

FILED

MAY 17 2002

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COUNTY BOARD POLICIES REGARDING)
ABUSIVE LANGUAGE PHONE CALLS,)
DIRECTOR LEAVE, LEGAL OPINION,)
EMPLOYEE COMMUNICATIONS AND)
GRANT SUBMITTAL)

RESOLUTION NO. 02-0049

WHEREAS, pursuant to Neb.Rev.Stat. §23-104 (Reissue 1997), the County has the power to do all other acts that are required in order to exercise those powers granted by statute; and

WHEREAS, the Lancaster County Board of Commissioners (the Board) has recognized a need for generating policies for the efficient administration of County offices and functions; and

WHEREAS, the Lancaster County Board of Commissioners has requested that policies be drafted that provide guidance to the Board, its Directors and County employees for how the Board addresses various administrative duties; and

WHEREAS, these policies have been reviewed and presented to the Board at regularly scheduled staff meetings and the Board has requested that it be submitted to them for final approval; and

WHEREAS, the policies will read as provided in Attachment A, which is attached hereto and incorporated by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that approval is hereby given for adoption and implementation of the policies designated herein.

DATED this 21 day of May, 2002 at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 22nd day of
May, 2002.
David W. Johnson
Dep. County Attorney

GARY E. LACEY
Lancaster County Attorney

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**LEGAL OPINION POLICY
LANCASTER COUNTY BOARD OF COMMISSIONERS**

Introduction

The purpose of this policy is to set forth the procedures for requesting legal opinions from the Lancaster County Attorney by the Lancaster County Board or by individual members of the County Board.

Role of the County Attorney

Legal representation is provided to the County Board by the County Attorney. Any legal advice sought from the County Attorney by the County Board or an individual commissioner should specifically relate to the business or legal affairs of the County. A legal opinion request from an individual commissioner shall be treated as a request from the entire Board.

Procedure

An opinion request to the County Attorney may be sought by action of the entire County Board or by an individual board member. All legal opinion requests and answers to opinion requests must be in writing. A copy of each opinion request, whether sought by the entire Board or by an individual board member, shall be provided to each commissioner and the chief administrative officer. In the same fashion, a copy of the County Attorney's answer to any opinion request will be provided to each commissioner and the chief administrative officer.

Opinion File

A file containing all legal opinion requests and answers to the requests shall be maintained. The file shall contain an index containing a brief description of each opinion request, the date of the request, the date the request was answered by the County Attorney, the name of the attorney answering the request, and a notation indicating whether confidentiality of the opinion shall be maintained under the attorney/client privilege. The file shall be maintained by the secretary to the County Board under the general supervision of the chief administrative officer.

Role of Chief Administrative Officer

Legal opinion requests may be written and submitted to the County Attorney by the chief administrative officer or the deputy chief administrative officer under the following circumstances:

1. Pursuant to motion or action of the County Board;
2. At the request of an individual commissioner; and
3. At the request of County Board advisory committees or committees facilitated by the chief administrative officer or deputy chief administrative officer.

An opinion request submitted by the chief administrative officer at the request of an individual commissioner or committee shall identify the commissioner or committee making the request. As with all other opinions, a copy of these requests and answers shall be given to each member of the Board and be included in the opinion file.

Whenever an appointed County department head requests a legal opinion, a copy of the opinion request shall be provided to the chief administrative officer by the department head. A copy of any legal opinions written pursuant to such requests shall be provided to the chief administrative officer by the County Attorney. A copy of such requests and opinions shall be given to each member of the Board and included in the opinion file.

Attorney/Client Privilege

If the County Board desires to maintain the confidentiality of a legal opinion under the attorney/client privilege, the request for the opinion should contain specific instructions to this effect. The confidentiality of such opinions should be maintained except as directed by motion or action of the entire County Board.

Public Records Requests to View Legal Opinions

Although written legal opinions received by the County Board from the County Attorney are not considered to be public records because of the attorney/client privilege, it shall be the policy of the County Board to make legal opinions available to the public unless the Board has specifically requested that the opinion remain confidential.

As a general rule, any request from a member of the public to review a legal opinion should be in writing and should reasonably identify the subject of the opinion being sought. Blanket requests to view all legal opinions maintained in the County Board's opinion file shall be denied.

Adopted by the Lancaster County Board of Commissioners on the 21st day of May,
2002.

By Bob Trudman
Chair