

PADUCAH • McCracken COUNTY

# CONVENTION & EXPO CENTER

Mark C. Whitlow  
Chairman  
Paducah-McCracken County  
Convention Center Corporation  
415 Park Avenue  
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Mr. Perry Boxx via email to [pboxx@wpsdlocal6.com](mailto:pboxx@wpsdlocal6.com)  
WPSD-TV  
100 Television Lane  
Paducah, Kentucky 42001

**RE: Open Meetings Act Concerns for January 24, 2022 Special Called Meeting of Paducah-McCracken County Convention Center Corporation (“CCC”)**

Dear Mr. Boxx:

Thank you for reaching out to me with your concerns regarding the CCC’s compliance with the Kentucky Open Meetings Act at its special meeting on January 24, 2022.

To summarize, you raised concerns about three areas of compliance with the Open Meetings Act at the January 24 meeting:

- (1) You expressed concern that certain topics discussed in closed session should have been discussed in open session;
- (2) You expressed concern that a roll call vote was not taken to approve the motion to enter closed session; and
- (3) You expressed concern that members of the public were not given an opportunity to return to the videoconference following the closed session.

I respond to each of your concerns in turn below.

First, I agree with you that certain portions of the closed session discussion at the January 24, 2022 meeting should have been held in open session. In my opinion, some of the discussion in closed session related to potential litigation and was appropriate for closed session. However, a portion of that discussion should have been held in open session as it related to matters which are not exempt from the open meeting requirement. In particular, discussions regarding communications with city leaders about assistance with the dome pavilion should have been held in open session. I regret the error and will be more cognizant in the future to avoid any repetition of it.

In response to your second concern, all appropriate procedures were followed prior to entering closed session. KRS 61.815(1)(c) provides that “[c]losed sessions may be held only after a motion is made and carried by a majority vote in open, public session.” There is no requirement for a roll-call vote. During the open session on January 24, a motion for closed session was made, seconded, and unanimously approved by voice vote. If you believe there is case law or other precedent for the requirement of a roll-call vote, I would appreciate you sharing it with me.

Finally, I am sensitive to your concern that members of the public did not have access to that portion of the meeting after executive session. Please be assured that no action was taken after executive session other than to adjourn the meeting, as noted by the public notice of the meeting. Given that no public business was discussed following the closed session, I do not believe this constitutes a violation of the Open Meetings Act. However, I will work with the CCC staff to ensure that any future meetings held by videoconference will permit members of the public and media to return for any proceedings after a closed session.

Please contact me with any further concerns.

Sincerely,

*/Mark C. Whitlow/*

Mark C. Whitlow, Chairman