

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, April 20, 2018
State Capitol, Room 1525
Lincoln, Nebraska

Call to Order – Acting Chairman Davis called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Marty Callahan - Present
Tom Carlson – Present
Jeffery Davis - Present
Matthew Enenbach – Excused
John Gale – Present
Douglas Hegarty - Present
Andrew Loudon - Excused
Jeffery Peetz – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the March 9, 2018 Meeting – Commissioner Davis referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Commissioner Davis indicated that Commissioner Carlson had pointed out an error in the Open Session minutes. He stated that the reference to UNL should refer to the University of Iowa.

Commissioner Davis indicated that Commissioner Callahan had pointed out an error. He noted that he served on the county planning commission and not on the county commission.

Motion by Sullivan, second by Callahan, that the Open Session Minutes as amended of the March 9, 2018 meeting be approved as amended - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Gale, Hegarty, and Sullivan voted yes. Commissioner Peetz abstained. Motion carried (6-0-1).

Report on late filing fees and requests for relief: The Executive Director indicated that there were no requests for relief.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – Executive Director Daley indicated to the Commissioners that new commissioners Marty Callahan and Tom Carlson were confirmed by vote of the Legislature on March 9th 2018. Commissioner Sullivan had her hearing before the Government Committee on April 3rd. Executive Director Daley noted that Commissioner Sullivan was confirmed on April 18th and was the last person to be confirmed in this Legislative Session.

The Executive Director referred the Commissioner's to their packets for the current budget information. He noted that approximately 51% of the agency budget had been expended for the year. The fiscal year ends on June 30th. The Director asked the Commission to be aware that a big payment for the electronic project would be made before the end of the year. Executive Director Daley reported on the agency's request for a deficit appropriation. The Commission requested a deficit appropriation of approximately \$220,000 for the purpose of paying for the electronic filing project. The project was not completed on time and the agency's authority to spend the funds lapsed. The Legislature granted the budget appropriation in LB 944. It was noted that this appropriation will authorize the NADC to spend the money that is already in the cash fund. It does not provide new funds.

Mr. Daley further reported that in light of reduced state revenues, the Legislature had reduced the state budget in both the current and upcoming fiscal years. This will affect the Commission by a reduction in its general fund appropriations. In the current fiscal year the Commission will have a reduction of 2% or approximately \$9,500. In the upcoming fiscal year there will be another reduction of 4% or \$19,400 from the agency general fund appropriation. In addition, the Legislature transferred \$50,000 from the NADC Cash Fund to the State General Fund to help make up for the revenue short fall.

The Executive Director reported that the Electronic Filing Project is nearing completion. Next week the entire staff will begin training on the new system. Mr. Daley expressed gratitude to David Hunter and Serena Dunn for their extraordinary amount of time and work spent on the project.

The Executive Director indicated that Lobbyist and Principal 1st Quarterly Reports were due April 30th. Those that have been filed are available to the public for review on the Clerk of the Legislature's website. Mr. Daley indicated that the 1st Primary Campaign Statements disclosing campaign activity were due April 16th. Reports that have been filed are available for review on the NADC website. The 2nd Primary Campaign Statements and Post Primary Campaign Statements for the 2018 Primary Election are due May 7th, and June 25th, respectively.

Discussion followed.

Legislative Update - Executive Director Daley referred the Commissioners to their packets and the list of Legislative bills in which the Commission had an interest. Daley noted that only two on the list were passed into law. The Legislature adjourned Sine Die on April 18th. All legislative bills not passed, died upon adjournment.

LB 950 – This was one of the general State claims bills introduced by Senator Albrecht as Chair of the Business and Labor Committee. The bill writes off specified payables to specified state agencies. This included civil penalties totaling \$5,800 owed to the Commission which have been determined to be uncollectable. LB 950 passed.

LB 299 – This heavily amended bill by Senator Ebke is intended to reduce the regulatory restrictions relating to occupations, professions and state certifications. For the purposes of the Commission, in its final form, the bill would change somewhat the rule and regulation process. LB 299 passed.

Report on the annual conference of the Council on Governmental Ethics Laws – General Counsel Danberg reported that he had attended the 2017 Conference of the Council of Governmental Ethics Laws held in Toronto. Mr. Danberg indicated that the conference was an important event as many of the jurisdictions that attend deal with many of the same issues as the Commission. The Commission is also a founding member of the COGEL. General Counsel reported on some of the key issues discussed and expressed his gratitude to the Commission for the opportunity to attend and learn from the conference sessions.

Discussion followed.

Determination of process for June election of officers – Executive Director proposed that Commissioner Hegarty put together a slate of officers to present at the June meeting.

Determination of process for June evaluation of Executive Director – The Executive Director announced that Commissioner Enenbach had agreed to draw up an evaluation instrument that would give each Commissioner the opportunity to provide feedback on the evaluation of the Executive Director.

Report of Conflicts Committee – Commissioner Davis indicated that there was nothing to report.

Report of Executive Committee – Commissioner Davis indicated that there are no issues to report at this time.

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Closed Session - Motion by Hegarty, second by Carlson, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Gale, Hegarty, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

The NADC went into Closed Session at 9:49 a.m.

The NADC returned to Open Session at 10:40 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley reported that in the matter of Executive Director v. John Seiler case #17-10, the Commission approved a settlement agreement with seven Commissioners concurring, none dissenting and none abstaining. The Commission found a violation of the NPADA §49-1462; failure to file an annual campaign statement. The settlement agreement provided for no civil penalty.

Mr. Daley next reported on the matter of the Executive Director v. Ian Swanson for Legislature, and Ian Swanson, candidate case #17-11. The Commission approved a settlement agreement with seven Commissioners concurring, none dissenting and none abstaining. The Commission found a violation of the NPADA §49-1459(1)(c); failure to file a post-general election campaign statement. By terms of the settlement agreement, no civil penalty was assessed.

Adjournment – Motion by Peetz, second by Callahan, that the NADC adjourn. Roll Call Vote: Commissioners Callahan, Carlson, Davis, Gale, Hegarty, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Commissioner Davis declared the meeting adjourned at 10:42 a.m.