



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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24-OMD-026

February 6, 2024

In re: Douglas Phelps/City of London

**Summary:** Because the Open Meetings Act (“the Act”) does not entitle any member of the public to be heard at a public meeting, the City of London (“the City”) did not violate the Act when it failed to respond to a request by a member of the public asking to be heard.

***Open Meetings Decision***

On January 18, 2023, Douglas Phelps (“the Appellant”) submitted a complaint to the Mayor of the City, claiming he never received a response to his earlier requests to be placed on the agenda and be heard at city council meetings. In a timely response, the City Attorney responded on behalf of the City and denied that the Appellant had stated a cognizable violation of the Act.<sup>1</sup>

The purpose of the Act “is that the formation of public policy is public business and shall not be conducted in secret.” KRS 61.800. Accordingly, all discussions of public business by a quorum of a public agency must occur at a meeting that is open to the public, KRS 61.810, and no condition of attendance can be implemented to deny the public’s access to the meeting, KRS 61.840. However, while the public has a right to attend any public meeting, the Act does not give any member of the public a right to be heard by the public agency<sup>2</sup> or to choose which matters are placed on the agenda. *See, e.g.*, 19-OMD-135; 00-OMD-169; 95-OMD-99. Further, because the Act does not require a public agency to place the public’s preferred topics on the agenda, the Act also does not require a public agency to respond to such a request. Rather, only when a person submits a complaint alleging the public agency has violated the Act is the agency required to issue a written response to the complainant. KRS 61.846(1). Here, the City was not required to allow the Appellant to speak at a city council meeting or

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<sup>1</sup> The Appellant claims he never received a response from the Mayor or the City Clerk. However, the City Attorney’s response was clearly rendered on behalf of the City.

<sup>2</sup> Although not part of the Act, KRS 160.270(2) requires local boards of education to allow at least 15 minutes of public comment at each regular meeting. No similar statute applies to any other public agency.

place his preferred topic on the agenda. Therefore, it did not violate the Act by not responding to his requests.

A party aggrieved by this decision may appeal it by initiating an 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 emailed to OAGAppeals@ky.gov.

**Russell Coleman**  
Attorney General

/s/ Marc Manley  
Marc Manley  
Assistant Attorney General

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Distributed to:

Douglas Phelps  
Larry Bryson  
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