



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

21-OMD-073

April 19, 2021

In re: Jason Reed/City of Cold Spring

Summary: The city of Cold Spring (“City”) violated the Open Meetings Act (“the Act”) when it failed to provide notice that a special meeting would be conducted by video teleconference.

Open Meetings Decision

On January 13, 2021, the City conducted a special meeting via live video teleconference. Although the City provided notice of the special meeting more than 24 hours in advance, and it further provided the location where the public could attend in-person, the notice did not state that the meeting would be conducted via video teleconference.

The Appellant, Jason Reed, submitted a written complaint alleging that the City violated the Act. In his complaint, the Appellant asked the City to rescind the actions taken at the January 13, 2021 meeting. The City responded to the Appellant’s complaint and denied that the special meeting was a video teleconference because most of the City Council appeared in-person and the public was permitted to attend the meeting in-person. The City further stated that it had conducted another meeting on January 25, 2021, and that it again took action on the same measures to which the Appellant objects. This appeal followed.¹

¹ Although the City originally denied any violation, on appeal, it changes its position. Therefore, the parties no longer dispute whether the City violated the Act. The remaining dispute is about the appropriate remedy for the City’s violation. This Office, however, does not have jurisdiction to grant any specific remedy for a violation of the Act. Under KRS 61.846(2), the Attorney General must issue “a written decision which states whether the agency violated the provisions of [the Act].”

If a public agency conducts a meeting by video teleconference, it must provide notice that “clearly state[s] that the meeting will be a video teleconference.” KRS 61.826(2)(a). On appeal, the City admits that it failed to do so and acknowledges its violation of the Act. On this basis, this Office finds that the City violated the Act.

A party aggrieved by this decision may appeal it by initiating 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.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

#104

Distributed to:

Jason V. Reed
Brandon n. Voelker