

ORDINANCE NO. 519

AN ORDINANCE OF THE VILLAGE OF POTTER, NEBRASKA, TO AMEND SECTION 33.05 PERTAINING TO EMERGENCY MEETINGS; TO AMEND SECTION 33.09 PERTAINING TO PUBLIC PARTICIPATION AT MEETINGS OF THE MUNICIPAL CODE OF THE VILLAGE OF POTTER, NEBRASKA; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF POTTER, NEBRASKA:

Section 1. That Section 33.05 the Municipal Code of the Village of Potter, Nebraska, be amended to read as follows:

§ 33.05 EMERGENCY MEETINGS.

- (A) 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 virtual conferencing. The provisions of §33.08 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.

Section 2. That Section 33.09 the Municipal Code of the Village of Potter, Nebraska, be amended to read as follows:

§ 33.09 PUBLIC PARTICIPATION AT MEETINGS.

- (A) Subject to the provisions of this subchapter and 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 §33.04, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.
- (B) It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.
- (C) 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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.
- (D) No public body shall for the purpose of circumventing the provisions of this subchapter or the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.
- (E) 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.
- (F) No public body shall be deemed in violation of the section if it holds a meeting outside of this state if, but only if, a member entity of the public body is located outside of this state and the other requirements of Neb. RS 84-1412 are met.

- (G) The public body shall, upon request, make reasonable effort to accommodate the public's right to hear discussion and testimony presented at the meeting.
- (H) Public bodies shall make available at the meeting or the instate location for virtual conferencing as required by Division (G) of this section, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one (1) 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.

Section 3. That any other ordinance or code section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with the provisions of this ordinance, is hereby repealed.

Section 4: This ordinance shall go into full force and effect upon its passage, approval and publication or posting as required by law.

Passed and approved this 14th day of March 2022.





Village Clerk



Chairman of the Board of Trustees