

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

Friday, April 21, 2023

State Capitol Room 1524

Lincoln, Nebraska

Call to Order – Chairman Sullivan called the meeting to order at 9:02 a.m. and announced the location in the meeting room of a copy of the Open Meetings Law. She stated that notice of the meeting was posted on the Commission’s website and on the State’s Public Meeting Calendar.

Roll Call –

Roderic Anderson – Present
Marty Callahan – Present
Janet Chung – Excused for Late Arrival
Tom Carlson – Excused
Jeffery Davis - Present
Robert Evnen – Present
Andrew Reuss – Excused
Kate Sullivan – Present

Approval of the Open Session Minutes of the March 3, 2023 Meeting – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Davis, second by Anderson, that the Open Session Minutes of the March 3, 2023 meeting be approved - Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (5-0-0).

Report on late filing fees and requests for relief: Midwest Bank - The Executive Director indicated that Midwest Bank made campaign contributions in August 2022 and December 2022. They were required to file NADC B-7 Reports on or before September 12, 2022 and January 10, 2023, respectively. These reports were not filed until March 15, 2023 and generated late filing fees in the total amount of \$1,500. A request for relief was denied by the Executive Director. The first late filing showed a contribution of \$5,000 and therefore not eligible for relief under §49-1463.01. Relief from the second late filing was denied due to the fact that the entity had been required to pay a late fee for a report due during the prior two years.

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The Executive Director indicated that Brad Koehn, Regional President for Midwest Bank, was present to speak before the Commission.

Chairman Sullivan stated that Commissioner Chung was present at 9:05 a.m.

Brad Koehn addressed the Commission.

Discussion followed.

Motion by Evnen, second by Anderson, that the Commission reduce the penalty in the first instance to \$375 which is half of the assessed late fee and leave the penalty as is in the 2nd matter at \$750 for a total penalty of \$1,125.00. That the recency of the filer in making contributions, his clear lack of awareness of the requirements, his expression of contrition and the fact the contribution was one dollar more which would have resulted in a much smaller late filing fee constitutes good cause shown – Roll Call Vote: Commissioners Anderson, Callahan, Chung, Evnen, and Sullivan voted yes. Commissioner Davis voted no. Motion Carried (5-1-0)

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – The Executive Director referred the Commissioner's to their packets.

Executive Director Daley indicated the confirmation hearing for Commissioner Reuss was held on February 2nd. The confirmation hearing for Commissioner Chung was held on March 23rd. Both hearings were held before the Government, Military and Veterans Affairs Committee.

The Executive Director indicated that the ongoing filibuster had disrupted virtually everything in the Legislature. He stated that no confirmation reports appeared on the Legislature's agenda since January. Daley stated that the Government Committee has recommended the confirmation of Commissioner Reuss. The recommendation as to Commissioner Chung is pending.

Discussion followed.

The Executive Director indicated that Commissioner Carlson's term expires on June 30, 2023. His successor will be named by the Secretary of State from a list provided by the Chairman of the Republican Party.

Legislative Update - Executive Director Daley gave the legislative update. Mr. Daley reported that it was day 66 in the 90 day Legislative Session. He indicated that this week the Legislature passed its first bill which is an unusually low number. Due to the ongoing filibuster, sponsors of bills that had been placed on General File were looking for omnibus bills to attach them to. Daley speculated

that most bills in which the Commission had an interest in would not make it through the legislative process.

LB 282 – This bill by Senator Riepe is the Miscellaneous Claims Bill in which claims made against the State are approved or denied. It also includes write-offs recommended by the Commission of certain unpaid late filing fees and civil penalties. Commission position: Support. This bill has advanced to Select File.

LB 297 – This bill by Senator Sanders enacts the Personal Privacy Protection Act. It restricts different types of governmental entities from requesting or publishing certain private information from charities including their donors. The bill also provides an exception for information required by the Nebraska Accountability and Disclosure Act. Commission position: Neutral. This bill has advanced to General File with amendment.

LB 302 – This bill by Senator Linehan would extend the conflict of interest provisions to elected officials of all political subdivisions and to all public employees on the state and local level. Commission position: Support. This bill has advanced to General File with amendment.

LB 304 – This bill by Senator Linehan requires political subdivisions to disclose on their websites the name of any association to which the subdivision pays dues and the amount of those dues. The disclosure would also include the amount of the dues which are used for lobbying. The Commission position: Neutral. This bill has advanced to General File.

LB 569 – This bill by Senator Bostelman prohibits county board members and county planning commission members from having an interest, direct or indirect, in any party to a contract for the development, construction, management or operation of an electric generation facility. The bill extends the prohibition and defines the term. The bill defines the term immediate family member differently than the NPADA. It was noted that it is not clear if the provisions of the bill will be part of the NPADA or not. Commission position: Neutral. This bill has been completely rewritten and is on General File with amendment.

LB 684 - This bill by Senator Briese would require the Department of Administrative Services to contract for a study of certain State agencies to assist in the development of performance measures and the improvement of government services. This bill is being considered an omnibus bill because it essentially mentions specifically every State agency in the bill.

Report of Executive Director Search Committee – Chairman Sullivan reported that at the last meeting she had appointed a committee consisting of Commissioner Rod Anderson, Commissioner Jeff Davis and herself to begin the search for a new Executive Director. Ms. Sullivan deferred to Commissioner Anderson.

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Commissioner Anderson referred the Commissioners to their copies of the Transition Plan Report by the Search Committee. Mr. Anderson advised that General Counsel Danberg and Executive Director Daley were consulted to develop a job description and job qualifications for the position of Executive Director. Commissioner Anderson indicated that the intent was to solicit as many desirable applications as possible. He indicated the qualifications included are professional Integrity and the ability to analyze and work with legal issues. The advertisement for Executive Director has been posted in the publications or on the websites of the League of Municipalities, the Nebraska State Bar Association, the Nebraska Association of County Officials and COGEL. Thus far, 17 applications have been received. All applications will be screened by the committee and a report made to the Commission. The Commission will select the top 2 to 5 applicants to interview. The deadline for application submission is June 30. Tentatively the Commission would meet for a 1st special meeting on July 17 to select the finalists. The selected candidates would be invited to make a presentation to the Commission at the 2nd special meeting on July 28th. At the 2nd second special meeting the Commissioners will have the opportunity to meet each finalist, hear their presentation and ask questions of the candidates.

Discussion followed.

Determination of process for June election of offices - Chairman Sullivan reported that she had asked Commissioner Davis to prepare a slate of officers for the June meeting.

Report of Conflicts Committee – Commissioner Davis indicated that there were no questions or concerns to report.

Report of Executive Committee – Commissioner Sullivan indicated that there are no issues to report.

Closed Session - Motion by Sullivan, second by Evnen, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA – Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, and Sullivan voted yes. Motion carried (6-0-0).

The NADC went into Closed Session at 9:52 a.m.

The NADC returned to Open Session at 10:25 a.m.

Announcements from Closed Session - Executive Director Daley indicated that there was nothing to report from closed session.

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Adjournment – Motion by Evnen, second by Callahan, that the NADC adjourn. Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, and Sullivan voted yes. Motion carried (6-0-0).

Chairman Sullivan declared the meeting adjourned at 10:26 a.m.