

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session**

Part I: Measure Information

Bill Request #: 1703

Bill #: HB 453 GA

Document ID #: 4967

Bill Subject/Title: AN ACT relating to open meetings

Sponsor: Representative Jonathan Dixon

Unit of Government: X City X County X Urban-County
Unified Local
X Charter County X Consolidated Local X Government

Office(s) Impacted: all offices required, and not excluded, by KRS 61.810 to hold public, open meetings

Requirement: X Mandatory X Optional

Effect on Powers & Duties: X Modifies Existing X Adds New _____ Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 453 would allow, but not mandate, a local government and its agencies, commissions, boards, etc. the option to conduct some business in private.

HB 453 **Section 1** would amend KRS 61.810, Kentucky’s Open Meetings law, to broaden the exemption to the statutory requirement for open public meetings. Among the meetings the statute currently exempts from open public meetings are those of a selection committee, evaluation committee or similar group established by the state pursuant to KRS Chapters 45A and 56 to consider a successful bidder for a contract. HB 453 would add similar groups formed under other state law, or under local laws, to conduct contract bidder evaluations to the exemption from the open meetings requirement.

Current law at KRS 61.826 allows but does not require that public agencies conduct meetings by video teleconference. **Section 2** of HB 453 would amend KRS 61.826 to establish that, if a public agency elects to hold a public meeting by video teleconference,

notice of the meeting shall include specific information how the public or media may view the meeting electronically. In addition, while the public agency is not required to provide a physical location for a video teleconference meeting unless two or more agency members are attending the video teleconference from the same physical location, the public agency may elect to provide a physical location. In either case the notice shall identify a primary physical location of the video teleconference meeting where the agency members can be seen and heard and where the public may attend, per KRS 61.840.

Section 2 would require that all members of the public agency participating in the video teleconference meeting be visible on camera at all times business is being discussed. Section 2 would further provide that, if a regular meeting is changed to a video conference, it remains a regular meeting if it occurs at the same date and time and the agency provides notice that complies with the special meeting requirements of KRS 61.823(4), and with subsection (2)(b) - (d) of HB 453 GA. Those requirements include written notice of the meeting personally delivered, sent by facsimile, or sent electronically to all members of the public agency and the media who have requested notice at least 24 hours before the meeting. The agency may satisfy the requirement by sending notice by e-mail to agency members and the media who have requested notice by that method. Written notice shall also be posted conspicuously in the building where the meeting is to be held and in the agency headquarters 24 hours before the meeting.

Section 3 of HB 453 would amend KRS 83A.150 to provide that the governing board of a city manager form of government may meet in closed session no more than two times per year to conduct a performance evaluation of the city manager. Records related to the performance evaluation would be subject to Kentucky's Open Records Act at KRS 61.870 – 61.884.

HB 453 would have an indeterminable but minimal positive fiscal impact on local governments. There is no data on the fiscal impact of HB 453 on county governments; in the absence of such data it is expected that the impact of Sections 1 and 2 on county governments would be the same as on cities. Section 3 would have no impact on county governments. HB 453 would extend to cities the same authority as the state to conduct meetings for the purpose of selecting a successful bidder for a local contract in private. Kentucky League of Cities (KLC) believes this would mean information about what a city is willing to pay under a contract would remain confidential, and therefor prevent an upward push on project costs. Eliminating the requirement of a physical location for a teleconference meeting, unless two agency members will be participating together in the same location, may minimally reduce some meeting costs. KLC informs that 19 Kentucky cities have the city manager form of government and so would be the only local governments affected by Section 3 of the bill, which allows that form of government to meet privately no more than twice a year to consider the performance of, and evaluate, their city manager. Those cities are:

City	2020 Census Pop.	County	Form
Ashland	21,625	Boyd	City Manager
Bowling Green	72,294	Warren	City Manager
Corbin	7,856	Knox/Whitley	City Manager
Covington	40,961	Kenton	City Manager
Danville	17,234	Boyle	City Manager
Frankfort	28,602	Franklin	City Manager
Franklin	10,176	Simpson	City Manager
Fulton	2,357	Fulton	City Manager
Hazard	5,263	Perry	City Manager
Henderson	27,981	Henderson	City Manager
Hickman	2,365	Fulton	City Manager
Maysville	8,873	Mason	City Manager
Newport	14,150	Campbell	City Manager
Owensboro	60,183	Daviess	City Manager
Paducah	27,137	McCracken	City Manager
Paris	10,171	Bourbon	City Manager
Pikeville	7,754	Pike	City Manager
Richmond	34,585	Madison	City Manager
Winchester	19,134	Clark	City Manager

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to HB 453 as amended by House Floor Amendment 1. House Floor Amendment 1 does not change the fiscal impact of HB 453 as introduced.

House Floor Amendment 1 makes the following change to HB 453 as introduced:

The House Floor Amendment provides that, if a regular meeting of a public agency, commission, board, etc. is changed from an in-person to a video conference, it remains a regular meeting if the meeting is held on the same date and at the same time as the regularly-scheduled meeting, and the notice required for special meetings by KRS 61.823(4) and the notice required by subsection (2)(b)-(d) of HB 453 GA is provided.

Data Source(s): Kentucky League of Cities; LRC staff

Preparer: Mary Stephens (KS) **Reviewer:** CHM **Date:** 2/17/22