

Chapter 1

ADMINISTRATIVE

Article 5. Meetings

§1-501 MEETINGS; DEFINED. Meetings, as used in this Article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. *(Ref. 84-1409(2) RS Neb.)*

§1-502 MEETINGS; PUBLIC BODY DEFINED. Public Body as used in this Article shall mean:

- A. The Governing Body of the Municipality,
- B. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. *(Ref. 84-1409(1) RS Neb.)(Amended by Ord. No. 296, 3/9/93)*

§1-503 MEETINGS; PUBLIC. All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Chairman if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four (24) hours before the scheduled commencement of the meeting or (b) forty-eight (48) hours before the scheduled commencement of a meeting of the Governing Body scheduled outside the corporate limits of the Municipality. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body was present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. *(Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.)(Amended by Ord. No. 243, 1/12/88)(Ord. No. 178, 4/3/73)*

§1-504 MEETINGS; CLOSED SESSIONS.

(A)(1) Any public body 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 request a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but not be limited to, such reasons as:

(a) 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;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public hearing.

(2) Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(B) The entire motion, 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, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter at the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action means 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 give by members of the public body to legal counsel or other negotiators in closed sessions authorized under division (A)(1)(a) of this section.

(C) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for:

(1) The protection of the public interest or

(2) 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.

(D) Noting in this section shall be constructed to require that any meeting be closed to the public. (*Ref. 84-1410 RS Neb.*)(*Amended by Ord. Nos. 295, 3/9/93; 338, 3/14/95; 551, 1/11/05*)

§1-504.01 MEETINGS; PROHIBITED ACTS; EXEMPT EVENTS.

(A) No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing this article or the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax or electronic communication shall be used for the purpose of circumventing the requirements of this Article or the Act.

(B) This Article and the Open Meetings Act do not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then

intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. *(Ref. 84-1410 RS Neb.)(Amended by Ord. No. 551, 1/11/05)*

§1-505 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of section 1-508 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. *(Ref. 84-1411 RS Neb.)*

§1-506 MEETINGS; MINUTES.

(A) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(B) 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.

(C) Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier, except that the city may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency. *(Ref. 84-1412, 84-1413 RS Neb.)*

§1-507 MEETINGS; VOTES. Any action 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 not voting. The requirements of a roll call or viva voce vote shall be satisfied by the Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public.

The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. *(Ref. 17-616, 84-1413 RS Neb.)*

§1-508 MEETINGS; NOTICE TO NEWS MEDIA. The Municipal Clerk, and in case of the Board of Trustees, the Secretary, or other designee of each public body 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. *(Ref. 84-1411 RS Neb.)*

§1-509 MEETINGS; PUBLIC PARTICIPATION. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to section 1-504 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of a member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall for the purpose of circumventing the provisions of this Article hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this State. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with sections 84-1408 to 84-1414 RS Neb. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one (1) current copy of the Open Meetings Act post in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information. *(Ref. 84-1412, 18-2438 RS Neb.)(Amended by Ord. No. 244, 1/12/88)*

§1-510 MEETINGS; REGULAR MEETINGS. The meetings of the Governing Body shall be held in the meeting place of the Municipality. Regular meetings shall be held on the second Tuesday of each month at the hour of seven-thirty (7:30) o'clock P.M.

At all meetings of the Board of Trustees a majority of the Board shall constitute a quorum to do business. *(Ref. 17-204, 17-205, 17-210 RS Neb.)*

§1-511 MEETINGS; SPECIAL MEETINGS. Special meetings may be called by the Chairman, or by three (3) members of the Board of Trustees, the object of which shall be submitted to the Board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal of the Municipal Clerk. On filing the call for a special meeting, the Municipal Clerk shall notify the members of the Board of Trustees of the special meeting, stating the time and its purpose. Notice of a special meeting need not be give to a member of the Board known to be out of the state, or physically unable to be present. A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business, be a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

At the hour of the appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Board shall be called to order by the Chairman, if present, or if absent, by the President of the Board. In the absence of both the Chairman and the President of the Board, the members of the Board of Trustees shall elect a

President pro tempore. All Ordinances passed at any special meeting shall comply with the procedures set forth in Chapter 1, Article 6 herein. (*Ref. 17-204, 17-205 RS Neb.*)

§1-512 MEETINGS; ORDER OF BUSINESS. All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk, the Chairman, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

§1-513 MEETINGS; CHANGE IN OFFICE. The Chairman and Board of Trustees shall meet at eight (8:00) o'clock P.M. on the second (2nd) Tuesday in December in each election year, and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports, and upon the old Board having completed its business, the outgoing members shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers, and moneys belonging to the same.

§1-514 MEETINGS; REORGANIZATIONAL MEETING. The newly elected Board shall convene at the regular place of meeting on the first (1st) Tuesday of December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The Chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Municipality to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members and officers are duly qualified, the Board shall then elect one (1) of its own body who shall be styled as the Chairman of the Board of Trustees. The Chairman shall then nominate his candidates for appointive officers and said officers shall hold office until their successors are duly appointed and qualified. He shall then proceed with the regular order of Business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office, to qualify prior to the first (1st) Tuesday in December following his election. Immediately upon the assembly of the newly elected Board upon the first (1st) Tuesday in December following the election, each officer elected at the regular Municipal Election shall take possession of his office. Each appointed officer who is required to give bond shall qualify by filing the required bond, approved by the Board of trustees, in the office of the Village Clerk within two (2) weeks from the date of his said appointment; provided, on said bond shall be endorsed the same oath as required of a Village Trustee. Failure to qualify by elective or appointive officers within the time and manner, provided in this section, shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed. (*Ref. 17-203.01 RS Neb.*)

§1-515 MEETINGS; VIDEOCONFERENCING.

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty (50) counties in this state, or of the Governing Body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

(1) Reasonable advance publicized notice is given;

(2) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;

(3) At least one (1) copy of all documents being considered is available to the public at each site of the videoconference;

(4) At least one (1) member of the Governing Body or advisory committee is present at each site of the videoconference; and

(5) No more than one-half of the Governing Body's or advisory committee's meetings in a calendar year are held by videoconference.

(B) Videoconferencing or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act. (*Ref. 84-1411 RS Neb.*)

(C) For the purpose of this section, the following definition applies:

VIDEOCONFERENCING. Conducting a meeting involving participants at two (2) or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations. (*Ref. 84-1409 RS Neb.*)(*Amended by Ord. Nos. 382, 7/8/97; 549, 1-11/05*)

§1-516 MEETINGS; TELECONFERENCING.

(A) A meeting of the Governing Body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty (50) counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(1) The territory represented by the member public agencies of the entity or pool covers more than one (1) county;

(2) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;

(3) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;

(4) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(5) At least one (1) copy of all documentation being considered is available to the public at each site of the telephone conference call;

(6) At least one (1) member of the Governing Body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(7) The telephone conference call lasts no more than one (1) hour; and

(8) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

(B) Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the Governing Body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act. *(Ref. 84-1411 RS Neb.)(Amended by Ord. Nos. 476, 4/10/01; 550, 1/11/05)*