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**§1-601 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.

**§1-602 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.

**§1-603 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 Mayor 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.

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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 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.

**§1-604 MEETINGS; CLOSED SESSIONS.**

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

(2) 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

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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 purposes of this section, formal action shall mean a collective decision or a collective commitment or proposal to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include not include negotiation guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (a) of this section.

(3) Any member of the 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.

(4) 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 subcommittee 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 shall be used for the purpose of circumventing the provisions of this Article.

(5) The provisions of this Article shall 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 and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**§1-605 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.

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The provisions of section 1-608 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.

**§1-606 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.

**§1-607 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.

**§1-608 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.

**§1-609 MEETINGS; PUBLIC PARTICIPATION.**

(1) Subject to the Open Meetings Act, the public has 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 sessions called pursuant to Section 84-1410 R.R.S. Nebraska, may be videotaped, televised, photographed, broadcasted, 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.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and

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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.

(3) 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 any 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.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small, to accommodate the anticipated audience.

(5) 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.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in the member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other instate locations for a video conference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

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(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) 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.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or video conference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted 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.

*(Ord. 1798, §1 (2011); Ord. 1566, §1 (2003))*

**§1-610 MEETINGS; CITY COUNCIL.**

- (1) Meetings of the City Council shall be held in the Council Chambers in City Hall and shall be open to the public. At any meeting of the City Council, a majority of the sitting members shall constitute a quorum for the transaction of business.
  - (a) Regular meetings shall be held on the first (1st) and third (3rd) Tuesdays of each month at six o'clock (6:00) P.M.
  - (b) Special meetings may be called by the Mayor or by the concurrence of any four (4) members of the City Council. The call for and purpose of the meeting shall be filed with the City Clerk in writing. Upon receiving a written call for a special meeting, the City Clerk shall notify the Mayor or the Councilmembers of the special meeting, stating the time, date, and its purpose.
- (2) Promptly at the hour and on the date set by law of each regular or special meeting, the members of the City Council, the Mayor, the City Clerk, and such other city officials that may be required shall take their regular stations in the meeting place. The City Clerk shall call the roll of Councilmembers and announce whether a quorum is present.
  - (a) If a quorum is present, the Council shall be called to order by the Mayor or by the President of the City Council if the Mayor is absent.

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- (b) If a quorum is present, but the Mayor and the President of the City Council are absent, the City Clerk shall call the meeting to order and the Council shall elect an acting President as the first order of business before proceeding with the scheduled agenda.
- (c) If a quorum is not present, the Council shall adjourn to a later date or to compel the attendance of absent members.

*(Ord. 2096, §1 (2019); Ord. 1780, §1 (2011); Ord. 1252 (1994))*

**§1-611 MEETINGS; DATE FALLING ON HOLIDAY.**

When the regular meeting date of the City Council shall fall on a legal holiday the Mayor and Council shall meet at Six o'clock (6:00) P.M. on the evening of the day following such legal holiday.

*(Ord. 1783, §1 (2011))*

**§1-612 MEETINGS; CHANGE IN OFFICE.**

The change in office shall be made as follows: The Mayor and Council shall meet on the first regular meeting date in December of each year in which a Municipal election is held and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council having completed its business up to the said time, the outgoing members of the Council 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.

**§1-613 MEETINGS; ORGANIZATIONAL.**

The newly elected Council shall convene at the regular place of meeting in the City on the first (1st) regular meeting in December of each year in which a Municipal election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City 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 are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The Mayor shall then nominate his candidates for appointive offices. He shall then proceed with the regular order of business.

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It is hereby made the duty of each and every member of the Council, or his successor in office, and to each officer elected to any office, to qualify prior to the first (1st) regular meeting in December following his election. All appointive officers shall qualify within two (2) weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the Municipality and to perform faithfully and impartially the duties of his office, said oath to be filed in the office of the Municipal Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Municipal Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his office, with the oath endorsed thereon.

**§1-614 MEETINGS; CITY COUNCIL MEETING AGENDA.**

- (1) All requests for agenda items must be presented to the Mayor, City Administrator, or City Clerk, preferably in writing, at least four (4) calendar days prior to the scheduled meeting date. Only the Mayor, the City Administrator, or a concurrence of three (3) Councilmembers can place an item on or remove an item from an agenda.
- (2) The agenda shall be prepared under the direction of and in a form and manner prescribed by the City Administrator, and unless prevented by unforeseen circumstances or an emergency, a finalized agenda shall be delivered to the Councilmembers and made available to the public no later than four (4) calendar days preceding the meeting for which it pertains.
- (3) Part of the agenda may be designated the consent agenda. All items listed on the consent agenda are considered to be minor and/or routine and may be approved by one motion and vote with the City Clerk reading aloud the items to be considered. There will be no separate discussion of these items unless the Mayor, a Councilmember, or a citizen so requests. If such a request is made, the item will be moved out of the consent agenda and considered separately.

*(Ord. 2096, §2 (2019))*

**§1-615 MEETINGS; COMMITTEE, COMMISSION, AND BOARD MEETING AGENDAS.**

- (1) The agendas for all committee, commission, and board meetings shall be prepared under the direction of and in a form and manner prescribed by the Mayor or City Administrator. Unless



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prevented by unforeseen circumstances or an emergency, a finalized agenda shall be delivered to all committee, commission, or board members and made available to the public no later than twenty-four (24) hours preceding the meeting for which it pertains.

- (2) The Mayor or City Administrator shall determine the items that will be placed on or removed from an agenda. Only the chairperson of a committee, commission, or board may request agenda items be placed on or removed from an agenda. All requests regarding agenda items must be presented to the Mayor or City Administrator, preferably in writing, at least four (4) calendar days prior to the scheduled meeting date.
- (3) Part of any agenda may be designated the consent agenda. All of the consent agenda items shall be read aloud, and no separate discussion of these items will occur unless a committee, commission, or board member or a citizen so requests. If such a request is made, the item will be moved out of the consent agenda and considered separately. All items listed on the consent agenda shall be approved altogether by one motion and vote.

*(Ord. 2101, §5 (2020))*

**§1-616 MEETINGS; PARLIAMENTARY PROCEDURE.**

The Mayor shall preserve order during meetings of the Governing Body and shall decide all questions of order, subject to an appeal to the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Mayor is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine himself to the question. When two (2) or more persons rise at once, the Mayor shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Governing Body. Every member of the Governing Body, who is present when a question is voted upon, shall cast his vote unless excused by a majority of the Governing Body present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the Mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Governing Body making the motion, or resolution shall be entered also.

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After each vote, the "Yeas" and "Nays" shall be taken, and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Governing Body seconding the said resolution, motion, or ordinance. When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate.

Any of the rules of the Governing Body for meetings may be suspended by a two-thirds (2/3) vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Governing Body shall decide all procedural disputes that may arise.

**§1-617 MEETING; RECORDING PROCEEDINGS.**

The City Clerk may record the proceedings of the City Council meetings on magnetic tape for the purpose of assisting in the preparation of the minutes of the proceedings. Said magnetically recorded tapes shall not be considered public records.

**§1-618 MEETING; VIDEOCONFERENCING, WHEN ALLOWED.**

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act 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 were not used;
- (3) At least one copy of all documents being considered is available to the public at each site of the videoconference;

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(4) At least one 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 shall not be used to circumvent any of the public government purposes established in Neb. RS 84-1408 to 84-1414.

(C) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VIDEOCONFERENCING. Conducting a meeting involving participants at two 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.

*(Ord. 1567, §1 (2003))*

**§1-619 MEETINGS; TELEPHONE CONFERENCE CALLS; WHEN ALLOWED.**

(A) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act 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 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;

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

(6) At least one 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 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 shall not be used to circumvent any of the public government purposes established in Neb. RS 84-1408 to 84-1414.

*(Ord. 1568, §1 (2003))*