

The recall alleges **failure to perform duties prescribed by law (K.S.A. 25-4302(a))** by violating a policy stating **meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public, (K.S.A. 75-4317(a))**. However, such was not the case:

7/28/11 I informed Mayor Hill of City procedures being violated, regarding expenditures of City funds, etc., and I was going to seek removal of those individuals from City employment, if it continued.

8/1/11 I advised the City Attorney of violations of City policies. A meeting with the Mayor, the City Attorney, and I, was held to discuss concerns.

8/15/11 During a **public** Council meeting, I asked the Mayor the status of identified concerns with City personnel violating City policies. I was advised, they were under review.

8/31/11 Leavenworth County Sheriff advises the Sheriff and KBI were beginning a criminal investigation regarding the violation of city policies by City personnel I had identified.

9/12/11 In executive session, the City Council discussed Mark Loughry's activities that I had identified. (**Reaching a consensus in executive session is permitted**; (AG Opinion No. 91-31)).

9/19/11 Loughry's appointment was removed, subsequent to 9/12/11; a lawful meeting.

Respectfully Submitted,

Dennis Mertz