings act, except any temporarily suspended by the governor as provided by subsection (b), including requirements for notice;

(3) if the medium for interactive communication allows, provide an alternative means to access the meeting for members of the public who do not have internet access that also complies with the requirements issued pursuant to any emergency declaration;

(4) provide directions describing how members of the public will be able to electronically access, listen to, or observe the open meeting;

(5) require each member of the public body or agency, staff, or presenter to state the individual's name and title, if any, each time the individual begins speaking or voting so that the individual can be readily identified by remote listeners or observers;

(6) require all participants to ensure that microphones, phones, or other electronic devices are muted when the participants are not speaking so that the ability of remote listeners or observers to hear the proceedings is not unnecessarily impeded;

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(7) describe at the beginning of the meeting whether public comment will be allowed and what process will be used to identify any individual who wishes to comment, if permitted;

(8) describe at the beginning of the meeting the process that will be used for a closed or executive meeting pursuant to K.S.A. 75-4319, and amendments thereto;

(9) before any meeting, provide electronic or paper copies of an agenda, if any, to any individual requesting the agenda;

(10) clearly state each motion before the public body votes and announce the results of the final vote; and

(11) clearly identify and authorize by delegation each member of the public body or staff who will be permitted to sign any binding document for the public body or agency.

(f) To the extent that emergency responses required pursuant to the emergency declaration prevent or impede the ability of the public to physically attend a public meeting, any public body or agency may comply with the requirement of K.S.A. 75-4318(a), and amendments thereto, by meeting in person but limiting physical access of the public to the place where the meeting occurs if the public body or agency meets the following requirements:

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(1) Complies with all requirements of the Kansas open meetings act, except any requirements suspended by the governor as provided by subsection (b), including requirements for notice;

(2)(A) Broadcasts the meeting live on television or the internet;

(B) provides members of the public with the ability to access the meeting by telephone without cost; or

(C) uses any other method other than the methods specified in paragraphs (f)(2)(A) and (B) that permits the public to listen to or observe the meeting without cost;

(3) provides directions describing how members of the public will be able to electronically access, listen to, or observe the open meeting;

(4) requires each member of the public body or agency, staff, or presenter to state the individual's name and title, if any, each time the individual begins speaking or voting so that the individual can be readily identified by remote listeners or observers;

(5) describes at the beginning of the meeting whether public comment will be allowed and what process will be used to identify any individual who wishes to comment, if permitted;

(6) describes at the beginning of the meeting the process that will be used for a closed or executive meeting pursuant to K.S.A. 75-4319, and amendments thereto;

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(7) before any meeting, provides electronic or paper copies of an agenda, if any, to any individual requesting the agenda;

(8) states each motion before the public body votes and announces the results of the final vote; and

(9) identifies and authorizes by delegation each member of the public body or staff who will be permitted to sign any binding document for any public body or agency.

(g) Nothing in this regulation shall require any public body or agency to provide members of the public with the opportunity for public comment. (Authorized by K.S.A. 75-762; implementing K.S.A. 75-4317 and 75-4318; effective, T-_____, _____.)

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Kansas Attorney General

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www.ag.ks.gov

Best practices to aid in implementing K.A.R. 16-20-1 concerning open meetings during an emergency declaration

A public body or agency subject to the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq., should take any actions as may be necessary and reasonable under the circumstances of the emergency declaration to advance the state policy that “meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public” as provided by K.S.A. 75-4317(a), and amendments thereto.

To aid in its transparency efforts during a declared emergency, a public body or agency should consider taking the following steps:

- (1) Audio or video record the meeting, excluding any portion of the meeting that pertains to an actual closed or executive meeting pursuant to K.S.A. 75-4319, and amendments thereto, and post the recording on its website or other internet location;
- (2) post to its website any agenda, agenda packet, presentation, or other document that will be discussed during the meeting;
- (3) post any meeting minutes to its website as soon as possible after the meeting.
- (4) as early as practicable before any such meeting or meetings, disseminate a notice describing its intent to conduct a meeting or meetings solely by a medium of interactive communication or by meeting in person but limiting physical access of the public to the place where the meeting will occur. Such notice should at a minimum:
 - (a) explain the reason or reasons the public will not be permitted to physically attend the meeting;
 - (b) describe how members of the public may receive notice of any such meeting;
 - (c) explain how members of the public may listen to, observe and/or participate in any such meeting by telephone or other medium of interactive communication; and
 - (d) explain how members of the public may obtain in advance any written information to be discussed during the meeting, such as agendas.
- (5) broadly disseminate any notice by any means calculated to bring its contents to the attention of the general public. Such means may include, but not be limited to, publication on websites of the public body or agency; dissemination to news media; publication on social media accounts of the public body or agency; distribution by email to persons likely to be interested in the business of the public body or agency; or by any other means likely to cause actual notice to members of the general public. Multiple methods of distribution should be used whenever available.

RESOLUTION NUMBER 04032020-1

A RESOLUTION OF THE CITY OF ABILENE, KANSAS TEMPORARILY EXPANDING THE AUTHORITY OF THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN RESPONSE TO THE COVID-19 EMERGENCY; AND RATIFYING PREVIOUS DECISIONS REGARDING THE COVID-19 EMERGENCY.

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas; and

WHEREAS, a State of Disaster Emergency was proclaimed by the Governor for the State of Kansas in its entirety on March 12, 2020; and

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 regarding the COVID-19 pandemic; and

WHEREAS, on March 23, 2020, the Dickinson County Health Officer issued a stay-at-home order for residents of Dickinson County, Kansas, unless performing an essential activity, while exempting specified essential functions, effective March 25, 2020 until further notice; and

WHEREAS, on March 28, 2020, the Governor for the State of Kansas issued Executive Order No. 20-16 directing all individuals within the state of Kansas to stay in their homes or residences unless performing an essential activity, while exempting specified essential functions, effective March 30, 2020 until April 19, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier; and

WHEREAS, the health, safety, and welfare of persons within the City of Abilene are of critical importance and have been endangered by the threat and spread of COVID-19; and

WHEREAS, during a special meeting of the Governing Body held on March 23, 2020, the Governing Body authorized the City Manager to make decisions and purchases exceeding previously established purchasing authority granted by the Governing Body; and

WHEREAS, the Governing Body of the City of Abilene, in response to the COVID-19 pandemic desires to protect the public health, safety, and welfare by further expanding the authority of the City Manager to act on behalf of the City during such time of emergency, as set forth below.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

Section 1. In response to the COVID-19 pandemic, the City Manager is hereby vested, temporarily, with the authority to make all decisions in regard to personnel and city operations without the need for Governing Body approval for said action. This grant includes the authority and discretion to:

- (a) close city facilities;
- (b) suspend city operations;
- (c) temporarily amend, extend, or suspend policies and procedures, including purchasing and personnel policies, of the city in response to the emergency;
- (d) make decisions concerning the grant of additional leave or benefits to city employees;
- (e) make decisions regarding cancellation of affected meetings of the City's subordinate boards, committees and commissions;
- (f) make decisions and purchases exceeding previously established purchasing authority granted by the Governing Body; and
- (g) make other decisions deemed necessary to continue city operations and secure the well-being and safety of city employees and the public-at-large in response to the emergency.

Section 2. The City Manager shall keep the Governing Body informed of the actions taken pursuant to this grant of authority by reporting such actions to the Governing Body at the next meeting after the action was taken.

Section 3. The Governing Body hereby ratifies the emergency decisions made by the City Manager in response to COVID-19 prior to the date of this Resolution.

Section 4. This Resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

Adopted by the Board of Commissioners and signed by the Mayor this 3rd day of April 2020.

Chris Ostermann, Mayor

(SEAL)

ATTEST:

Penny L. Soukup, CMC, City Clerk