

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

Friday, June 2, 2023
State Capitol Room 1524

Lincoln, Nebraska

Call to Order – Chairman Sullivan called the meeting to order at 9:00 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 – Present
Tom Carlson – Present
Jeffery Davis - Present
Robert Evnen – Present
Andrew Reuss – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the April 21, 2023 Meeting – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Evnen, second by Anderson, that the Open Session Minutes of the April 21, 2023 meeting be approved - Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

Report on late filing fees and requests for relief: None.

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

Executive Director Daley reported that Commissioners Reuss and Chung were both confirmed by the Legislature.

The Executive Director indicated that Commissioner Carlson’s term expires on June 30, 2023. He is not eligible for reappointment and his successor will be

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named by the Secretary of State from a list provided by the Chairman of the Republican Party.

The Executive Director indicated that ten months into the current fiscal year, the Commission had expended 54% of the agency budget.

Executive Director Daley stated that the 1st Quarter Lobbyist and Principal Reports were due May 1st. Reports for the 2nd Quarter are due on July 31st. Lobbyist Statements of Activity are due 45 days after the Legislature adjourns Sine Die. Filed reports and statements are available for review on the Legislature's website.

The Lincoln City Primary and General Elections were held on April 4th and May 2nd. The Post General Campaign Statements are due June 12th. All filings are available for review in FirstTuesday

Discussion followed.

Report of Preliminary Investigation: David Begley v. Megan Hunt (23-11) – General Counsel Danberg indicated that normally this matter would be taken up in Closed Session. He noted that Senator Hunt had waived the confidentiality provisions and requested that the matter be made public. The Complainant is David Begley, an Omaha attorney. The Respondent is Senator Megan Hunt. The complaint alleges that the Respondent had a financial interest in LB 574 and failed to file a written statement disclosing she had a conflict of interest. The purported conflict is that the Senator has a minor child who was female at birth and who wishes to transgender into a male. LB 574 would prohibit any minor child in Nebraska from receiving gender altering medical services. At the time of the Complaint, LB 574 was pending. The bill has since passed. Senator Hunt stated that on four separate occasions she had sought Medicaid coverage for sexual transition of her child, but Medicaid had denied coverage. The Complainant believes that the Respondent would have a reasonable chance of obtaining Nebraska Medicaid medical coverage for the child's gender transition via a lawsuit if LB 574 does not become law.

Discussion followed.

Motion by Davis, second by Callahan, that the Commission dismiss the Complaint for lack of evidence showing probable cause in case #23-11 – Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

Report of Executive Director Search Committee – Chairman Sullivan stated that the sub-committee consisted of Commissioner Rod Anderson, Commissioner Jeff Davis and herself. Ms. Sullivan deferred to Commissioner Anderson for an update.

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Commissioner Anderson reported that the advertisements and announcements for the Executive Director position were placed in early May. Since, that time the Commission has received 33 applications for the position of Executive Director of the Commission. The deadline for application is June 30th. The sub-committee is in the process of reviewing applications and placing them in tiers based upon the qualifications. Commissioner Anderson indicated that the committee will accept and review new applications. The members will meet by conference call on July 7th to evaluate all qualified applicants. At the proposed July 28th meeting the Commission will meet the three finalists and hear their presentations. The Commissioners will have the opportunity to ask questions. Following the presentations the Commission will vote on the next Executive Director of the Nebraska Accountability and Disclosure Commission.

Discussion followed.

Action to set dates for additional Commission meetings –

Motion by Evnen, second by Davis, that the Commission set the meeting for Friday July 28th at 9:00 a.m. in a hearing room at the State Capitol - Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

Discussion followed.

Setting of Salary of the current Executive Director – Chairman Sullivan referred the Commissioners to their packets, and the information about the current salary of the Executive Director. The memo notes that all Commission employees will receive a 7% increase on July 1. However, action by the Commission is required to change the salary of the Executive Director.

Discussion followed.

Motion by Davis, second by Reuss, to approve a salary increase of 7.0% for the Executive Director effective July 1, 2023 - Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

The Executive Director Daley expressed his thanks.

Legislative Update - Executive Director Daley gave the legislative update. Mr. Daley reported that most bills the Commission had an interest in did not make it through the legislative session.

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

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recommended by the Commission of certain unpaid late filing fees and civil penalties. LB 282 was passed by the Legislature and signed by the Governor.

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. Mr. Daley indicated that essentially every state agency was named in the bill including the NADC. LB 684 did not pass but the provisions were amended into LB 814 which is the main line budget bill.

The Executive Director indicated that all bills that were not indefinitely postponed will carry over and can be considered by the Legislature next year.

Discussion followed.

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 Chung, second by Davis, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA – Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

The NADC went into Closed Session at 9:25 a.m.

The NADC returned to Open Session at 9:58 a.m.

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

Elections of Officers - Commissioner Davis stated that he had prepared a slate of officers for consideration by the Commission. He proposed Commissioner Kate Sullivan, Commissioner Rod Anderson and Commissioner Marty Callahan as Chairman, Vice-Chairman and Secretary, respectively. Commissioner Davis asked if there were any other nominations. There were none.

Motion by Davis, second by Reuss, that the Commission approve and accept the proposed slate and elect Kate Sullivan as Chairman, Rod Anderson as Vice-Chairman and Marty Callahan as Secretary – Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss and Sullivan voted yes. Motion carried (8-0-0).

Recognition of the service of Tom Carlson – Executive Director Daley stated that he hated the month of June, because it meant saying goodbye to a colleague on the Commission. Today the Commission is recognizing the service of Commissioner Tom Carlson. Daley noted that the Commission was blessed when Tom Carlson was appointed. He came to the Commission with a wealth of leadership experience. Commissioner Carlson has served on numerous civic organizations and as president of statewide professional organizations. He has worked as financial advisor, a university professor and a university football coach. Commissioner Carlson served two terms in the Nebraska Legislature. While in the Legislature he served as the chairman of the Natural Resources Committee. The Executive Director expressed his appreciation for his service to the Commission and to the people of the State of Nebraska. He presented Commissioner Carlson with a commemorative clock. The Secretary of State Robert Evnen next took the opportunity to present Commissioner Carlson with a Secretary of State Citation in gratitude for his service on the Commission.

Photographs were taken to document the presentation event.

Adjournment – Motion by Evnen, second by Callahan, that the NADC adjourn. Roll Call Vote: Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (8-0-0).

Chairman Sullivan declared the meeting adjourned at 10:06 a.m.