

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, August 15, 2014
State Capitol, Room 1524
Lincoln, Nebraska

Call to Order – Commissioner Brostrom called the meeting to order at 9:02 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Kevin Brostrom – Present
Sean Conway - Present
John Gale – Present
Joseph Grant – Present
Paul Hosford – Excused
Andrew Loudon - Present
Jan Mumm - Present
Timothy Schulz - Present
Brad von Gillern - Present

Approval of the Open Session Minutes of the June 13, 2014 Meeting – Commissioner Brostrom referred the Commissioners to their copies of the Open Session Minutes of the previous meeting.

Motion by Mumm, second by Schulz that the Open Session Minutes of the June 13, 2014 meeting be approved as presented - Roll Call Vote: Commissioners Brostrom, Conway, Grant, Mumm, Schulz, and von Gillern voted yes. Commissioners Gale and Loudon abstained. Motion carried (6-0-2).

Report on Late Filing Fees, including requests for relief - Executive Director Daley indicated that there were no applications for relief.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – Executive Director Daley indicated that Commissioner Hosford's term on the Commission ended on June 30th. However, his term holds over until a successor is appointed by the Governor.

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Executive Director Daley reported that Lori Firebaugh is a new NADC staff member. Ms. Firebaugh began her duties as Office Clerk/Receptionist on July 28th, 2014.

The Executive Director referred the Commissioners to their packets for information on the State of the Budget for the current fiscal year, and the Year End Budget Report for the fiscal year that ended June 30th 2014.

Executive Director indicated that hoped to have requests for proposals for the electronic filing project to be made public by mid-October.

The Executive Director indicated that Primary Election Campaign Statements that had been filed were now available for review on the Commission website.

Executive Director Daley next reported that the COGEL-Council on Governmental Ethics Laws conference would be held in Pittsburgh from December 7th thru the 10th. The Commission usually sends 2 staff members to attend the conference. However, this year agency finances are such that a Commissioner may also attend. Mr. Daley indicated that anyone with an interest in attending should let him know.

The Executive Director reported that 2nd Quarter Lobbying Reports were due on July 30th and those reports that have been filed are available for review from a link on the NADC website.

The Executive Director reported on the appeal of Mike Meister, Attorney PC from the Commission's denial of a request for relief from a late filing fee. Daley stated that the appeal had been filed in the District Court. The Commission's Motion to Dismiss is pending.

General Counsel Danberg reported on the matter of Scott Japp. Danberg reminded that Commission that the matter was being considered in Open Session because Mr. Japp had invoked his right to make the matter public. Mr. Danberg indicated that Mr. Japp is a board member of the Papio-Missouri River Natural Resources District who opposes the NRD's plan to build certain dams. Japp allegedly began negotiations on behalf of Canudigit LLC with land owners who were in the path of the dam project. The alleged purpose of the negotiations was to purchase top soil rights as a means of impeding the project. As part of the investigation, the General Counsel has attempted to discover what, if any, financial interest Japp had in Canudigit, LLC. Mr. Danberg stated that Japp and his attorney, K.C. Engdahl have refused to respond to interrogatories. Accordingly, an action to compel a response has been filed in the District Court of Lancaster County. A hearing will likely be held in late September.

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General Counsel Danberg next reported that the Nebraska Supreme Court had released its decision on the Commission's appeal of the Skinner and Tlustos cases. The Supreme Court reversed the decision of the District Court of Lincoln County and remanded the matter to that Court with directions. Discussion followed.

Consideration and action on Agency Budget for 2015/2017 Biennium - Executive Director Daley referred Commissioners to the Budget Memo included in their packets. He explained that the proposed commission budget for the upcoming biennium covers fiscal years 2015 through 2017 and must be submitted by September 15th, 2014. The proposed budget has no significant changes to the current biennium, other than the elimination of the Campaign Finance Limitation Act Cash Fund as the result of legislation. Daley described the budget and appropriation process followed by the State. He also addressed the Personal Services Limitation, the NADC Cash Fund, enterprise expenses and the modification budget.

Discussion followed.

Motion by Mumm, second by Grant, to approve the proposed budget as presented for the 2015/2017 biennium - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Loudon, Mumm, Schulz, and von Gillern voted yes. Motion carried (8-0-0).

Review of Agency Transition Plan and Disaster Plan – Executive Director Daley indicated that the Commission considered this topic during the evaluation of the Executive Director. Mr. Daley referred the Commission to their packets and the transition plan that had been drafted but never adopted. The plan describes a process for the selection of an Executive Director if the need arises. It provides for a search committee and issues for consideration by the Commission in its selection process.

Discussion followed.

Chairman Brostrom appointed Commissioners Brad von Gillern, Sean Conway and himself to a special subcommittee to review and make recommendations about the Transition Plan.

The Executive Director continued the report on the Disaster Plan. This plan initially came about after 9/11 and had been adopted by the Commission. It has periodically been updated. The plan details procedures to be followed in the event of emergency evacuations from the Commission office or from the Capitol Building. It also sets forth procedures for the establishment of an office in an alternate location if the staff could not return to the Capitol Building.

Discussion followed.

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Report of Conflicts Committee – Commissioner Grant indicated that there are no challenges or anything unusual to report.

Chairman Brostrom noted that one of his roles as Chairman is to appoint the members of the Conflicts Committee. Brostrom appointed Commissioners Sean Conway, Brad von Gillern and Jan Mumm.

Report of Executive Committee – Chairman Brostrom indicated that there is nothing to report at this time.

Closed Session - Motion by Schulz, second by Conway, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Loudon, Mumm, Schulz, and von Gillern voted yes. Motion carried (8-0-0).

The NADC went into Closed Session at 9:59 a.m.

The NADC returned to Open Session at 11:10 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley indicated there were no announcements from Closed Session.

Adjournment – Motion by Mumm, second by von Gillern, that the NADC adjourn. Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Loudon, Mumm, Schulz, and von Gillern voted yes. Motion carried (8-0-0).

Chairman Brostrom declared the meeting adjourned at 11:12 a.m.