

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

Friday, June 3, 2022
Room 1507 State Capitol

Lincoln, Nebraska

Call to Order – Acting Chairwoman 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 State’s Public Meeting Calendar.

Roll Call –

Roderic Anderson – Present
Ann Ashford - Present
Marty Callahan – Present
Tom Carlson – Present
Jeffery Davis - Excused
Robert Evnen – Present
Douglas Hegarty – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the April 22, 2022 Meeting – Commissioner Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Carlson, second by Callahan, that the Open Session Minutes of the April 22, 2022 meeting be approved - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Commissioner Ashford abstained. Motion carried (6-0-1).

Report on late filing fees and requests for relief: Reigle Cattle Company, LLC – Executive Director Daley indicated that the company made a campaign contribution in the amount of \$10,000. It was required to file a NADC Form B-7 report on or before September 10, 2021. The report was filed on March 31, 2022. A late filing fee of \$750 was assessed. A Request for Relief was denied by the Executive Director as it did not meet the statutory requirement that the report reflect less than \$5,000 in contributions or expenditures. Daley stated that Reigle Cattle Company sent a letter dated April 14, 2022 asking for reconsideration. Executive Director Daley asked if there was anyone from Reigle Cattle Company present at the meeting. There was no response.

Discussion followed.

Motion by Anderson, second by Callahan, that the Commission reduce the late filing fees from \$750 to \$500 - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Commissioner Ashford and Commissioner Sullivan voted no. Motion carried (5-2-0).

Report on late filing fees and requests for relief: Nebraska State AFL-CIO – Executive Director Daley indicated that in this matter the union had made a campaign contribution in the amount of \$5,000 and was required to file a NADC Form B-7 report on or before February 10, 2022. The report was filed on March 31, 2022. A Request for Relief was denied by the Executive Director based upon the fact that the report did not show less than \$5,000 in receipts and expenditures, making it ineligible for relief under the statutory criteria.

The Executive Director indicated to the Commission that Ms. Martin was unable to be present at the meeting and had submitted a letter for their consideration. The letter indicated that the individual that usually prepares filings was on extended medical leave at the time the filings were due, but that the report was filed immediately upon being notified of the delinquency.

Discussion followed.

Motion by Hegarty, second by Anderson, that the Commission grant relief due to Good Cause Shown and reduce the late filing fees from \$750 to \$0 - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) - The Executive Director referred the Commissioner's to their packets.

The Executive Director indicated that ten months into the current fiscal year, the Commission had expended approximately 67% of the agency budget. The Executive Director noted the staff will soon begin preparing a budget. The State of Nebraska has a two-year budget called a biennium. He explained that Deputy Director David Hunter will receive budget instructions from the Budget Division of the Department of Administrative Services for the biennium fiscal years 2023–2024 and 2024–2025. The proposed budget will be submitted to the Commission for review at the August meeting. Mr. Daley indicated that if the budget is satisfactory, it can be adopted at that time. If the Commission does not find the budget satisfactory, the budget can be amended and submitted for Commission approval at the September 9th meeting. The budget submission deadline is September 15.

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The Executive Director indicated that the new website is very close to being launched. The agency has been working with NIC. The frame is complete and the staff is providing text and links. The proposed launch will take place after June 21st due date for Post Primary Campaign Statements. The website will have a new look and be usable on most mobile devices.

Executive Director Daley indicated that the 2nd Quarterly Lobbyist and Principal Report are due August 1st. Lobbyist Statements of Activity are due on June 6, 2022.

The Executive Director next reported that 2nd Primary Campaign Statements were due on May 2, 2022. Those filed are available for viewing in the Commission's FirstTuesday Commission system. The Post Primary Campaign Statements are due on June 21, 2022.

Executive Director Daley reported that the FirstTuesday filing system thus far has been going well. He noted there have been a few glitches here and there. Mr. David Hunter has been instrumental in noting these issues and working with the developer to get them resolved. Ms. Serena Dunn also has been of great help, assisting new filers with the new system.

Discussion followed.

Evaluation of Executive Director and setting of salary – Commissioner Sullivan indicated that she had compiled the evaluation sheets from each Commission member into a single evaluation document. This document was used for the evaluation of the Executive Director.

Discussion followed.

Motion by Evnen, second by Carlson, to approve a salary increase of 3.0% for the Executive Director effective July 1, 2022 – Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

Motion by Anderson, second by Ashford, that the Commission accept the evaluation as presented – Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

The Executive Director Daley expressed his thanks.

Report of Conflicts Committee – Commissioner Hegarty indicated that there was no report.

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

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

The NADC went into Closed Session at 9:30 a.m.

The NADC returned to Open Session at 10:07 a.m.

Announcements from Closed Session – Executive Director Daley stated that there were no announcements from closed session.

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

Motion by Evnen, second by Ashford, to 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, Ashland, Callahan, Carlson, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

Recognition of the service of Commissioner Douglas Hegarty – Executive Director Daley stated that it was time to bid farewell to Commissioner Doug Hegarty whose term expires at the end of June. Mr. Daley explained that Commissioner Hegarty was appointed by Governor Ricketts in 2016. Commissioner Hegarty's first meeting was in August of 2016. The meeting room was full of spectators. There were journalists with microphones and TV cameras. There were many legislative staffers in attendance. Mr. Daley further explained this was the meeting at which the Commission found that a State Senator had violated the Accountability & Disclosure Act by his misuse of a state issued laptop computer. As far as 'exciting meetings' go, Commissioner Hegarty peaked at his first meeting.

The Executive Director continued that he regarded Commissioner Hegarty as the utility commissioner. He is able to step into any role as needed. Commissioner Hegarty has served on the Conflicts Committee. He served as Commission Secretary. He has served on the Ad Hoc Operations Review Committee and as Chair and sole member of the Nomination Committee. Whatever is required, Commissioner Hegarty is able to do it. The Executive Director lastly noted that

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Commissioner Hegarty understands the digital world and the way information is gathered and made available to the public. This has made him immensely valuable to the Commission. Executive Director Daley thanked him for his service to the Commission and to the people of the State of Nebraska. He presented Commissioner Hegarty with a commemorative clock. Secretary of State Evnen presented Commissioner Hegarty with a Secretary of State Citation in gratitude for his service on the Commission.

Commissioner Hegarty expressed his sincere appreciation.

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

Commissioner Sullivan declared the meeting adjourned at 10:20 a.m.