



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-OMD-348

November 6, 2025

In re: Robert Flaherty/City of Crescent Springs

Summary: The City of Crescent Springs (“the City”) did not violate the Open Meetings Act (“the Act”) by holding committee meetings at times that were inconvenient to the public or by failing to make a schedule of regular meetings available to the public.

Open Meetings Decision

On September 11, 2025, Robert Flaherty (“Appellant”) submitted a complaint to the Crescent Springs Mayor alleging two violations of the Act related to the scheduling of the City’s meetings. First, he alleges that several of the City’s committees hold meetings during working hours on weekdays in violation of KRS 61.820(1). Second, the Appellant alleges the City has not made available a schedule of its committees’ regular meetings as required by KRS 61.820(2). In response, the City denied having violated the Act, stating that meetings held during working hours on weekdays do not violate KRS 61.820(1) and stating that its “schedule of regular meetings are made available to the public” and can be found on both “the website of the City, on the Facebook page of the City, and are published in its newsletter.” This appeal followed.

The Act requires that public meetings “be held at specified times and places which are convenient to the public.” KRS 61.820(1). According to the Appellant, the City’s committees have held meetings between 10 a.m. and 4 p.m. on weekdays. The Appellant asserts that such meeting times are inconvenient to the public and therefore violate KRS 61.820(1). However, the Supreme Court of Kentucky has held that the Act “does not impose upon government agencies the requirement to conduct business only in the *most* convenient locations at the *most* convenient times.” *Knox Cnty. v. Hammons*, 129 S.W.3d 839, 845 (Ky. 2004) (emphasis in original). Moreover, the Office has previously held that meetings held during the weekday do not violate

the Act. *See, e.g.*, 21-OMD-026 (finding no violation when a public agency held its meetings at noon); 10-OMD-171 (finding no violation when a school board held its meetings during the school day); 95-OMD-106. Accordingly, the City did not violate the Act by holding meetings during working hours.

Under the Act, “[a]ll public agencies shall provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means may be required for the conduct of business of that public agency.” KRS 61.820(2). According to the Appellant, the City has violated that provision by allowing some of its committees to meet only on an “as needed” basis, without a standing schedule of regular meetings. The Office disagrees. The Office has previously held that KRS 61.820(2) gives agencies discretion to determine “whether to meeting on a regular or as needed basis.” *See, e.g.*, 99-OMD-166; 13-OMD-208. If an agency determines that the amount of business it conducts only necessitates meeting on an “as needed” basis, it may do so. In such circumstances, all meetings of that public agency are “special meetings,” and the agency must strictly comply with the notice requirements for special meetings set out in KRS 61.823. Here, the Appellant has not alleged that either the City or its committees have not complied with KRS 61.823. Accordingly, the Office cannot find that the City’s committees’ decision to meet only on an “as needed” basis violates the Act.

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
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

Robert Flaherty

Mike Daugherty, Mayor

Michael Baker, City Attorney