

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA**

IN THE MATTER OF)
ESTABLISHING AN OPEN)
MEETINGS POLICY FOR)
THE LANCASTER COUNTY)
BOARD OF COMMISSIONERS)

RESOLUTION NO. 5465

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, (“Board”) believes that its meetings should be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at such meetings; and

WHEREAS, the Board desires to enact an open meetings policy ~~which that~~ will ensure that all citizens are afforded every opportunity to appear before and address the Board ~~of County Commissioners~~, the Lancaster County Board of Equalization, and the Lancaster County Board of Corrections (“the Boards”) at their respective meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Board ~~of Commissioners of Lancaster County, Nebraska~~, as follows:

1. POLICY STATEMENT

It is hereby declared to be the policy of the Board ~~of County Commissioners~~ that every meeting of the ~~aforsaid~~ Boards shall be open to the public except as otherwise provided by law, in order that citizens may exercise their democratic privilege of attending and speaking at meetings of ~~such public bodies~~ the Boards.

2. MEETING DEFINED

Meeting shall mean all regular, special, or called meetings, formal or informal of the ~~aforsaid b~~ Boards for the purposes of briefing, discussion of public business,

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formation of tentative policy, or the taking of action by the ~~said~~ Boards. Meeting as herein defined shall include, but is not necessarily limited to, all regularly or specially called meetings of the ~~Boards of County Commissioners of Lancaster County, the Board of Equalization, and the County Board sitting as the Board of Corrections~~; furthermore, meeting shall include all staff meetings of the ~~Lancaster County~~ Board ~~which that~~ are presently being held each Thursday morning.

a. Regular Tuesday Meetings

The main meetings of the ~~Lancaster County~~ Board shall be held on Tuesday ~~afternoons-mornings~~ at ~~4:30 p.m.~~9:00 a.m. Any matters to be considered by the ~~County~~ Board may be heard at these meetings. The Tuesday meetings are intended to be formal in nature, and the types of actions taken by the ~~County~~ Board shall include but not be limited to the following: consideration of all claims against ~~the Lancaster~~ County ("County"), official adoption of all resolutions and policies of the County, execution of contracts, and the general exercise of the legislative and quasi-judicial powers of the ~~County~~ Board.

Regular meetings of the Lancaster County Board of Equalization shall be held in conjunction with the Tuesday meetings of the ~~County~~ Board: on the second and third Tuesday of each calendar month, and additional meetings shall be held as deemed necessary by the Lancaster County Board of Equalization.

b. Staff Meetings

The ~~County~~ Board shall conduct a staff meeting on Thursday mornings at 8:30 a.m., and as deemed necessary by the Board. The main purpose of the staff meetings is to provide an informal forum for briefing the ~~County~~ Board on issues facing the County and for in-depth discussion of public business by the ~~County~~ Board. The structure of these meetings shall be designed to encourage the free flow of information

and extensive dialogue between the ~~County~~ Board and individuals scheduled on the agenda, as well as among Board members. Topics of discussion shall be limited to items on the agenda, and any items of an emergency nature added at the meetings in accordance with this Policy.

The staff meetings shall serve as a forum for receiving reports and information from County directors and elected officials, staff members, officials from other governmental entities, and any other individuals who can provide information that will assist the Board in the formation of public policy and the efficient administration of County government. Reports from ~~County~~ Board members regarding committee meetings and other Board-related activities shall also be presented at the staff meetings.

Although the main purpose of the staff meetings shall be the gathering and dissemination of information by the ~~County~~ Board, limited actions consistent with this purpose and which further the open and efficient administration of County government will be taken by the Board at staff meetings. Generally, such actions will be ministerial in nature and will involve the administration of existing policies and contracts, rather than their formal adoption.

3. AGENDAS

Each of the Boards shall give reasonable advance publicized notice of the time and place of its meetings ~~by publishing notice in a legal newspaper of general circulation in the county and~~ by posting copies of the agendas on the Lancaster County website and on the bulletin boards located in the entry way of the County-City Building and outside the County Commissioner's Offices not later than the Friday immediately preceding the Tuesday meeting, and not later than the Tuesday immediately preceding the Thursday staff meetings. The notice shall be transmitted

to all members of the Board and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection in the offices of the ~~County~~ Board and the Lancaster County Clerk ("~~Clerk~~") during normal business hours. The ~~County~~ Clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

The agenda for the regular Tuesday meetings shall be prepared by the ~~County~~ Clerk, subject to the authority of the ~~County~~ Board as to the final form and content of the agenda. The ~~County~~ Board will work with the ~~County~~ Clerk to resolve any disagreement with respect to the final form of the agenda.

The deadline for ~~delivery of submitting~~ items to the ~~County~~ Clerk for placement on the agenda of the ~~County~~ Board's regular Tuesday meeting shall be 4:30 p.m. on the Thursday immediately preceding such meeting, or at such days/times as designated by the Clerk with advance written notice as necessary. Items may be added to the agenda ~~by addendum~~ after the deadline but more than twenty-four hours before the regular Tuesday meeting only with the consent of a ~~County~~ Board member, ~~or~~ the ~~County~~ Board's Chief Administrative Officer, or the County Attorney. Except for items of an emergency nature, the agenda for any meeting shall not be ~~enlarged-amended~~ less than twenty-four hours before the scheduled commencement of the meeting.

Routine business items that are expected to be adopted without dissent shall be placed under the "Consent Items" portion of the Board's Tuesday meeting agenda. These items include contracts that have received unanimous approval of a Purchasing Department recommendation at a previous meeting, contract renewals and extensions.

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right-of-way contracts, utility permits, and reports. Any individual Consent Item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, Consent Items not removed for special discussion and consideration will be approved as one with a single vote of the Board.

The agenda for the Thursday staff meeting shall be prepared by the Chief Administrative Officer for the ~~County~~ Board.

4. EMERGENCY ITEMS

The Board shall have the right to modify its agenda less than twenty-four hours before the scheduled commencement of a meeting to include items of an emergency nature, provided that the modification is made only at such public meeting and is recorded in the minutes of the meeting as required by law.

The policy of the Board is to conduct all of its meetings in a manner designed to maximize public awareness and input into such meetings, therefore, only items of a true "emergency" nature will be accepted by the Board for placement on its agenda as emergency items.

5. CONDUCT OF MEETINGS

All meetings of the Boards previously mentioned herein shall be conducted in strict compliance with the ~~Public Meetings Law~~ Open Meetings Act of the State of Nebraska, NEB. REV. STAT. §§ 84-140~~87~~ through 84-1414 ~~(Cum. Supp. 1996)~~.

Roberts Rules of Order shall serve as a procedural guide for all meetings of the ~~County~~ Board, but strict adherence to the Rules shall not be required.

The conduct of persons attending and speaking at meetings of the ~~County~~ Board shall be governed by the provisions of Exhibit "A", which is attached to this Resolution

and incorporated herein by reference. Written copies of the public participation guidelines reproduced in Exhibit "A" shall be made available to persons attending ~~County~~ Board meetings.

The Lancaster County Sheriff shall serve as the sergeant-at-arms for all meetings of the ~~County~~ Board.

a. Minutes

Each ~~of the Boards~~ must keep minutes of all ~~its meetings including the Board's regular Tuesday meetings and the staff meetings now being held on Thursday mornings~~, showing the time, place, members present and absent, and the substance of all matters discussed. The ~~County~~ Clerk or the Clerk's ~~designated representative designee~~ shall prepare and maintain minutes of all meetings mentioned herein.

Actions taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or non-voting.

The vote to elect leadership within ~~a public body any of the Boards~~ may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days or prior to the next convened meeting, whichever occurs earlier. Minutes of the Tuesday meetings will be considered for approval at the next Tuesday meeting, and minutes of the Thursday staff meeting will be considered for approval at the next staff meeting.

The ~~County b~~Board will carry as an agenda item on its Tuesday ~~afternoon~~ agenda an announcement of the times and locations of all meetings, including the regularly scheduled Thursday staff meeting, that the ~~County~~ Board will hold during the week following the meeting at which such announcement is made. The announcement shall also contain a statement that the agendas of such meetings shall be kept continually current and available for public inspection in the office of the ~~Lancaster County~~ Clerk and the ~~County~~ Board during normal business hours.

6. EXECUTIVE SESSIONS

~~Any of t~~he ~~County~~ Boards may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons stated in NEB. REV. STAT. § 84-1410(1):

~~Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;~~

~~Discussion regarding deployment of security personnel or devices;~~

~~Investigative proceedings regarding allegations of criminal misconduct; or~~

~~Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person or if such person has not requested a public hearing.~~

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed

session, and the time when the closed session commenced and concluded shall be recorded in the minutes. Consideration of matters during the closed session shall be restricted to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. Formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators during the closed session.

Any member ~~of the County Board~~ shall have the right to challenge the continuation of a closed session if the member determines the session has exceeded the reason stated in the original motion to hold a closed session or the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

~~The County~~Any of the Boards conducting an executive session may request the presence of the ~~County~~ Clerk as an observer, only at an executive session, and may request. ~~Other persons may be asked by the County Board~~ to attend an executive session when necessary.

a. Minutes

~~Minutes will be taken during executive sessions only for the internal use of the County Board. The minutes will be taken by either the Chief Administrative Officer or the Administrative Secretary to the County Board, or such other person designated by the County Board. Any minutes or notes prepared as a record of the proceedings taken~~

~~during an executive session shall not be public records. At the discretion of the County Board, such minutes and notes will be destroyed when they are no longer needed by the County Board.~~

7. REVIEW

This Meeting Policy shall be subject to continuous review and update. The ~~County~~ Board shall meet each January with the ~~County~~ Clerk for the purpose of evaluating how the ~~p~~Policy is working and discussing and adopting any changes ~~which~~ that will improve the ~~p~~Policy.

Dated this _____ day of _____, 1920

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM

this ____ day of
_____, 1920.

GARY E. LACEY
Joe Kelly
Lancaster County Attorney