



COMMONWEALTH OF KENTUCKY
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22-OMD-211

October 10, 2022

In re: Lynette Warner/Graves County Board of Education

Summary: The Graves County Board of Education (“the Board”) did not violate the Open Meetings Act (“the Act”) when it issued a timely written response to a complaint. The Act does not require a public agency to adhere to Robert’s Rules of Order or any other type of parliamentary procedure during a meeting.

Open Meetings Decision

On September 19, 2022, in a written complaint to the Board, Lynette Warner (“Appellant”) alleged that the Board violated the Act by failing to follow Robert’s Rules of Order during its September 15, 2022, meeting. In a timely response, the Board denied it had violated the Act. This appeal followed.

The Appellant claims the Board failed to issue a timely response to her complaint. Upon receiving a complaint alleging a violation of the Act, a “public agency shall determine within three (3) [business] days . . . after the receipt of the complaint whether to remedy the alleged violation pursuant to the complaint and shall notify in writing the person making the complaint, within the three (3) day period, of its decision.” KRS 61.846(1). Here, the Appellant submitted her request to the Board on September 19, 2022. On the same day, the Board issued a response and denied having committed a violation. Thus, the Board did not violate the Act when it issued a timely response to the Appellant’s complaint.

As for the substance of her complaint, the Appellant alleges the Board failed to comply with Robert’s Rules of Order at its meeting on September 15. Under KRS 61.810 (1), “[a]ll meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times.” However, the Act does not

require a public agency to follow any particular form of parliamentary procedure, such as Robert's Rules of Order, to conduct a meeting. *See, e.g.*, 14-OMD-091 n.3; 09-OMD-188; 05-OMD-117. Rather, the Act establishes procedures for providing notice to the public, such as establishing a regular schedule of meetings, notice requirements for special meetings, and specific procedural requirements for entering closed session to discuss a matter exempt under KRS 61.810(1). Thus, the Board did not violate the Act when it did not adhere to Robert's Rules of Order to conduct the meeting.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.846(4)(a). The Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint e-mailed to OAGAppeals@ky.gov.

Daniel Cameron
Attorney General

s/ Marc Manley
Marc Manley
Assistant Attorney General

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Distributed to:

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