

## Notice of Meeting

NEB. REV. STAT. § 84-1411. **Meetings of public body. Notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body 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 at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Nebraska Open Meetings Law. (Note: Exception for Educational Service Units as stated in § 84-1411.)

### Regular Meeting

"...reasonable advance publicized notice" because the board meets monthly to conduct board business, error on the safe side and provide at least one week advanced notice of the meeting. Printing the notice in the local paper may also help determine when the notice should be made available if the paper is a weekly publication.

### Special Meeting

Follow the same rule of thumb providing "...reasonable advanced publicized notice" unless this is not possible. If the meeting is called to address a matter that cannot wait until the next regular meeting, be certain to provide at least two days (48 hours) notice. Be certain to review district policy pertaining to meeting notice and consult with the school attorney to ensure the board does not violate the Nebraska Open Meetings Law.

### Emergency Meeting

The board/superintendent must first identify the emergency by determining:

- Is the "emergency" that created the need for a meeting an unforeseen or unanticipated matter?
- Can the emergency wait to be addressed at the next regular scheduled meeting or be handled during a special meeting?

Note: NEB. REV. STAT. § 84-1411 (5). 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 subsection (4) of this section 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.

**Note:** The Association recommends that in the event the board/superintendent identify a need to conduct an Emergency Meeting consult with the board's school attorney to ensure proper compliance with the Nebraska Open Meetings Law.

### **Board Work Session and/or Retreat**

Although no formal action is taken and the board does not receive public comment at a Board Work Session or Retreat, a quorum of the board is present and, therefore; reasonable advanced publicized notice of the time and place must be given. The board/superintendent may wish to follow the same practice of notice used to post a regular meeting.

### **Board Meeting Agenda**

The board president works collaboratively with the superintendent to establish the board meeting agenda. This process ensures that the president has the opportunity to ask questions or request changes before the draft agenda is distributed to the board and the meeting notice is posted. Note: The agenda is final 24 hours before the publicized meeting.

Upon the review of the agenda, the board president should consider:

- Checking with board members in advance to see if there are items they would like to add to the agenda. Agenda items should be categorized as discussion or action and should reflect sufficient information for the board, staff, and community to understand the issue under consideration. The successful progression of a meeting is predetermined by the act of scheduling items requiring extended discussion, deliberation, and analysis by board members early in the meeting
- Discussing with the superintendent what background information is needed to support action items. A responsibility of the president or superintendent is to ensure items placed on the agenda are supported with sufficient information for the board to review in advance to adequately analyze or summarize the issue before the body. Background information may be presented in supporting notes from the superintendent. Providing information and/or rationale for a discussion item is of great value to board members to answer questions that arise when reviewing the agenda. This will also enable healthy discussion and deliberation and prevent unexpected questions by board members and/or the superintendent.
- Limiting "hot topic" agenda items to ensure adequate time for discussion
- Estimating the time that will be required to discuss or take action on each item to provide sufficient time to conduct board business within a two-hour timeframe
- Strategically placing important discussion items early when everyone is fresh. Consider balancing controversial items with routine business to aid in the flow of the meeting
- Including public comment period. The body may not be required to allow citizens to speak at each meeting; however, it may not forbid public participation at all meetings. The Association recommends that the board define policy which identifies how long an individual may speak and the length of time for the public comment

- Placing items of public interest at a time when citizens can listen to discussion
- Placing student/staff presentations early in the meeting so they may excuse themselves. Do not overlook the importance of staff reports and staff/student presentations. The president should ensure the meeting agenda is observed and followed. Board members respect the leader who conducts an efficient and orderly meeting
- Closing the meeting with Future Agenda Items will bring closure to the meeting and permit a board member to place an item on the next agenda. Board policy may also identify proper procedures for placing an item on the agenda

## Closed Session

According to the NEB. REV. STAT. **§ 84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(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 requested 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 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. 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 meeting.

(2)The vote to hold a closed session shall be taken in open session. The entire motion, 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 of 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 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 in closed sessions authorized under subdivision (1)(a) of this section.

(3) 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 (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.

The principal reason for open meetings is the public's right to know the business of the governing board. The provisions for a closed session enable the board to receive information on certain matters which are not suited for public discussion. The board must adhere to the very narrow purpose of the law to gain public trust. Once a board convenes a closed session, no action can be taken, minutes are not taken and discussion must be limited to the specific matter and information related to the matter for which the session was convened. A closed session must be conducted within an open meeting due to the language of state statute.

Following the closed session, the president reconvenes the open meeting, and in open session, presides over deliberations and actions which may result from the session. If there are none, the president announces publicly that no action is to be taken at that time.