



STATE OF NEBRASKA
Office of the Attorney General

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July 20, 2023

Via email at [REDACTED]
Kenneth Beckstrom

RE: *Open Meetings Complaint Against the Papio-Missouri River NRD Board of Directors*

Dear Mr. Beckstrom:

This letter is in response to the complaint you submitted to our office on May 30, 2023. You indicate that you wished to make a presentation to the entire Papio-Missouri River NRD Board of Directors ("Board") about land values relating to Dam Site 12. Just prior to the April Board meeting, Board chair Kevyn Sopinski advised you to send him of copy of what you wanted to say before placing you on the agenda. You were not placed on the April or May agenda. Mr. Sopinski subsequently advised you that comments were limited to items on the Board's agenda. You state that you "tried to break into the May meeting but they said I could not speak at that time. I asked if I could be worked in later on in the meeting. They said I could not."

The Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 through 84-1414 (2014, Cum. Supp. 2022), contains several provisions pertaining to meeting agendas, most of which are set out in § 84-1411(1)(e):

Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii)

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forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

In addition, § 84-1412(3) states, in part, that “[n]o public body shall require . . . that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda.”

However, there is no provision in the Act that describes the process by which a public body sets its agenda. There is also nothing in the Act that requires a public body to grant an individual’s request to be placed on the agenda. This process is a matter of the Board’s governance. It does not implicate the Act.

Also, the Board’s ability to limit public comment to items on the agenda is supported by § 84-1412(2), which provides in part that

[i]t shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing.

In sum, there is no statutory provision that gives individuals the right to be placed on the agenda of a public meeting, and the Board’s policy¹ limiting public comment to items on the agenda appears reasonable under the Act.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

49-3279-30

¹ See Section 4.8, Board Meetings–Right to Speak [December 5, 1986], *Papio-Missouri River Natural Resources District Directors Policy Manual*, accessible at <https://www.papionrd.org/wp-content/uploads/2023/03/FINAL-2022-Directors-Policy-Manual-3-9-2023.pdf>.