

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, December 6, 2019
Conference Room D, 4th Floor
1526 K Street
Lincoln, Nebraska

Call to Order – Commissioner Davis called the meeting to order at 9:01 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
Jeffrey Davis - Present
Matthew Enenbach – Present
Robert Evnen – Excused
Douglas Hegarty – Present
Andrew Loudon – Excused
Jeffery Peetz – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the September 13, 2019 Meeting – Chairman Enenbach referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Sullivan, second by Peetz, that the Open Session Minutes of the September 13, 2019 meeting be approved as presented - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Hegarty, Peetz and Sullivan voted yes. Motion carried (7-0-0).

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 Commissioner's to their packets. He indicated that he had made a number of presentations. These types of presentations are intended to ensure that those subject to the NPADA have the information they need to comply. Mr. Daley also noted that he hoped that the presentations would make it easier for people to contact the Commission if they had a question.

Discussion followed.

The Executive Director indicated that four months into the current budget year, the Commission had expended approximately 38% of the agency budget. The Executive Director pointed out that the expenditures were a bit higher than usual due to a couple of big expenditures, the electronic filing project.

The Executive Director informed the Commission that he had submitted a request for a deficit appropriation. He noted that it had been 25 years or more since the last deficit appropriation request. The Commission is requesting approximately \$61,000. Mr. Daley indicated this amount is based upon a billing for an electronic filing project deliverable that came at an unexpected time, and had not been included in the budget. Daley, also indicated that the Commission had been notified by Nebraska.gov which provides electronic services, current database and is the NADC website host, that the Commission's website would no longer be supported by Nebraska.gov. They would be moving to a new platform and if the Commission wanted continued support it would also have to move to the new platform. This move would cost just under \$10,000. Mr. Daley pointed out to the Commission that the agency had turned back \$70,000 to the State at the end of the last fiscal year.

Discussion followed.

The Executive Director reported that the electronic filing project is currently being tested by Mr. Hunter. The new projected launch date is February 2020. The Director indicated that the new system will be able to send out reminders to filers and interface with the NADC nebraska.gov website.

Discussion followed.

Executive Director indicated to the Commission that at the June meeting it had authorized the commencement of the rulemaking process to amend Rule 2. The staff sent surveys to all state agencies to determine which positions should be required to file NADC Form C-1. The plan was to submit a draft of Rule 2 for adoption of rulemaking purposes. Mr. Daley noted that due to delays with agencies not responding, the draft is not ready. The plan now is for Commission review and adopt a draft for formal rulemaking purposes at the January meeting.

Open Session Minutes
December 6, 2019

The formal hearing would take place at the March meeting. This will give all of the State agencies a chance to properly respond.

Executive Director Daley announced that the Council on Governmental Ethics Laws (COGEL) Conference will be held in Chicago Illinois from December 15th thru 18th 2019. Deputy Director David Hunter and Executive Director Daley will be attending.

The Executive Director announced that all the Lobbyist Registrations expire on December 31st 2019. Renewals must be made on or before that date. Those lobbyists who do not timely renew will need to complete the new registration process.

The Director indicated that all Campaign Statements disclosing 2019 transactions are due on January 31st 2020.

General Counsel Danberg reported on the matter of the NADC v. Timothy Moore. He noted that the Respondent has appealed the Commission's order. The matter is now pending before the District Court of Buffalo County. An Assistant Attorney General is representing the Commission on appeal.

2020 Legislative Session

- a) Discussion of possible legislation**
- b) Consideration and action on process for addressing legislative issues.**

The Executive Director Daley indicated that the 2020 Legislative Session begins on January 8th. Any new legislation will be introduced during the first ten days of the Session. Mr. Daley noted that any bill that was not passed or postponed during the 2019 Session would carry over into the 2020 session. He referred to his written report. It lists pending legislative bills in which the Commission has an interest. He noted that these are not likely to not pass in the 2020 session.

Next, Mr. Daley reported on anticipated legislation. Daley noted there is interest among some Legislators in expanding the definition of immediate family member found in the NPADA. This interest has been triggered by a hiring made by a county assessor's office and a variety of county decisions made regarding wind energy projects and pipeline projects.

Discussion followed.

Consideration and action on update of resolution delegating authority to the Executive Director – Executive Director Daley indicated that over the years the Commission has delegated different types of authority to the Executive Director. By statute all authority resides in the Commission functioning as a

Open Session Minutes
December 6, 2019

body. However, the statute also provides that the Commission can delegate any authority to the Executive Director other than the authority to adopt rules and regulations. Daley explained that in the early days of the Commission, the delegation of authority occurred intermittently and on a case by case basis. The Commission eventually started the practice of adopting resolutions to delegate certain authority to the Executive Director. This was last done in 2012. Daley noted he is occasionally challenged as to his authority to act. In those instances he can point to Commission resolutions as the basis for his authority.

The newest proposed resolution 19-01 specifically delegates to the Executive Director the authority to issue subpoenas and to act as the spokesperson for the Commission, including at Legislative hearings. Finally, Mr. Daley reported that at the Executive meeting there was discussion about the annual resolution to permit Commission staff to assist legislators and legislative staff with drafting legislation affecting the Commission. It was proposed that this be included in the delegation of authority. That is, the resolution would delegate to the Executive Director the authority to draft legislation and amendments related to the NPADA at the request of members of the Legislature or their staff.

Discussion followed.

Motion by Davis, second by Callahan, that the Commission adopt the resolution #19-01 as presented the new version as presented this morning - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Hegarty, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

Report of Conflicts Committee – Chairman Enenbach indicated that there were no conflicts.

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

Closed Session - Motion by Davis, 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, Enenbach, Hegarty, Peetz and Sullivan voted yes. Motion carried (7-0-0).

The NADC went into Closed Session at 9:33 a.m.

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

Action on or Announcement of Closed Session matters - Executive Director Daley indicated that there was nothing to report from closed session.

Open Session Minutes
December 6, 2019

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

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