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STATE OF NEBRASKA
OFFICIAL
MAR 17 1992
DEPT. OF JUSTICE

DATE: March 13, 1992

SUBJECT: Nebraska Public Meetings Statutes, Neb.Rev.Stat. §§84-1408 et seq. (Reissue 1987); Do they apply to informational and educational meetings of governmental bodies?

REQUESTED BY: Loren L. Lindahl, Saunders County Attorney

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have asked for our opinion as to the application of the Nebraska Public Meetings Statutes, Neb.Rev.Stat. §§84-1408 et seq. (Reissue 1987), to particular types of meetings of public bodies. Specifically, you wish to know if an "informational and educational meeting" of a governing body is covered by those statutes. We believe the type of meeting described in your request letter is subject to open meeting requirements.

The specific type of meeting at issue in your opinion request is described in some detail in your letter. You ask if it is permissible for a public body,

> ...to meet, at their usual place of meeting, on a date and time other than their normal meeting date and time, without an agenda, and without their [sic] being advance publicized notice of said meeting, and generally discuss matters pertaining to the political subdivision of which they are the governing body and to hear reports from various department heads of the governing body as to their duties and responsibilities and essentially to learn the workings of the political subdivision of which they are the governing body.

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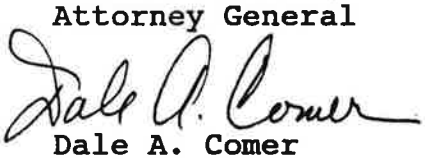
You go on to add that no action would taken by the public body at such a meeting, and you describe the meeting as "an informational and educational meeting for the governing body..." where, "...a majority of the governing body would be new members of the governing body."

Under Neb.Rev.Stat. §84-1410(2) (Reissue 1987), "[m]eeting shall mean all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body." (emphasis added).

In the absence of anything indicating to the contrary, statutory language is to be given its plain and ordinary meaning. State v. Matthews, 237 Neb. 300, 465 N.W.2d 763 (1991). In this regard, to "brief," as it is used in the context of §84-1410 can be defined as "to supply with all the pertinent instructions or information." Webster's New World Dictionary, Second College Edition (1982). It seems to us that the meeting you describe in your opinion request falls squarely within this definition of briefing, and squarely within the definition of §84-1410(2). Consequently, the "informational and educational" meeting you describe would be a meeting of the governmental body for briefing purposes under the statute. As such, it would be subject to the various requirements of the Public Meetings Statutes, including publication of an agenda, notice, etc.

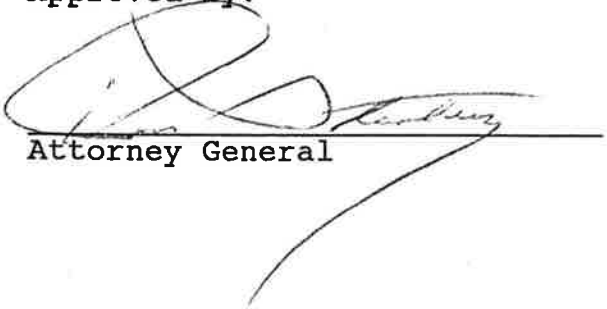
Sincerely yours,

DON STENBERG
Attorney General



Dale A. Comer
Assistant Attorney General

Approved by:



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