

Complaint filed against Mullinville council for alleged KOMA violation

by Patrick Clement
Signal Editor

MULLINVILLE — The City of Mullinville has been named in a Kansas Open Meetings Act (KOMA) complaint filed with Kiowa County Attorney J. Scott James. The complaint alleges members of the city

council violated a state statute prohibiting city officials from taking binding action during an executive session.

City officials called a special meeting on Monday April 8 to discuss an upcoming water tower inspection and "personnel," according to an April 4

notice.

According to the complaint filed on Tuesday with the Kiowa County District Court, city employee Robert Roberts was fired during a 20-minute executive session attended by mayor Andy Kimble, city attorney Jan Jorns and city council members Tom Daniels, Dee McDonald, Kari Neuhold and Jary

Boehme.

Roberts, the only full-time employee of the city, was told his termination was "performance" based, unrelated to a legal conflict arising from his election to the council following elections early this month.

In an interview with The Hutchinson News Roberts said his interest in running for the city council was spawned from his experience as a city employee for the previous six months.

Roberts won a narrow victory over council-incumbent Boehme by only six votes in the April 2 citywide elections.

Kansas statutes prohibit a person from being on the "governing body" that employs them.

Roberts said he had received two letters from city attorney Jorns, one before the election and one after the election, notifying him of the conflict.

"I wasn't even given the opportunity to resign," Roberts told the Hutch

News.

He said he was asked to forfeit his cell phone and keys during the executive session only one week before he was expected to resign.

County attorney James confirmed a complaint had been filed with his office and that he would investigate the incident. If there was evidence of a violation he would look at "all of the options," in regards to punitive measures, James said.

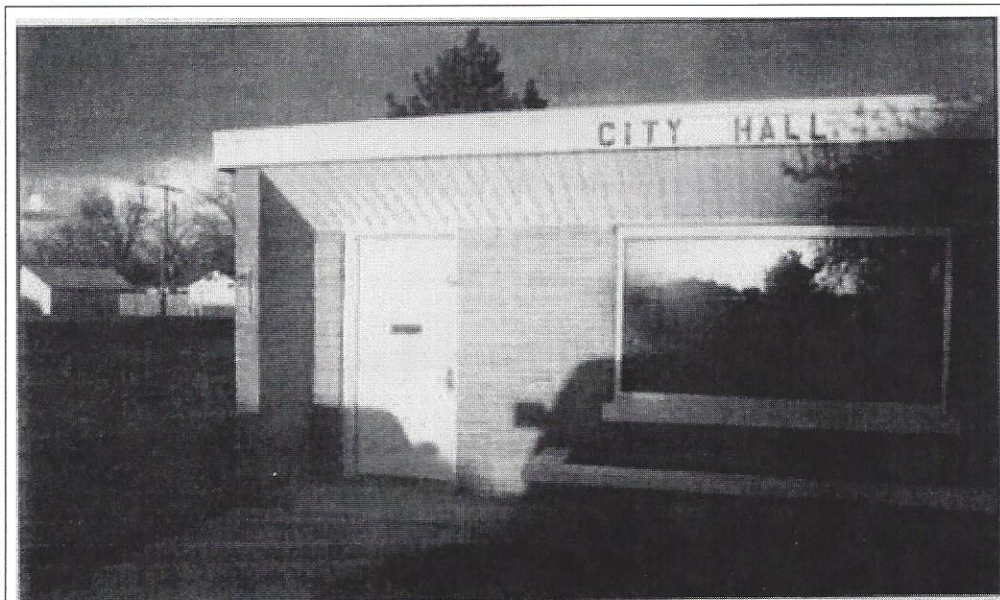
He also said he had spoken with Roberts and city attorney Jorns about the incident.

Governing bodies are not allowed to take "binding action" during executive session. Kansas law allows elected officials to "come to a consensus," but action must be taken in open session.

Official minutes, signed by Kimble and city clerk Susan Clayton, include two executive sessions, but have no mention of Roberts' firing.

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