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25-OMD-170

July 7, 2025

In re: Kurt Wallace/Louisville Metro Planning Commission Development Review Committee

Summary: The Louisville Metro Planning Commission Development Review Committee (“the Committee”) did not violate the Open Meetings Act (“the Act”) when it discussed items on its agenda for its regularly scheduled meeting

Open Meetings Decision

On June 18, 2025, Kurt Wallace (“Appellant”) submitted a complaint alleging the Committee violated the Act at its June 18, 2025, meeting because the agenda and notice of that meeting did not adequately describe the topics to be discussed.¹ The Appellant further alleged the Committee violated the Act when it required an attendee to provide his or her address prior to giving public comment. As a remedy, the Appellant proposed that all actions taken at the June 18 meeting be voided, that the topic discussed be rescheduled for a meeting with an adequately detailed agenda and notice, and that the Committee cease to require attendees to provide an address prior to giving public comment.

In a timely response, the Committee denied violating the Act and explained that the June 18 meeting was a regular meeting not subject to the notice and agenda requirements set forth in KRS 61.823. The Committee also stated that it may require attendees to identify themselves in order to speak at a meeting. This appeal followed.

There are two types of meetings under the Act, regular meetings and special meetings. Under KRS 61.820(2), a public agency “shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means

¹ Additionally, the Appellant contends that the use of hyperlinks in the Committee’s online agenda is insufficient to provide the public with adequate notice of the Committee’s planned actions.

may be required for the conduct of business of that public agency.” A meeting that was not previously scheduled under KRS 61.820(2) is a “special meeting,” and it is subject to additional notice requirements. KRS 61.823. Notice of a special meeting must be issued no less than 24 hours before the special meeting, and such notice must include a copy of the agenda because “[d]iscussions and action at the meeting shall be limited to items listed on the agenda in the notice.” KRS 61.823(3). However, this limitation does not apply to regular meetings. In fact, an agenda is not even required for a regular meeting. Because public agencies are not required to provide an agenda for regular meetings, the Office has long held that public agencies do not violate the Act if they provide an agenda for a regular meeting but do not limit the discussion to the items listed on the agenda. *See, e.g.*, 11-OMD-132; 01-OMD-175.

Here, it is undisputed that the June 18, 2025, meeting was a regular meeting of the Committee. Thus, because no agenda was even required for that meeting, the Committee could not violate the Act by inadequately describing the topics to be discussed at that meeting. Accordingly, the Committee’s June 18 meeting agenda did not violate the Act.

Regarding the Appellant’s allegation that he was required to provide his address prior to speaking at the June 18 meeting, the purpose of the Act is to ensure the formation of public policy “shall not be conducted in secret.” KRS 61.800. It is for this reason that “[n]o condition other than those required for the maintenance of order shall apply to the attendance of any member of the public at any meeting of a public agency.” KRS 61.840. The Office has previously noted that KRS 61.840 “vests the public with a virtually unconditional right to attend all meetings of a public agency.” 00-OMD-169. However, the Act only provides a right for the public to attend meetings, not a right to speak or participate in the proceedings. *See, e.g.*, 95-OMD-99. Thus, while a public agency may not require a member of the public to sign a roster or otherwise identify himself simply to attend a meeting, a public agency may impose such conditions before allowing a member of the public to speak at the meeting. *See, e.g.*, 24-OMD-083; 19-OMD-135; 11-OMD-020. Here, the Appellant contends only that the Committee required attendees to provide their mailing addresses prior to speaking at the meeting. Such a requirement does not violate the Act.²

² The Appellant also claims the Committee has violated several sections of the Kentucky Constitution. Such claims are beyond the scope of the Office’s review. *See* KRS 61.846(2) (requiring a decision issued by the Office to “state[] whether the agency violated the provision of KRS 61.805 to 61.850”).

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/ Zachary M. Zimmerer
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#279

Distributed to:

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