STATE OF NEBRASKA
Office of the Attorney General
2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

DOUGLAS J. PETERSON
ATTORNEY GENERAL

NATALEE J. HART
ASSISTANT ATTORNEY GENERAL

October 6, 2015

Gary Aldridge
7112 S. 45th St.
Lincoln, NE 68516

Re: *File No. 15-M-142; City of Lincoln Lancaster County Railroad Transportation Safety District; Complainant Gary Aldridge*

Dear Mr. Aldridge:

This letter is in response to your correspondence received by us in which you requested that this office investigate alleged violations by the City of Lincoln Lancaster County Railroad Transportation Safety District (the "District") of the Nebraska Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 through 84-1414 (Reissue 2008; Cum. Supp. 2014). We have now had an opportunity to review your allegations and our conclusions are set out below.

Our understanding of the facts in this case is based upon your correspondence. You have complained that you were not permitted to speak at the September 8, 2015 meeting of the District during the agenda item dedicated to the approval of the 2015-2016 budget for the District. We received a complaint from you regarding the same issue in September 2014. On at least two prior occasions, in separate disposition letters concerning three complaints filed by you against the District and the Lower Platte South Natural Resources District, we have addressed the public's right to speak at meetings of public bodies. We have enclosed those prior disposition letters herein for your review. The analysis contained in those letters from 2014 is applicable to your complaint in this matter and won't be repeated here. As we have explained to you before, there is no absolute right for members of the public to address a public body at any given meeting or on any given agenda item, so long as there is some time at some meetings set aside for public comment. Public bodies can rightfully refuse to allow public comment at a given meeting, or as they consider a particular agenda item. The District is not required to allow members of the public to speak at a particular open meeting, or every open meeting, provided that the District allows the public to address them at some meetings. The District is not required to allow a citizen to speak during any agenda item other than one designated as "public comment." You do not complain

that you have never been allowed to address the District. The agenda for the September 8, 2015 meeting lists a public comment period at the end of the meeting and the minutes from that meeting reflect that you spoke during that public comment period. We find no violation by the District as to your complaint.

If you disagree with the analysis we have set out above, you may wish to contact 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

Enclosures
Cc: Roger Figard, RTSD Executive Director

02-534-29