

## CHAPTER 1

### ADMINISTRATIVE

#### ARTICLE 5. MEETINGS

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

**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 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.)

**1-503 MEETINGS; PUBLIC.** All public meetings as defined by law should 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 advanced 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 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 the then known subjects was communicated, the time and specific place of the meetings and the names of each member of the Governing Body 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 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 through 84-1413 RS Neb.)

**1-504 MEETINGS; CLOSED SESSIONS.** 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 requested a public meeting. Closed sessions may be held for, but shall 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. Investigate 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 meeting.

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

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. The public body holding such a closed session shall restrict its consideration to matters during the closed portions 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. For purpose of this section, formal action shall mean 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.

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 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.

Nothing in this section shall be construed to require that any meeting be closed to the public. 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 sub-committee of the whole body for the purpose of circumventing the provisions of this Article. No closed session, informal meeting, chance meeting, social gathering,

or electronic communication be used for the purpose of circumventing the provisions of this Article. The provision of this Article shall not apply to chance meetings, or 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 and 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.)

**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. (Ref. 84-1411 RS Neb.)

**1-506 MEETINGS; MINUTES.** Each public body shall keep minutes of all meetings showing the time, place, members present and absent and the substance of all matters discussed. The minutes 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. (Ref. 84-411 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 record shall state how each member voted or if the member was absent or not voting.

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. 84-1413 RS Neb.)

**1-508 MEETINGS; NOTICE TO NEWS MEDIA.** The Municipal Clerk, 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 this article 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 is not required to allow citizens to speak at each meeting nor may it 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. The body may require any member of the public desiring to address the body to identify himself or

herself. No public body for the purposes 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 meetings 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 NE. 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. (Ref. 84-1412, 18-243, RS NE.)

**1-510 MEETINGS; GOVERNING BODY.** The meetings of the Governing Body shall be held in the meeting place of the Municipality. Regular meetings shall be held on the second Wednesday of each month at the hour of seven-o'clock (7:00) P.M. Special meetings may be called by the Board Chairman or by a majority of the Governing body, the object of which shall be submitted to the Governing body members in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the Governing body are present and consent thereto. On filing the call for a special meeting, the Municipal Clerk shall notify the Governing body of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Governing body who is known to be out of the state or physically unable to be present. A majority of the members of the Governing body shall constitute a quorum for the transaction of business but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided, that on the request of any two (2) members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour 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 Governing body shall be called to order by the Board Chairman. In the absence of the Board Chairman from any meeting of the Governing body, the Board shall have the power to appoint a chairman to pro tempore who shall exercise and have the powers and perform the same duties as the regular Chairman. (Ref. 17-204, 17-205, 17-210 RS Neb.)

**1-511 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 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.

**1-512 MEETINGS; CHANGE IN OFFICE.** The Chairman and Governing body shall meet at seven-o'clock (7:00) P.M., on the second (2nd) Wednesday in December in each election year and the outgoing officers and the outgoing members of the Governing body shall present their reports and, upon the old Board having completed its business, the outgoing members of said Board 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. (Ref. 17-203.01 RS Neb.)

**1-513 MEETINGS; REORGANIZATIONAL MEETING.** The newly elected Board shall convene at the regular place of meeting on the second (2nd) Wednesday 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 fully qualified, the Board shall then elect one (1) of its own body who shall be styled as Chairman of the Governing body. The Chairman shall then nominate his candidates for appointive offices and said offices shall hold office until their successors are duly appointed and qualified. He or she 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 second (2nd) Wednesday in December following the election, each officer elected at the regular Municipal Election shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Governing Body, in the office of the Municipal 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 member of the Governing Body. 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.)