

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

**IN THE MATTER OF RESUMING PUBLIC )  
SPEAKING AT MEETINGS OF THE LANCASTER )  
BOARD, LANCASTER COUNTY BOARD OF ) RESOLUTION NO. R-20-0027  
EQUALIZATION, AND LANCASTER COUNTY )  
BOARD OF CORRECTIONS )**

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency due to the COVID-19 pandemic, and on the same date the Governor of the State of Nebraska declared that a state of emergency exists in the State of Nebraska because of the COVID-19 pandemic;

WHEREAS, on March 17, 2020, the Board of County Commissioners of Lancaster County, Nebraska (“Board”) declared that a local emergency is occurring in Lancaster County, Nebraska, (“County”) as a result of the COVID-19 pandemic;

WHEREAS, on March 17, 2020, the Governor of the State of Nebraska issued Executive Order No. 20-03, ordering that all governing bodies as defined in Neb. Rev. Stat. §84-1409(1) may meet by videoconference or by telephone conference at all public meetings as defined in Neb. Rev. Stat. §84-1409(2), so long as there is made available at such meeting access to members of the public and to members of the media;

WHEREAS, the Nebraska Open Meetings Act (“Act”) provides that while the public has the right to attend and the right to speak at meetings of public bodies, it shall not be a violation of the Act for any public body to make and enforce reasonable rules and regulations regarding persons speaking at its meetings, and a public body shall not be required to allow citizens to speak at each meeting, so long as it does not forbid public participation at all meetings;

WHEREAS, due to the COVID-19 emergency, the Board decided that all meetings of the Board, the County Board of Equalization, and the County Board of Corrections shall be conducted remotely by videoconference through May 31, 2020, as ordered by Executive Order No. 20-03;

WHEREAS, the Board provided means by which members of the public and the media could have access to such meetings, in accordance with Executive Order No. 20-03;

WHEREAS, on April 2, 2020, the Board adopted Resolution R-20-0018, to authorize the Board to suspend public speaking at its meetings, as defined in the Resolution, during a declared emergency; and

WHEREAS, on April 2, 2020, the Board adopted Resolution R-20-0019, to temporarily suspend public speaking at its meetings, because due to technological limitations, it was not feasible to allow members of the public to speak at its meetings, as defined in the Resolution, due to the COVID-19 emergency;

WHEREAS, the Board has determined it is now feasible to allow members of the public to speak in-person at its meetings which continue to be conducted by videoconference;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that members of the public shall be allowed to speak in-person at meetings of the Lancaster County Board of County Commissioners, the Lancaster County Board of Equalization, and the Lancaster County Board of Corrections, which are conducted by videoconference during the period of time during which the COVID-19 emergency is in effect;

AND BE IT FUTURE RESOLVED, that Resolution R-20-0019 is hereby rescinded.

APPROVED by the Lancaster County Board of County Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2020, following a roll call vote of \_\_\_\_\_.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this \_\_\_\_ day of \_\_\_\_\_, 2020

BY: \_\_\_\_\_  
Sean Flowerday, Chair

\_\_\_\_\_  
For PATRICK CONDON  
Lancaster County Attorney

DRAFT