

ORDINANCE 308

AN ORDINANCE TO DEFINE THE TERMS "MEETINGS" AND "PUBLIC BODY"; TO ESTABLISH THE RULES AND PROCEDURES FOR PUBLIC MEETINGS, CLOSED SESSIONS, AND EMERGENCY MEETINGS; TO REQUIRE ALL PUBLIC BODIES TO KEEP MINUTES OF ALL MEETINGS; TO REQUIRE ROLL CALL VOTES; TO REQUIRE THE MUNICIPAL CLERK TO NOTIFY THE NEWS MEDIA OF THE TIME AND PLACE OF MEETINGS; AND TO PROVIDE FOR PUBLIC PARTICIPATION AT SUCH MEETINGS.

BE IT ORDAINED BY THE (MAYOR/CHAIRMAN) AND (COUNCIL/BOARD OF TRUSTEES) OF THE (CITY/VILLAGE) OF Gothenburg, NEBRASKA.

Section 1. That Chapter 1, Article 5 of the Municipal Code of Gothenburg, Nebraska, be amended by adding the following Sections:

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 of public business, formation of tentative policy, or the taking of any formal action.

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 such subcommittees have been given authority to take formal action on behalf of their parent body.

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/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. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only, a 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 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. 84-1401 thru 84-1405 RS Neb.)

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, or litigation;
- B. Discussion regarding deployment of security personnel or devices; or
- C. Investigative proceedings regarding allegations of criminal misconduct.

Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to a 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 meeting shall be reconvened in open session before any formal action may be taken.

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. 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.

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 5-203 of this Article shall be complied with in conducting emergency meetings.

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.

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 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.

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.

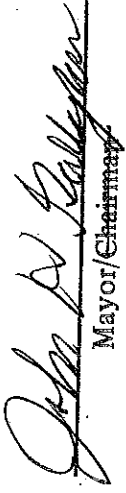
Meetings; Public Participation. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing.

Any public body may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings.

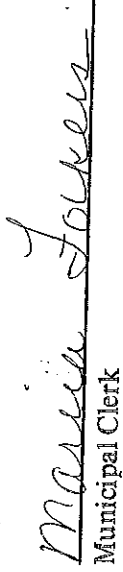
Section 2. That any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 7th day of June, 1971.


Mayor/Chairman

(SEAL)


Municipal Clerk