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 COUNTY COMMISSIONERS, THE LANCASTER COUNTY BOARD OF EQUALIZATION, AND THE LANCASTER COUNTY BOARD OF CORRECTIONS	)	**RESOLUTION NO.** R-18-0011

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 that will ensure that all citizens are afforded every opportunity to appear before and address the Board, 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, as follows:

1. POLICY STATEMENT

It is hereby declared to be the policy of the Board that every meeting of the 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 the Boards.

2. MEETING DEFINED

Meeting shall mean all regular, special, or called meetings, formal or informal of the Boards for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of action by the Boards. Meeting as herein defined shall include, but is

not necessarily limited to, all regularly or specially called meetings of the Boards; furthermore, meeting shall include all staff meetings of the Board that are presently being held each Thursday morning.

a. Regular Tuesday Meetings

The main meetings of the Board shall be held on Tuesday mornings at 9:00 a.m. Any matters to be considered by the 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 Board shall include but not be limited to the following: consideration of all claims against 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 Board.

Regular meetings of the Lancaster County Board of Equalization shall be held in conjunction with the Tuesday meetings of the Board, typically 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 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 Board on issues facing the County and for in depth discussion of public business by the Board. The structure of these meetings shall be designed to encourage the free flow of information and extensive dialogue between the 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 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 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 posting copies of the agendas on the Lancaster County website and on the bulletin board located in the entry way of the County-City Building and outside the County Commissioners' Offices. Agendas for the Tuesday meeting shall typically be posted not later than the Friday immediately preceding the meeting. Staff meeting agendas shall be posted not later than 24 hours in advance of the meeting. 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 Board and the Lancaster County Clerk ("Clerk") during normal business hours. The 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 Clerk, subject to the authority of the Board as to the final form and content of the agenda. The Board will work with the Clerk to resolve any disagreement with respect to the final form of the agenda.

The deadline for submitting items to the Clerk for placement on the agenda of the 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. Any item requiring legal review shall be submitted to the County Attorney's Office for review before that item may be submitted to the Clerk for scheduling. Items may be added to the agenda after the deadline but more than twenty-four hours before the regular Tuesday meeting only with the consent of a Board member, the Board's Chief Administrative Officer, Deputy Chief Administrative Officer, or the County Attorney. Except for items of an emergency nature, the agenda for any meeting shall not be 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, 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 staff meeting agendas shall be prepared by the Chief Administrative Officer for the 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 Open Meetings Act of the State of Nebraska, NEB. REV. STAT. §§ 84-1407 through 84-1414.

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

The conduct of persons attending and speaking at meetings of the 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 Board meetings.

The Lancaster County Sheriff shall serve as the sergeant-at-arms for all meetings

of the Board.

a. Minutes

Each of the Boards must keep minutes of all its meetings, showing the time, place, members present and absent, and the substance of all matters discussed. The Clerk or the Clerk's 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 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 staff meeting will be considered for approval at the next staff meeting.

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

6. EXECUTIVE SESSIONS

Any of the 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).

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 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.

Any of the Boards conducting an executive session may request the presence of the Clerk as an observer-only at an executive session, and may request other persons to attend an executive session when necessary.

7. REVIEW

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

8. RESCISSION

Resolution Number 5465, adopted by the Board on March 11, 1997, is hereby repealed.

Dated this 13 day of February, 2018

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

Bill Avery

Deb Schorr

Todd Wibbels

Jennifer S. Bixenman

Roma Amundson

APPROVED AS TO FORM

this 13 day of February, 2018

For JOE KELLY
Lancaster County Attorney

EXHIBIT A

GUIDELINES FOR PUBLIC PARTICIPATION AT MEETINGS OF THE LANCASTER COUNTY BOARD OF COMMISSIONERS

(As Adopted by Resolution R-18-0011)

The Lancaster County Board of Commissioners serves as the governing body for Lancaster County. The County Board is charged with various legislative and administrative duties, including the management of county funds, maintenance of county property, adoption of the county budget, setting of tax levies and salaries of elected and appointed county officials, and the administration of various programs established by state law.

A. PUBLIC COMMENT

1. Regular Tuesday Meeting

The regular meeting of the County Board is held on Tuesday at *9:00* a.m. in the County-City Building, on the first floor in the Chambers, Room 112. The meetings of the County Board are open to the public. Comments from members of the public are welcome and will be scheduled as follows:

Items on the Agenda:
Those wishing to speak on items specific to the agenda are asked to do so when that item is called by the County Clerk. The Board Chair will recognize and call forward those citizens who wish to speak. Each speaker is limited to five (5) minutes. The County Clerk will indicate when one (1) minute remains to allow for the summary of remarks. *Time limits may be extended or reasonably decreased at the discretion of the County Board Chair.*

Items not on the Agenda:
Those wishing to speak on items relating to other County business not on the agenda may speak during the Public Comment portion of the agenda. The Board Chair will recognize and call forward those citizens who wish to speak. Each speaker is limited to five (5) minutes. The county Clerk will indicate when one (1) minute remains to allow for the summary of remarks. These time limits may be extended *or reasonably decreased* at the discretion of the County Board Chair.

All citizens who speak are asked to print their name and address on the sign-up sheet located on the dais, stating verbally for the record their first and last names.

2. Thursday Staff Meeting

The County Board holds a staff meeting on Thursday mornings at 8:30 a.m., and as deemed necessary by the Board, in the County-City Building, on the first floor in Room 113. Staff meetings are open to the public. Public comments are not allowed at staff meetings except at the discretion of the County Board Chair.

3. Agendas

Agendas and supporting documentation for County Board meetings are public records and are kept on file in the Lancaster County Clerk's Office. Information regarding agendas may be obtained by calling the County Clerk's Office at 402-441-7481; through the County Clerk's website (www.lancaster.ne.gov/clerk), or by coming in person to the Clerk's office during normal business hours, from 7:30 a.m. to 4:30 p.m.

4. Public Hearings

Public hearings are conducted by the County Board when required by law or when a public hearing will assist the County Board in the formation of sound public policy or the efficient administration of county government. Most public hearings held by the County Board are conducted during the Tuesday meetings. Items for which a public hearing will be conducted are set forth on the agenda under the Public Hearing section. Members of the public may give testimony to the County Board during a public hearing. Each person offering testimony will be asked to print their name and address on the sign-in sheet located on the dais and verbally state their first and last name for the record. The County Clerk will administer the oath before testimony begins.

The order of testimony shall be as follows:

1. Applicant (if any)
2. Proponents of the proposed action
3. Opponents of the proposed action
4. Testimony in a neutral capacity, including comments from staff members or individuals seeking information about the proposed action
5. Rebuttal by the applicant (if applicable)

Those testifying should identify any organization or group they may be representing. Large groups in attendance which are supporting or opposing the same position with regard to the subject of a public hearing should choose one or two spokespersons to represent the group. The spokesperson(s) may ask the group to stand to give the County Board an idea of the number of persons sharing a similar viewpoint. Those testifying are encouraged to avoid giving repetitive or irrelevant testimony. Each speaker is limited to five (5) minutes. The County Clerk will indicate when one (1) minute remains to allow for the summary of remarks. Time may be extended *or reasonably decreased* at the discretion of the County Board Chair.

INTERPRETERS FOR THE HEARING IMPAIRED ARE AVAILABLE UPON REQUEST. PLEASE CONTACT THE COUNTY CLERK'S OFFICE AT 402-441-7481 AT LEAST TWO DAYS PRIOR TO THE MEETING IF THIS ACCOMMODATION IS REQUIRED, OR IF YOU HAVE ANY OTHER SPECIAL COMMUNICATION NEEDS REQUIRING ASSISTANCE.

SI NECESITA AYUDA CON EL IDIOMA ESPAÑOL, POR FAVOR HAGA ARREGLOS CON EL SECRETARIO DEL CONDADO DE LANCASTER EN UN PLAZO DE DOS DÍAS ANTES DE LA REUNIÓN PÚBLICA. EL NÚMERO DE TELÉFONO DEL SECRETARIO DEL CONDADO DE LANCASTER ES 402-441-7481. (IF YOU NEED SPANISH LANGUAGE ASSISTANCE, PLEASE MAKE ARRANGEMENTS WITH THE LANCASTER COUNTY CLERK WITHIN TWO DAYS OF THE PUBLIC MEETING. THE PHONE NUMBER FOR THE LANCASTER COUNTY CLERK IS 402-441-7481.)