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26-OMD-187

May 1, 2026

In re: *Henry County Local/Campbellsburg City Council*

**Summary:** The Campbellsburg City Council (“the Council”) violated the Open Meetings Act (“the Act”) when it failed to issue a written response to a complaint within three business days and when it failed to give proper notice under KRS 61.815(1)(a) of a closed session conducted under KRS 61.810(1)(b). However, the Council did not violate the Act by taking final action in closed session, within the meaning of KRS 61.815(1)(c), or by failing to notify a media organization of a special meeting pursuant to KRS 61.823(4)(a).

***Open Meetings Decision***

On April 6, 2026, in a written complaint submitted under KRS 61.846(1), the *Henry County Local* (“the Appellant”), a media organization, alleged the Council had violated the Act at its regular meeting on January 19, 2026, and at a special meeting on January 27, 2026. Specifically, the Appellant claimed the Council violated KRS 61.815(1)(a) at the January 19 meeting when it failed to give the required notice before entering a closed session to discuss the future acquisition of real property, and “likely” violated the Act by “decid[ing] to extend an offer on the property and obtain financing from United Citizens Bank and Trust during the closed session.” The Appellant further claimed the Council had violated KRS 61.823(4) by failing to notify the Appellant of its special meeting at least 24 hours before the meeting was held. Finally, the Appellant alleged the Council violated the Act at the January 27 special meeting by “fail[ing] to disclose the price of the property and the amount of the loan when approving the purchase.” The Appellant proposed several remedies for the alleged violations. Having received no response to the complaint by April 16, 2026, the Appellant initiated this appeal.

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 Council does not deny that it failed to respond to the complaint within three business days. Accordingly, the Council violated the Act when it failed to respond to the Appellant’s complaint as required by KRS 61.846(1).

The Appellant’s first allegation is that the Council failed to give proper notice prior to entering a closed session at its regular meeting on January 19, 2026. 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,” subject to certain exemptions. Among these exemptions is KRS 61.810(1)(b), which exempts “[d]eliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency.”

However, before a public agency conducts a closed session authorized by KRS 61.810(1)(b), “[n]otice shall be given in regular open meeting of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session.” KRS 61.815(1)(a). This threefold notice “must be specific and complete.” *Floyd Cnty. Bd. of Educ. v. Ratliff*, 955 S.W.2d 921, 924 (Ky. 1997). As the Office has noted, KRS 61.815(1)(a) requires “more than agency recitation of [the] language of the exception authorizing the closed session, but less than a detailed description of the matter to be discussed.” 00-OMD-64. To state the “general nature of the business” to be conducted in closed session, it is “minimally sufficient” for the agency to specify whether the agency is contemplating an acquisition or a sale of property. 10-OMD-059. To articulate “the reason for the closed session,” the agency must “indicate that publicity [is] likely to affect the value of that property.” 03-OMD-047.

Here, the Appellant cites the minutes from the January 19 meeting, which reflect only that a member of the Council “made a motion to enter into closed session to discuss the sale and acquisition of Real estate.” In its response to this appeal, the Council admits the member “did state the general nature of the business[,] but she did not state the reason as to publicity affecting the value/price, no[r] the specific provision” of the Act authorizing the closed session. The Council further admits this “was likely a violation” of the Act. In light of these admissions, the Office concludes that the Council violated KRS 61.815(1)(a).

Next, the Appellant alleges the Council improperly “decided to extend an offer on the property and obtain financing . . . during the closed session.” Under KRS 61.815(1)(c), “[n]o final action may be taken at a closed session.” The Act defines “action taken” as “a collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body.” KRS 61.805(3).

In *Board of Commissioners of the City of Danville v. Advocate Communications, Inc.*, 527 S.W.3d 803, 807 (Ky. 2017), the Court held that Danville’s board of commissioners improperly invoked KRS 61.810(1)(b) to hold a closed session in which the board authorized the mayor to bid on and buy a parcel of real property at an auction. However, the Council asserts that is not what happened here, because the City of Campbellsburg operates under the mayor-council plan of government under KRS 83A.130. Under KRS 83A.130(3), “[t]he executive authority of the city [is] vested in and exercised by the mayor.” As such, “[a]ll bonds, notes, contracts and written obligations of the city shall be made and executed by the mayor or his agent designated by executive order.” KRS 83A.130(3).<sup>1</sup> Therefore, the Council asserts “there was no requirement that [it] make a motion to sign the loan application/contract OR approve the purchase of the real property if [the Council] had allocated the funds in the budget to cover the purchase.” Thus, the Council denies having taken such actions in closed session because the Council’s advance approval was not necessary before the mayor could proceed with the loan or purchase. See 19-OMD-038. Under these circumstances, there is no basis to conclude that the Council violated KRS 61.815(1)(c) by taking final action in closed session on January 19, 2026.

The Appellant further claims the Council failed to notify the Appellant of its special meeting. Under KRS 61.823(4)(a), written notice of a special meeting “shall be delivered personally, transmitted by facsimile machine, or mailed [to] each media organization which has filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting.” Here, the Council claims it did not notify the Appellant because the Appellant “has not submitted a written request” to be notified of special meetings under KRS 61.823(4)(a). The Appellant admits it cannot produce a copy of any such request, but asserts it “likely submitted” such a request “many years ago,” as evidenced by the fact that it attended special meetings of the Council in 2010, 2021, and 2022. However, the City Clerk asserts she does not “have anything in writing” from any media organization requesting notification, but notices of special meetings are timely posted on the doors of the building as required by KRS 61.823(4)(c). Accordingly, there is no basis to conclude that the Council violated KRS 61.823(4)(a).

Finally, the Appellant complains that the Council passed a motion in open session at its special meeting on January 27, 2026, “to approve [the mayor or clerk] to sign loan applications, contracts, final documents, all requests from United

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<sup>1</sup> By contrast, the City of Danville operated under the city manager plan; thus, its executive authority was vested in the board of commissioners, whose authorization was required for the mayor to bid on the property. *Danville*, 527 S.W.3d at 807. Under the city manager plan, contracts and written obligations, though made and executed by the mayor, must be authorized by “ordinance or resolution.” KRS 83A.150(9).

Citizens Bank and Trust moving forward with the negotiations, financing, refinancing and purchase along with reconstruction of the building located at 8910 Main Street,” as stated in the minutes, but did not “disclose the price of the property and/or the amount of the loan.” This allegation does not appear to state a separate violation of the Act, but is evidently meant as support for the Appellant’s claim that the Council improperly took action in closed session at the January 19 meeting. For the reasons stated above, there is no basis to conclude that the Council violated the Act in that manner.

In sum, the Council violated the Act when it failed to give proper notice of its closed session on January 19, 2026, and when it failed to respond to the Appellant’s complaint within three business days. The Council did not violate the Act by taking final action in a closed session or by failing to notify the Appellant of a special meeting under KRS 61.823(4)(a).

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 e-mailed to OAGAppeals@ky.gov.

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Distributed to:

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