

ATTORNEY GENERAL BELIEVES LAWRENCE VIOLATED OPEN MEETINGS LAW

PATRICK HENRY ONCE SAID THAT LIBERTY IS NEVER SECURE AS LONG AS GOVERNMENT DOES BUSINESS IN SECRET.

The Liberty Sentinel, Dec. 4, 2007

(Lawrence Journal-World) The Kansas Attorney General has found that the Lawrence City Commission violated the state's open meetings law by holding a closed-door meeting to discuss granting economic development incentives to a start-up pharmaceuticals company.

But Attorney General Paul Morrison is willing to forgo prosecution if city commissioners agree to admit their errors and pay for two hours of professional training on the open meetings law.

The issue centers on a Sept. 20 executive session during which city commissioners discussed giving economic development incentives -- about \$1 million worth of city money -- to Deciphera Pharmaceuticals, a start up company that was considering a move from Lawrence.

Commissioners had the discussion behind closed doors under an exception in the state's open meetings law that allows attorney-client conversations to remain private. But the Attorney General's office contends the city improperly used that exception. That is because Lavern Squier, president and CEO of the Lawrence Chamber of Commerce, was allowed to attend the executive session. The Attorney General's office said "there is no evidence to support" the notion that Squier was a client of the city's attorneys, which violated the claim that the city was meeting to keep the attorney-client conversation private.

The proposed settlement does not specifically address whether the content of the discussion was improper.

Grassroots Action, a citizens group that filed a complaint about the meeting, alleged the city was discussing policy matters that should have been discussed in open meeting.

In particular, the group was concerned about a never-before used property tax refund provision that was being offered to the company. The tax refund is similar to a tax abatement, which is required to go through a public review processes. Commissioners never discussed the tax refund program in a public meeting.

Commissioners are scheduled to discuss accepting Morrison's proposed settlement at their meeting on Tuesday evening.

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