

**SARPY COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION AMENDING MEETING POLICY**

BY THE AUTHORITY CONFERRED UPON THE SARPY COUNTY BOARD OF COMMISSIONERS TO MAKE AND ENFORCE REASONABLE RULES AND REGULATIONS REGARDING THE CONDUCT OF PERSONS ATTENDING, AND/OR SPEAKING AT A MEETING OF THE BOARD, AS SET FORTH IN NEB. REV. STAT. §84-1412 (REISSUE 1997) AND AS THAT SECTION MAY, FROM TIME TO TIME BE AMENDED, IT IS HEREBY RESOLVED THAT THE FOLLOWING RULES REGARDING THE CONDUCT OF MEETINGS OF THE SARPY COUNTY BOARD OF COMMISSIONERS ARE AMENDED THIS 26<sup>th</sup> DAY OF January, 2010, AND THAT THE SAME SHALL BE IN FULL FORCE AND EFFECT AT ALL MEETINGS OF THE SARPY COUNTY BOARD OF COMMISSIONERS AND THE SARPY COUNTY BOARD OF EQUALIZATION UNLESS OTHERWISE PROVIDED.

**I. AGENDA**

1. The Sarpy County Clerk, acting as Board Secretary, will maintain separate agendas for the County Board meetings and the Sarpy County Board of Equalization Meetings. (Hereinafter both the County Board and the County Board of Equalization shall be referred to, interchangeably, as "Board"). Advance public notice of meeting dates and times shall be determined by the Board for all regular or special meetings and notice of each such meeting publicized according to statute. The agenda may consist of consent, regular and executive session items.
  
2. The County Clerk shall accept items to be placed on the agenda during posted business hours only. Except for items of an emergency nature, the agenda shall not be altered later than twenty-four (24) hours before the regular scheduled meeting (no later than 3:00 P.M. on Monday). Any required changes, prior to the closing deadline, shall be noted on a revised agenda, which shall be prepared and made available to all interested parties (via the County website and e-mail) in a timely fashion.
  - a. All Agenda items submitted by employees of Sarpy County must be submitted to the Clerk's office by using the Agenda Item Request form on the Intranet or by emailing your request to [agenda@sarpy.com](mailto:agenda@sarpy.com). (Specifics must include whether the item will be consent, regular, board of equalization or executive session, what the item is, who will address it, will there be attachments, resolution or bid opening, etc.)
  - b. All Agenda items submitted by those other than employees of Sarpy County must first be approved by a member of the County Board, by the County Clerk, or the County Administrator.
  
3. Agenda items are due, **ALONG WITH ALL SUPPORTING DOCUMENTATION**, in the County Clerk's office no later than 12:00 P.M. (noon) on the Friday prior to the

scheduled meeting. This is necessary in order for the agenda and its related information to be prepared and distributed on a timely basis.

- a. ***The following items, including supporting documentation, must be reviewed and approved as to form by the County Attorney's office PRIOR to submission to the County Clerk's office: contracts, agreements or memorandums of understanding of any kind; County policies, real estate transactions; and road vacations. These items will not be allowed on the agenda without Attorney approval. Please contact the County Attorney's office well before the submission deadline to obtain review and approval. Ordinarily, the County Attorney's office will require that agenda items be submitted to their office no later than noon of the Wednesday prior to the Board meeting. However, submission to the County Attorney by that deadline DOES NOT guarantee that the review will be performed prior to the Clerk's agenda deadline. Items on the Agenda for the County Board of Equalization do not ordinarily require approval of the County Attorney before being placed on the Agenda.***
- b. All GRANTS and their supporting documentation must be reviewed and approved as to form by the Fiscal Administrator. Grants will not be allowed on the agenda without the Fiscal Administrator's approval.
- c. To remain on the Commissioners' Agenda all items and their supporting documentation must be submitted to the Board office (with attorney approval when required) prior to the 12:00 P.M. Noon deadline or the item(s) will be removed until the following week (or until necessary materials are received). ***If an item has been reviewed and approved by the Attorney's office and additional revisions are required that item must be re-submitted to the Attorney's office before it will be allowed to go before the Board (Revisions to grants to Fiscal).***
- d. **Whenever possible all supporting documentation is to be submitted via e-mail (in Word, WordPerfect or PDF format) to the Board office ([agenda@sarpy.com](mailto:agenda@sarpy.com)) in order to place the items on the website. In addition, two (2) hard copies PLUS a sufficient number of original documents, ready for signature, shall be provided to the Board office to allow each party to have a signed original returned.**
  - i. Due to the Document Management System and the requirements the County Clerk's office has for presenting and filing all documents for the County it is REQUIRED that these processes be followed. This will provide greater assurance of legal compliance for the County, minimize liability and insure accuracy of all records. Public access to all agenda items is provided via Sarpy County's website therefore all documents are required to be in final format before being presented to the County Board.

- e. If any document contains information that, by law, is not for public distribution, one copy suitable for public distribution **must** also be submitted (i.e. no social security numbers, confidential items, etc.)
  - f. Supporting documentation consists of those documents that provide information to assist the Board in the decision making process and will be kept as part of the official record of the meeting. This will differ from the resolution and other documents that provide the record of the action taken.
3. The County Administrator reserves the option to review and approve all formal presentations that will be presented to the Board. Presentations should be clear, concise and state the topic and the recommendation. Responses to Commissioners' questions should be concise and to-the-point. The Commissioners strive to stay on schedule to ensure that each topic is given adequate time for discussion and action, so please make every effort to stay within the time allocated.
  4. An agenda shall be published and distributed by 4:00 o'clock P.M. on the Friday prior to the next Board meeting. The agenda, and all supporting documents, shall be made available on the County Website, found at [www.sarpy.com](http://www.sarpy.com). Copies of the agenda shall be posted outside of the County Boardroom and be available to the public. Other distribution shall be at the discretion of the Board Chairman, County Clerk, or as required by law. Any required changes to the agenda, prior to the closing deadline, shall be noted and the revised agenda shall be made available on the website, posted outside the Boardroom and made available to all affected parties in a timely fashion.
  5. Items, even those of an emergency nature, submitted after noon on Friday may only be added to the agenda with the consent of a County Board member or the County Administrator.
  6. The County Board may approve a consent agenda for items of a routine nature. Items to be considered for the consent agenda are selected by the County Clerk and County Administrator. The Chairman, prior to the approval of the minutes, reads the consent agenda items into the record and asks for a motion to approve the consent agenda. A Board member may request that a consent agenda item be withdrawn from the consent agenda. If such a request is made the item shall be heard separately as scheduled on the regular agenda. The motion to approve shall include amendments requested by Board members to withdraw specific items from the consent agenda.

## II. PUBLIC PARTICIPATION

1. Public participation at any meeting of the County Board of Commissioners and County Board of Equalization for any particular agenda item shall be allowed when required by law, when granted by the Chair, or upon vote of a majority of the Board then voting.
2. In addressing any particular agenda item, public comment shall be made during the time designated by the Chair. After the Chair ends the time for public comment, public participation can only be made upon a vote of the majority of the Board, at the discretion of the Chair, or at the direct request of a Board member in response to a question.
3. All individuals addressing the Board on an agenda item shall state their name and sign in prior to any testimony. When the agenda item under consideration has a named proponent or opponent, a representative of the proponent or opponent shall be designated. When there is no named proponent or opponent, the Chair, in his or her discretion, may recognize a spokes person for an interested group as the opponent or proponent.
4. Limitations of public participation or testimony provided to the Board shall only be limited as hereinafter provided:
  - a. Resolutions: For a resolution under consideration by the Board, the time limits are as follows:
    - i. Ten minutes for the representative of the proponent. A portion of this time may be reserved for rebuttal and/or used by other representatives of the proponent.
    - ii. Ten minutes for a representative of the opponent(s).
    - iii. Two minutes each for any other individuals who wish to speak in favor, against, or comment in a neutral fashion on the proposed action. This time cannot be yielded or reserved for another speaker.
    - iv. Once the time for taking public testimony has passed, the matter may be debated by the members of the Board of Commissioners. The Commissioners may question any person desired as a part of this debate, without the requirement of rebuttal. There shall be no time limit for this debate.
    - v. These time limits may be modified if the modification is approved by two-thirds of the Commissioners.
  - b. Information Presentations: For an informational presentation or discussion, for which there is no pending resolution before the Board, there shall be a time limit of 10 minutes. This period of time may be used in its entirety by the individual whose name appears on the Agenda as the

sponsor for the presentation. This sponsor may yield the floor to any person he or she chooses, but under no circumstances shall the total time allocated for the presentation exceed 10 minutes, unless the Board shall, by a two-thirds vote, increase the time allowed, or suspend this Rule. Nothing under this Rule shall be construed as limiting the amount of time the Board may debate the information presented to the Board. An individual or group shall not have an item placed on the agenda for an informational presentation or discussion on the same topic more than once in a three month (90-day) period, unless the Board, by a two-thirds vote at a meeting of the Board where a quorum shall be present, shall approve the placement of the presentation or discussion item on the Agenda. Nothing in the Rules shall prevent a citizen or group of citizens from writing to the Commissioner from his or her district, any or all of the Commissioners, in order to advise, inform, recommend, request or otherwise seek the active participation of the Board as to any or all matters of concern to that citizen or group of citizens.

5. No item or Resolution shall be presented to the Board, unless an individual shall have previously contacted the Clerk of the County, and had the item or resolution placed on the Agenda for that Meeting. Nothing in this Rule shall prevent the Board, by a two-thirds vote, from declaring that an Emergency exists, and that the Agenda should be amended, in order to allow the Board to take up the item or resolution, should an emergency, in fact, exist.
6. No person shall address the Board, unless and until first recognized by the Chairman or Acting Chairman of the Board. No person shall address the Board, after having been recognized by the Chairman, unless and until that person has signed the Register found on the speaker's podium, and placed his or her true name and address on the Register, in order that said information may be truly and accurately reflected in the Minutes of the Board of Commissioners. No person shall address the Board on a topic other than that shown on the Agenda for the Meeting. Nothing in this Rule shall prevent the Board, by a two-thirds vote, from suspending this Rule, to allow the Board to take up the matter, or to allow debate on an item which does not appear on the Agenda, if an emergency exists.
7. Should an individual depart from the topic set forth in the Agenda during his or her presentation, the Chairman or Acting Chairman shall bring this matter to the attention of the individual. Should the individual persist in departing from the agenda item, the Chairman shall announce that the speaker has forfeited any remaining time to address the Board, and shall thereafter proceed to allow those with an opposing view address the Board, should those individuals have any time remaining under these Rules, or, should there be no time left for such a presentation, proceed to close the public comment part of the hearing.

8. Should any person or persons disturb, disrupt or otherwise interfere with the proceedings of the Board of Commissioners, at the request of any member of the Board of Commissioners, or on his or her own motion, the Chair shall warn the person or persons against further interference. Should the person or persons persist in disturbing, disrupting or otherwise interfering with the proceedings of the Board of Commissioners, the Chair shall direct that law enforcement officers present for security of the Commissioners and the citizens attending such meeting remove those individuals from the meeting place, and/or may, at the request of any member of the Board of Commissioners, or on the Chair's own motion, declare a recess until order has been restored.

### III. ACTION

1. The Board of Commissioners can only take action on matters properly placed on the agenda for a duly called meeting, and by the wording of the agenda provides notice that action, rather than discussion, may be taken.
2. Action shall, whenever possible, be taken by resolution. Motions shall be made to approve a resolution, approve a resolution with listed changes, disapprove, table, or table to a definite date. Motions must be supported immediately by a second or the motion dies. The Chair may make motions or second a motion.
  - a. Motions shall be restated by the County Clerk prior to any vote.
  - b. If, upon the call of the Chair, no motion or second is timely made, the agenda item shall be completed and the Chair may move to the next agenda item.
  - c. Once a motion is made and seconded, discussion may be had on the motion, but no other business shall be taken until a vote is taken upon the motion, or the motion is withdrawn by the movant and the second.
  - d. Once a motion is made and seconded, it can only be altered with the consent of the movant and the second. Absent said consent, the motion may be amended by a motion to amend the motion. Said motion to amend must be seconded. If a motion to amend is successful, no further motion to amend the motion may be made.
  - e. A motion to call the question is always proper once a motion has been made and seconded for an agenda item. Upon a duly made motion to call the question and second, no further discussion may take place until a vote is made on the motion to call the question. If a motion to call the question is approved by a majority of those voting, a vote on the pending matter or motion shall be had without further discussion. If a motion to call the question fails, discussion may continue.
  - f. A Motion to Move the Agenda is in order after the Chair has opened proceedings on a particular agenda item until such time as the Chair has closed proceedings on a particular agenda item or has moved to a different

agenda item. All discussion and action must cease once a motion to Move the Agenda is made and seconded until the motion is voted on. If approved, a Motion to Move the Agenda will cause discussion or action on the agenda item to immediately cease, and shall begin again only at such point in the Board's agenda as is specified in the motion, or at the end of the agenda if there is no specified point.

3. A point of order is a question directed to the Chair or acting Chair regarding procedure. A point of order is always in order and must be addressed by the Chair before further action or discussion is had. A point of order may only be made by a member of the Board, the County Administrator, the County Clerk, or the County Attorney. (See also, Other Rules of Procedure, below).
4. For the purposes of these Rules, a two-thirds vote shall mean two-thirds of the number of Commissioners present for a Board meeting (which under no circumstances shall be less than a quorum, that is, three members of the Board of Commissioners), which number, if not a whole number, shall be rounded up to the nearest whole number.)

Therefore, for the number of Commissioners present, two-thirds of that number shall be shown in the column below:

| <u>Commissioners Present</u> | <u>Quorum</u> | <u>Two-Thirds Shall Require</u> |
|------------------------------|---------------|---------------------------------|
| 1                            | No            | --No Quorum--                   |
| 2                            | No            | --No Quorum--                   |
| 3                            | Yes           | 2 affirmative votes             |
| 4                            | Yes           | 3 affirmative votes             |
| 5                            | Yes           | 4 affirmative votes             |

5. A member who is legally required to abstain from a vote because of a conflict of interest shall not count toward the quorum requirement. A member who abstains but is not legally required to abstain shall count toward the quorum requirement. Neither a member of the Board of Commissioners, nor the Chairman or Acting Chairman at the meeting, shall be allowed to "Abstain," "Pass," or otherwise refrain from voting unless and until the particular member, Chairman, or Acting Chairman, shall declare on the record in open session if he or she has an actual conflict of interest. In the event that such abstention results in the lack of a quorum, the declaring member shall confer with the County Attorney to determine if the abstention is required by law, as opposed to avoiding an inappropriate appearance or declining to vote. The County Attorney shall make a statement for the record, which shall appear in the meeting minutes, regarding the effect of the abstention on the quorum. If there is no quorum, the Chair shall proceed to the next agenda item.

#### IV. BIDS

Procedures for letting contracts are set forth in the attached bidding procedures. These procedures shall be followed for all contracts except those for bridge and road repairs and improvements. Bidding Procedures for bridge and road repairs and improvements are set forth in Neb. Rev. Stat. '39-810, *et seq.* (Reissue 1998), as those statutes may, from time to time, be amended.

#### V. EXECUTIVE SESSION

1. All executive sessions shall be governed in accordance with the Open Meeting Laws of the State of Nebraska, and specifically §84-1410 (Reissue 1999), as those provisions may, from time to time, be amended.
2. Any requests for an executive session shall be made with the office of the County Administrator on the form attached hereto or as it may from time to time be revised. A duplicate of the completed form shall be filed in the County Clerk's office.
3. The County Clerk shall attend the executive session. No minutes shall be taken and the County Clerk shall attend as an observer only. The Board may also request the attendance of other elected or appointed officials or other interested persons to the session.
4. The procedures required to hold a executive session are these:
  - a. There must be a motion to close the meeting to the public, with a majority vote of the board approving the motion. The motion must state that the executive session is for the protection of the public interest, and must state the reason for the need for an executive session. The reason for holding an executive session **MUST** be stated in the minutes of the open session.
  - b. Upon a successful motion, before going into executive session, the Chair must state that the Board is going to executive session, and must state the limitations of the executive session.
  - c. Upon returning from executive session, the Chair must reconvene the meeting by stating that the discussion was limited to the purpose stated in the motion convening the executive session.
  - d. The time the executive session began and concluded must be stated in the minutes of the open session.

- e. No formal action may be taken in the executive session. The board must reconvene in open session to take formal action, pursuant to Neb. Rev. Stat. '84-1410(2) (Reissue 1999).

## VI. MINUTES OF MEETING

1. The county board shall keep minutes of all meetings which must include the following: the time and place of the meeting, members present and absent, substance of all matters discussed, any action must be taken by roll call vote and the minutes must state how each member voted or if the member did not vote or was absent, the election of the chairperson may be by secret ballot, but the total votes for each candidate must be stated in the minutes.
2. All minutes of open meetings, evidence and documentation received or disclosed in open session shall be public records and open to the public during normal business hours.
3. The minutes shall be written and made available to the public within ten (10) working days of the meeting or prior to the next meeting, whichever is earlier.
4. Person requesting transcripts of Board proceedings must obtain the services of a court reporter at their own expense to transcribe the proceedings from audiotapes maintained by the County Clerk's Office.

## VII. ADMINISTRATIVE BRIEFING MEETINGS

1. Before each regular weekly meeting of the Sarpy County Board of Commissioners, there shall be an administrative briefing meeting that shall commence at 1:00 p.m. The purpose of said meeting shall be to allow Board members to engage in informed, in-depth, prepared discussion regarding County business, and to plan for the future activities of County government. At the discretion of the Chair, said meeting may be cancelled.
2. The agenda for said meeting shall be set by the County Administrator, upon consultation with a member or members of the County Board. The County Administrator shall prepare a rotating schedule to use as a guideline in setting the agenda for said meeting. The agenda is not limited to matters on said schedule. The County Board may go into executive session at said meeting. The Board may hear miscellaneous matters of a routine and informative nature under the agenda title of Miscellaneous at the discretion of the Chair. The provisions of Nebraska law and of this Meeting Policy regarding the setting and maintenance of the agenda shall remain in force for the administrative briefing meeting, except as provided for in this paragraph.

3. The administrative briefing meeting shall be for discussion only. No formal action may be taken other than procedural matters necessary to convene and adjourn the meeting. However, direction may be given to County staff regarding matters that do not require formal action of the County Board and is conformity with the supervisory powers of the County Board over its employees and staff.
4. Participation by the public at large shall not be allowed at the administrative briefing meeting. Individuals with specific knowledge of the subject matter and staff shall only speak upon request of the County Administrator or a member of the County Board. It is preferred that those individuals speaking be identified at the time of the setting of the agenda and be noted on the agenda.
5. The Sarpy County Board recognizes that public participation is essential to the conduct of the people's business. Public participation shall be allowed if a specific matter discussed at an administrative briefing meeting comes before the County Board at a regular meeting for formal action or discussion, other than those matters on the consent agenda. The County Administrator shall give a brief synopsis of the discussions had at the administrative briefing meetings regarding that matter before any action or discussion at the regular meeting.
6. The Chair may terminate the discussion on any particular subject and may adjourn the meeting on the Chair's motion for the purpose of meeting time constraints.

#### VIII. OTHER RULES OF PROCEDURE

1. The Chair shall make all rulings regarding the application of these policies. The ruling of the Chair may only be overruled by a vote of a majority of the Commissioners present and voting. A request by a Commissioner for a vote to overrule a procedural ruling of the Chair shall be addressed immediately, and no further business shall be conducted until said vote is taken. The Chair may, at his or her discretion, consult with counsel or staff before making any ruling. Roberts Rules of order are not applicable to these proceedings.
2. These Rules may not be altered, revised, amended, or suspended, or stricken, unless a majority of the members of the Board vote in favor of such alteration, revision, amendment, suspension or striking.
3. Copies of these Rules shall be available to the public at the County Clerk's Office during regular business hours, and shall also be available to the public in the Board of Commissioner's Meeting Room on the speaker's podium.
4. While videotaping, televising, photography, broadcasting or recording of Meetings is specifically authorized, such activities shall not interfere with the

right of the public to see and hear the proceedings of the Sarpy County board of Commissioners. Therefore, given the physical layout of the Board of Commissioner's room, microphones for the sound recording of the meetings may be placed on or near the speaker's podium in front of the Commissioners' dais, however, such microphones shall not be placed so as to obstruct the view of the commissioners of the speaker, nor of the speakers view of the commissioners. Furthermore, all videotaping equipment, television cameras, and photographers shall be restricted to the side aisles or to the last row (farthest from the Commissioners' dais), so as to allow the right of the public to see and hear the proceedings.

#### VIV. ORDINANCE AUTHORITY

1. The County Board shall vote to draft an ordinance for one of the purposes outlined in Neb. Rev. Stat. §23-187. The motion should instruct the County Administrator and County Attorney to draft such an ordinance and may include goals or guidelines for the proposed ordinance.
2. The County Administrator and County Attorney shall enlist such people as they deem necessary to aid in drafting the requested ordinance.
3. Once drafted, the County Administrator and/or County Attorney shall cause the ordinance to be placed on the County Board agenda for discussion purposes only. Such discussion shall be held prior to any action under Neb. Rev. Stat. §23-188. No vote shall be taken on the ordinance during this discussion.
4. Only upon the request of a County Board member, the ordinance shall be placed on the County Board agenda to proceed with the adoption of the ordinance. The County Clerk shall follow the procedures in Neb. Rev. Stat. §23-188 – 23-193 once the request has been made.

Moved by Tom Richards, seconded by Rusty Hike, that the above Resolution be adopted, and that prior versions of these rules be repealed. Carried.

YEAS:

Rusty Hike  
Paul Jones  
Tom Richards  
Patrick J. Thomas

NAYS:

none  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

none  
\_\_\_\_\_  
\_\_\_\_\_

ABSTAIN:

none  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

Debra Vaughtaling  
County Clerk



Approved as to form:

[Signature]  
Deputy County Attorney