

PROPOSED 2017 Washington County Board of Supervisors
Bylaws & Rules of Procedure

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WASHINGTON COUNTY, NEBRASKA

Mission Statement

The mission of the Washington County Board of Supervisors is to perform their legally constituted responsibilities which are to protect the health, safety and welfare of the residents of our community and our employees. The Board will demonstrate Fiscal Responsibility, maintain credibility and build public trust; assume leadership in the development and improvement of county services and programs. The Board will provide for the delivery of services through cooperative

interaction with all other units of Government and community agencies.

Statement of Intent and Purpose

The intent of these Bylaws of the Washington County Board of Supervisors is as follows:

- 1) To establish ways and means by which the Board of Supervisors, as the governing body of Washington County Nebraska, shall conduct itself in the performance of its duties and responsibilities;
- 2) To establish certain procedures to be followed by the Board of Supervisors as individual members and as a governing body, and by appointed officials and employees of the Board of Supervisors, to help ensure legality, fairness and consistency in the conduct of governance of Washington County; and
- 3) To establish certain rules and guidelines considered vital to the conduct of the Washington County government and the proper functioning of its elected and appointed officials, employees, agencies, departments, organizations; and the promotion and protection of the interests of the citizens of the county.

WASHINGTON COUNTY BOARD MEETING POLICY

1. GENERAL POLICY

1.1. It is the general policy of this board that every meeting shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies. (§84-1408)

1.2. The Washington County Board adopts the following general policy guidelines in accordance with the Open Meetings Act as outlined in Nebraska Revised Statutes Sections 84-1407 to 84-1414 and other county statutes as cited. Any inconsistencies or questions regarding this policy shall be resolved in favor of the statutory provisions.

1.3. The rules of parliamentary practice, embraced in Robert's Rules of Order, shall govern the County Board in all cases in which they are applicable, and in which they are consistent with the Standing Rules of the County Board.

2. NOTICE OF MEETING

2.1. The county board will give reasonable advance publicized notice of the time and place of each meeting by a method designated by the board and recorded in its minutes. (§84-1411(1))

2.2. The board will publish notice of meetings at least two working days prior to the meeting on the County website of the time and place of the meeting.

2.3. Notice of the meeting shall be transmitted to all members of the board and to the public. Such notice shall contain a statement of the agenda of subjects known at the time of the publicized notice or

a statement that the agenda shall be readily available for public inspection, along with all attachments, at the principal office of the county board during normal business hours. (§84-1411(1))

2.4. The board secretary or other designee of the county board shall maintain a list of 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. (§84-1411(4))

2.5. Special meetings of the county board shall be held only when requested by at least one-third of the members of the board, which request shall be in writing, addressed to the clerk of the board, and specifying the time and object of such meeting. Upon receipt of such request, the clerk shall immediately notify in writing each member of the board of the time and object of such meeting, and shall cause notice of such meeting to be published in some newspaper of the county, if any shall be published therein; Provided, no business shall be transacted at any special meeting except such as is specified in the call. (§23-273)

2.6. The organizational meetings of the county board shall be held at the first regularly scheduled meeting in January. (§23-274) The board will elect a chairperson and a vice-chairperson to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office. The officers will be elected in the following order: chairperson, vice-chairperson. If the chairperson or vice-chairperson resigns from office, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

2.7. If necessary, at any meeting held to elect officers, the County Clerk will serve as chairperson of the board for the purpose of conducting the election of the chairperson.

3. AGENDA

3.1. The county board shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at the open board meeting. (§84-1412(8))

3.2. The county clerk, as board secretary, shall maintain the agenda for the county board meetings. Advance public notice of all regular and special meeting dates and times shall be determined by the board. Notice of each meeting shall be publicized according to statute.

3.3. Submission of potential agenda items may be made by the public to the county clerk in writing during posted business hours only until 10:00 a.m. two working days prior to the meeting. Agenda items submitted by the public will be included on the agenda but discussion of these items is at the board's discretion.

3.4. Requests for items to be placed on the agenda shall be described clearly and explicitly, i.e. discussion of, resolution for, open or award bids, approval of, and whether official action is necessary.

3.5. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. (§84-1411(1))

3.6. The agenda shall not be altered later than twenty-four hours before the scheduled commencement of the meeting, except for items of an emergency nature. The county board shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. (§84-1411(1))

3.7. A tentative agenda shall be published at noon the Friday prior to the next board meeting. Distribution of the tentative agenda to the public at this time shall be at the discretion of the board chair and/or the county clerk. The agenda will be posted at the county clerk's office and/or the County web site.

3.8. Supervisor's packets shall be prepared and available for distribution to board members the Friday afternoon prior to the next scheduled meeting. All materials received by noon the Friday prior to the meeting will be distributed in the board members' packets. Materials received after the packets have been distributed will be emailed to Supervisor's prior to the meeting.

3.9. The clerk may request at least one copy for the clerk and each board member of ALL materials relating to agenda items. One copy shall remain at the county clerk's office for record retention.

3.10. The board may approve items of a routine nature through a consent agenda. Consent items are selected by the county clerk, or county board, or chair and may include

3.10.1. Permissible, but not limited to, consent agenda items

3.10.1.1. Minutes approval,

3.10.1.2. Bill approval,

3.10.1.3. Authorizing the Chair to act on behalf of the Board of Supervisors by signing any documents required as a result of any action of the Board of Supervisors during the meeting,

3.10.1.4. Other routine items,

3.10.1.5. Items which have been thoroughly discussed previously, and

3.10.1.6. Non-controversial resolutions.

3.10.2. Items Not To Be Placed on the Consent Agenda.

3.10.2.1. Contracts

3.10.2.2. Resolution

3.11. Prior to the approval of the minutes, the chair shall read the consent agenda items into the record and ask for a motion to approve the consent agenda. If a board member requests that an item be withdrawn from the consent agenda, the item shall be heard separately as scheduled on the regular agenda. The motion to approve the consent agenda shall include amendments requested by board members to withdraw specific items from the consent agenda.

3.12. No public body shall require that the name of any member of the public be placed on the agenda in order to speak about items on the agenda. (§84-1412(1))

4. MEETINGS

4.1. The public shall have the right to attend and the right to speak at meetings of the county board, and all or any part of a meeting of a county board, except for closed sessions, 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. (§84-1412(1))

4.2. At least one current copy of the Open Meetings Act shall be 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. (§84-1412(8))

4.3. The county board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. (§84-1412(2))

4.4. Stationary video cameras must be placed in the back or sides of the meeting room so as not to interfere with the participation of meeting attendees.

4.5. Media representatives and persons otherwise electronically recording the meeting may be allowed in the meeting room one half hour prior to the meeting time to set up equipment.

4.6. If the meeting is being recorded or televised at the board's request, the board shall announce that fact at the beginning of the meeting.

4.7. A county board may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. (§84-1412(2))

4.8. A county board shall not require members of the public to identify themselves as a condition for admission to the meeting. The board may require any member of the public desiring to address the body to identify himself or herself. (§84-1412(3))

4.9. Persons wishing to make public comment shall announce his or her name and address and identify his or her position on the issue prior to any testimony.

4.10. Time limits on testimony given before to the board shall be at the discretion of the board chairman but shall not exceed 5 minutes per individual per agenda item. Proponents and opponents shall receive equal time on each issue. An extension of time on a particular issue may be granted by a majority vote of the board. No person may speak a second time on any issue until all persons wishing to speak have done so.

4.11. Testimony shall be heard in the following order: all proponents, all opponents, all neutral.

4.12. Vendors or marketing representatives will be assigned to the appropriate committee of the board. A committee recommendation is encouraged prior to direct appearance before the board.

4.13. Individuals may speak on items not on the agenda at the discretion of the chair. Absent a statutory "emergency", the speaker shall be informed that no action can be taken until the item is placed on the agenda at a later date.

4.14. The board shall make available the following items for public inspection at each meeting: county board meeting policies; Robert's Rules of Order.

4.15. A majority of all the supervisors elected in any county shall constitute a quorum for the transaction of business, and all questions which shall arise at meetings shall be determined by the votes of a majority of the supervisors present, except in cases otherwise provided for. (§23-277)

4.16. The chair may vote on any issue and may be appointed to any committee.

5. DECORUM

5.1. Speakers should confine their remarks to the question before the board.

5.2. During debate and while the chair is speaking or the board is engaged in voting, the public shall not disturb the board by whispering or being disruptive or distracting.

5.3. When the disorder is so great that business cannot be transacted and the chair cannot enforce order, the chair may adjourn the assembly as a last resort.

6. VIDEO CONFERENCING

6.1. Video conferencing through the use of audio-visual equipment at two or more locations shall not be used to circumvent any of the public government purposes of the open meetings laws. (§84-1411(2) and 84-1409(3))

6.2. A county board may allow a member of the public or any other witness other than a member of the board to appear before the public body by means of video or telecommunications equipment. (§84-1411(6))

7. ACCOMMODATIONS

7.1. The county board may not hold a meeting in a place known by the board to be too small to accommodate the anticipated audience for purposes of circumventing the open meetings laws. The county board may, however, hold its meeting in its traditional meeting place which is located within the state. (§84-1412(4)),(5)

7.2. The board shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. (§84-1412(7))

8. EMERGENCY MEETING

8.1. 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 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 advanced notification of them of the time and place when 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. (§84-1411(4) and § 84-1411(5))

8.2. The Nebraska Attorney General has defined an emergency as one that requires immediate resolution by the public body, and one which has arisen in circumstances impossible to anticipate at a time sufficient to place on the agenda of a regular, called, or special meeting of the body. (AGO 1975-76, No. 116 at 150) In *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W. 2d 499 (Neb. App.Ct. 2009), the Court of Appeals focused on whether there was anything in the record indicating that a particular item required immediate action or involved pressing necessity.

9. COMMITTEES/DUTIES

9.1. The board shall elect a chair and co-chair at its first regular meeting in January.

9.2. The duties of the chair include, but are not limited to the following: to open the session at the required time by taking the chair and calling the board to order; to announce business before the board in the order it must be addressed; to state and put to a vote all motions; to announce the result of a vote on motions; to restrain members engaged in debate within the rules of order; to enforce order and decorum; to authenticate by his or her signature, when necessary, all of the acts, orders and proceedings of the board; and to represent and stand for the board in general.

9.3. Duties of co-Chair include performing all duties of the Chairperson in his/her absence. Perform duties as assigned by the Chairperson.

9.4. The chair shall appoint committees, boards and commissions.

9.5. The first person named to a committee is the committee chair, although the committee may elect another chair if they so choose. The clerk shall advise the committee chair of the names of the other members of the committee, the matter referred to the committee, and any instructions from the board. The chair of the county board may serve as a member or chair of a committee.

9.6. County board members who are members of regional, state or national committees or boards relating to their county responsibilities shall make oral reports to the board no less frequently than quarterly of the activities of that board or committee.

10. CLOSED SESSION

10.1. The board may hold a closed session by an affirmative vote of a majority of the voting members if it is clearly necessary to 1) protect the public interest or 2) for the prevention of needless injury to the reputation of an individual and if that individual has not requested a public meeting. A closed meeting may not be held for discussion of the appointment or election of a new member to any public body. If the reason for the meeting falls within 1) or 2), a closed session may be held for, but shall not be limited to, such reasons as:

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10.1.1. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation which is imminent;

10.1.2. Discussion regarding deployment of security personnel or devices;

10.1.3. Investigative proceedings regarding allegations of criminal misconduct;

10.1.4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if that person has not requested a public meeting; or

10.1.5. For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms-length. (§84-1410(1))

10.2. The vote to hold a closed session shall be taken in open session based on a motion to close the meeting to the public, with a majority vote of the board approving the motion. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. 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, the chair shall immediately prior to the session restate on the record the limitation of the subject matter of the closed session.

10.3. The board shall restrict its consideration to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall reconvene in open session before any formal action may be taken. Formal action includes a collective decision or a collective commitment or promise to make a decision on a motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include guidance in negotiations given by members of the county board to legal counsel or other negotiations as noted above. (§84-1410(2))

10.4. Any board member has the right to challenge the continuation of a closed session if that 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 session is not clearly necessary to protect the public interest or to prevent 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 and shall be recorded in the minutes. (§84-1410(3))

10.5. The board may not fail to invite a portion of its members to a meeting, and no board may designate itself a subcommittee of the whole body for purposes of circumventing open meetings laws. No closed session, informal meeting, chance meeting, social gathering, fax, email, or other electronic communication be used for purposes of circumventing open meetings laws. (§84-1410(4))

10.6. Open meeting laws do not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a board at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. (§84-1410(5))

10.7. Any requests prior to the board meeting for an executive session shall be made by a board member with the office of the county clerk in the same manner as an agenda item and shall be filed at the county clerk's office.

10.8. The board may request the county clerk's attendance as an observer only at the executive session. Other elected or appointed officials or other interested persons may attend the executive session at the request of the board.

10.9. With respect to the taking of minutes during executive sessions:

10.9.1. No minutes shall be taken during executive sessions.

11. MINUTES

11.1. The county board shall keep minutes of all meetings showing the time and place of the meeting, members present and absent, and the substance of all matters discussed. (§84-1413(1)) The county clerk shall attend the sessions of the county board. The clerk shall sign the record the proceedings of the county board and attest to the same with the county seal. (§23-1301) If the county clerk or his or her deputy is unable to be present for any proceeding of the county board, the county clerk may appoint a designee to record the proceedings. (§23-1302) The county clerk and the county assessor or his or her designee shall attend meetings of the county board sitting as the board of equalization pertaining to the assessment or exemption of real property. The county treasurer shall attend all meetings of the county board of equalization involving exemption of motor vehicles from motor vehicle tax. (§77-1501)

11.2. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the board 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 voice vote shall be satisfied by a county which utilizes an electronic voting device which allows the yeas and nays of each member of such county board to be readily seen by the public. (§84-1413(2)) The record need not state that the vote was by roll call, but must show if and how each member voted. (State ex rel. Schuler v. Dunbar, 214 Neb. 85, 333 N.W. 2d 652 (1983))

11.3. The vote to elect leadership within a county board may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (§84-1413(3))

11.4. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours. (§84-1413(4))

11.5. Minutes shall be written and available for inspection within ten working days or the next convened meeting, whichever occurs earlier. (§84-1413(5))

11.6. In counties of less than 150,000 inhabitants, the county board shall publish, within ten working days of each board meeting, a brief statement of the proceedings, including the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that payroll amounts may be included as one item. Specific salary information shall be published annually. (§23-122)

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11.7. A brief statement of the proceedings for publication shall include those items required by §23-122, and may also include list of board members in attendance, the time and place of the meeting, major topics of discussion and their resolution, and other items which may be helpful in summarizing the meeting. The published statement need not contain the full meeting minutes.

11.8. The following information should be included in the first paragraph of the minutes: the kind of meeting (regular, special, quarterly); the name of the board; the date and place of the meeting; and officials in attendance.

11.9. The clerk, as secretary to the board, shall sign the minutes upon their completion. If corrections are made to the minutes after publication, a correction shall be published in conjunction with the next publication of minutes.

11.10. The clerk need not record debate, but shall enter every motion that comes before the board and the vote of each member, as required by the Open Meetings Act. The published minutes may include only principal motions which are approved and indicate that other topics were addressed but not advanced.

11.11. If the committees present written reports, the clerk should note on each report the date received and any further action taken, and preserve them. The clerk may summarize the reports in the minutes.

12. BIDS

12.1. The County Board shall follow the requirements of the County Purchasing Act as set out in §23-3101 et seq.

12.2. The time and date of receipt shall be stamped on all bids envelopes submitted to the county clerk.

12.3. Bid envelopes shall remain sealed until opened on the published date and time. Bids received late