STATE OF NEBRASKA
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**DOUGLAS J. PETERSON**
ATTORNEY GENERAL

**NATALEE J. HART**
**ASSISTANT ATTORNEY GENERAL**

February 4, 2016

Rhonda Clark
25 Chestnut Street
PO Box 92
Johnson, NE 68378

RE: *File No. 15-M-154; Johnson-Brock Board of Education; Complainant Rhonda Clark*

Dear Ms. Clark:

This letter is in response to your third complaint received by us in which you have again requested that this office investigate alleged violations of the Nebraska Open Meetings Act (hereinafter, the "Act"), Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2014), by the Johnson-Brock Board of Education ("Board"). While our normal practice is to request a response from the public body complained about before reaching any conclusions regarding a complaint, our initial review of your latest complaint indicated that was not necessary in this instance. Our conclusions in this matter are set forth below.

You complain about two meetings of the Board, those held on November 9, 2015 and December 14, 2015. As to the November 9, 2015 meeting, you complain that the Board did not respond to comments you made during the public comment period. A public body is not required to engage with members of the public during public comment. A public comment period is for members of the public to speak to the public body. However, if the public body engages in a discussion with a member of the public, it can find itself in violation of the Open Meetings Act for discussion of an item not on the agenda. The Board is not in violation of the Open Meetings Act for not responding to comments you made during its November 9, 2015 meeting. Our review of the remainder of you complaint as to the November 9, 2015 did not reveal any other new complaints. All the remaining issues raised by you as to that meeting have been previously addressed by this office, in disposition letters sent to you and the Board on October 20, 2015 (as to public comment in the minutes of a meeting) and on December 23, 2015 (as to the closed session held on October 12 and the correction of the minutes of that meeting on November 9). As detailed analysis was provided on both occasions of the Open Meetings Act and we will not address those issues further.

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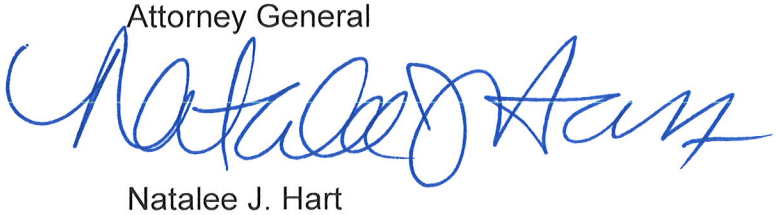
You also complain about closed sessions held on December 14, 2015. We have also previously provided you with detailed analysis as to closed sessions under the Open Meetings Act, and point you to our prior letters for that analysis. As to the complaints you raise as to the propriety of the closed sessions held on December 14, we find no violation of the Open Meetings Act as to the topics discussed in closed session on that date. Each of the topics was appropriate for closed session. We will again remind you, as we explained in our October 20 letter, that this office has no general supervisory authority over governmental subdivisions in Nebraska, including local school boards and we have no authority over school board policy or the Board's adherence thereto.

We will remind the Board that it must restate on the record the limitation of a closed session and the minutes should so reflect that it has done so. This is a technical violation of the Open Meetings Act and should be corrected by the Board. However, it does not require this office to take action against the Board.

Since we have determined that no further action by this office is appropriate at this time, we are closing this file. The Nemaha County Attorney has concurrent jurisdiction with this office over the Open Meetings Act. If you disagree with our analysis, you may wish to present this matter to the County Attorney for review, or discuss this matter with your private attorney to determine what additional remedies, if any, are available to you under the Open Meetings Act.

Sincerely,

DOUGLAS J. PETERSON
Attorney General



Natalee J. Hart
Assistant Attorney General

cc: Jeffrey Koehler, Superintendent

02-604-29