

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

Friday, June 1, 2018

State Capitol, Room 1510

Lincoln, Nebraska

Call to Order – Commissioner Enenbach 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 – Present
John Gale – Present
Douglas Hegarty - Present
Andrew Loudon - Present
Jeffery Peetz – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the April 20, 2018 Meeting – Commissioner Enenbach referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Sullivan, second by Callahan, that the Open Session Minutes of the April 20, 2018 meeting be approved as presented - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Gale, Hegarty, Peetz and Sullivan voted yes. Commissioner Enenbach and Commissioner Loudon abstained. Motion carried (7-0-2).

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) – The Executive Director referred the Commissioners to their packets for the current budget information. The Director reported to the Commission to be aware that the State of Nebraska budget is on

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a two year period, called a biennium. The upcoming biennium will cover the fiscal years 19/20 and 20/21. The Executive Director explained that each state agency receives budget instructions and upon receipt, Deputy Director Mark Hinman will prepare the proposed commission budget. The proposed budget will be presented to the Commission for review at the August 17th meeting. The Commission may approve the proposal or direct the staff to make modifications. If there are modifications to be made, the staff will make the changes and submit the modified budget for approval at the September 14th meeting.

The Executive Director reported that after approximately two years of work, the electronic filing project is coming down the home stretch. It was noted that the entire agency staff has begun training on the new system. Mr. Daley further reported that the vendor is also preparing to launch the system so that agency data input can begin. The new electronic filing system should be available for use in the 2019 Lincoln Elections. The Executive Director pointed out that the electronic filing project is off schedule, but it is on budget.

Executive Director Daley indicated that 1st Quarter Lobbyist and Principal Reports are available for public view on the Clerk of the Legislature's website. Mr. Daley indicated that the Statements of Activity by lobbyists are due on June 4th and will be available for review on the Clerk's website.

The Executive Director indicated that the 1st and 2nd Primary Campaign Statements are available for review on the Commission website. The Post Primary Campaign Statements for the 2018 Elections are due on June 25th.

Discussion followed.

Discussion of Late Filing Fee Relief Process – Executive Director Daley indicated that the genus for this agenda item was a guest column in the Omaha World Herald written by Sherry Miller of the League of Women Voters of Nebraska regarding the Enforcement and Publication of Late (Filing) Fees. The Executive Director noted that a review by the Commission of the late filing fee process had not been done in quite a while. Mr. Daley explained that late filing fees assessed for certain late filings with the Commission are statutory. That is, the Commission does not decide the amount of late fees. It only calculates them in accordance with a statutory formula. Daley described the different statutory rates. Filings are considered timely filed if: a) they are physically received on or before the due date; b) the filing is post-marked by the U.S.P.S. on or before the due date; or c) the filing is transmitted to the Commission electronically or otherwise and it can be determined that it was received by 11:59 P.M. on the date due. A letter is sent to each late filer stating the amount of the late fee and providing information on how to request relief from the late fee.

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The Executive Director described the four statutory criteria for granting relief pursuant to §49-1463.01 and §49-1488.01. He also described the application of the good cause shown statute found in §49-14,129.

Chairman Enenbach asked if any member of the public wished to comment.

Sherry Miller, President for the League of Women Voters of Nebraska addressed the Commission on the matter of late filing fees. She expressed the belief that late filing fees should be posted on the Commission website.

Jack Gould, representing Common Cause Nebraska addressed the Commission on the matter of late filing fees.

Discussion followed.

Evaluation of Executive Director and setting of salary - Commissioner Enenbach indicated that he had prepared an instrument for evaluation of the Executive Director. Commissioner Enenbach indicated that everyone on the Commission participated.

Commissioner Enenbach asked if there were any further comments related to the evaluation.

Jack Gould, representing Common Cause of Nebraska expressed his thanks to the Commission and appreciation for the NADC Staff and Executive Director Daley.

Discussion followed.

Motion by Peetz, second by Carlson, that the Commission approve the evaluation of the Executive Director as compiled by Mr. Enenbach – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Gale, Hegarty, Loudon, Peetz, and Sullivan voted yes. Motion carried (9-0-0).

Discussion followed. The consensus was to proceed in the manner suggested

Motion by Davis, second by Carlson, to approve a salary increase of 1.5% for the Executive Director effective January 1, 2019 – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Gale, Hegarty, Loudon, Peetz and Sullivan voted yes. Motion carried (9-0-0).

Executive Director Daley expressed his gratitude for the kind words and salary increase.

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

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

Closed Session - Motion by Davis, second by Peetz, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Gale, Hegarty, Loudon, Peetz, and Sullivan voted yes. Motion carried (9-0-0).

The NADC went into Closed Session at 10:19 a.m.

The NADC returned to Open Session at 10:58 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley indicated in the matter of Amy Schaffer v. Scott Getzschmann case #17-01 the Commission approved a settlement agreement with nine Commissioners concurring, none dissenting and none abstaining. The Commission found two violations §49-14,103.01 of the NPADA and assessed a civil penalty of \$2,250.00.

Election of officers – Commissioner Enenbach indicated that Commissioner Hegarty prepared a proposed slate of officers for the upcoming year. Mr. Hegarty proposed Commissioner Enenbach, Commissioner Davis, and Commissioner Peetz as Chairman, Vice-Chairman and Secretary, respectively. Commissioner Enenbach asked the Commission if there were any other nominations, there were none.

Motion by Hegarty, second by Callahan, to approve and accept the slate of proposed officers as presented – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Gale, Hegarty, Loudon, Peetz and Sullivan voted yes. Motion carried (9-0-0).

Adjournment – Motion by Peetz, second by Loudon, that the NADC adjourn. Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Gale, Hegarty, Loudon, Peetz and Sullivan voted yes. Motion carried (9-0-0).

Chairman Enenbach declared the meeting adjourned at 11:03 a.m.