



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

June 7, 2024

Via email at [REDACTED]
Daniel Spier

RE: *Your Recent Correspondence*
File No. 20241095

Dear Mr. Spier:

We are writing in response to your correspondence submitted to this office on May 24 and June 6, 2024. You have alleged violations of the Open Meetings Act¹ by a City of Ainsworth committee holding meetings to discuss and negotiate a new law enforcement contract. You also generally allege that the Brown County Board of Commissioners (Board) may have violated the Act by going into closed session to discuss pending or imminent litigation.² You have asked us to review the May 19, 2024, letter to the Board from the Brown County Sheriff (Letter) included in your materials and “give an opinion on if the City of Ainsworth is required to provide law enforcement.” We will briefly discuss each item below.

On June 6, the undersigned spoke to Ainsworth City Administrator Lisa Schroedl about the law enforcement contract meetings. She indicated that Ainsworth City Council members Fiala and Taylor comprise a *subcommittee* of the city council and that the mayor’s presence at the subcommittee meetings does not create a quorum under Neb. Rev. Stat. § 17-105. Ms. Schroedl stated that any information or recommendations of the

¹ Neb. Rev. Stat. §§ 84-1407 to 84-1414 (2014, Cum. Supp. 2022), amended 2024 Neb. Laws LB 43 and LB 287.

² As noted in your correspondence, one of the enumerated reasons to close a public meeting includes “[s]trategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body” Neb. Rev. Stat. § 84-1410(1)(a) (2014).

subcommittee are brought to the whole city council for consideration.³ Under Neb. Rev. Stat. § 84-1409(1)(b), subcommittees of public bodies are exempt from the Act “unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body.” We have reviewed § 17-105 and agree that no quorum is established with the mayor’s participation at the subcommittee meetings. Thus, there is no violation of the Act when the subcommittee meets, with or without Brown County officials, to discuss the law enforcement contract.

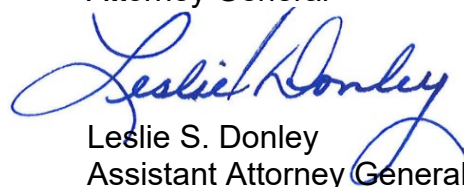
With respect to your allegation against the Board, you indicate that you are not “comfortable” with its decision to go into closed session. You have provided no additional information or documentation to support this allegation, other than to reference § 84-1410(1)(a) and a pending criminal case involving a member of the city council. Upon review, we find your allegation too vague to consider with the limited information provided.

Lastly you have asked this office to give our opinion as to whether the City of Ainsworth is required to have its own law enforcement. Under Neb. Rev. Stat. § 84-205(3) and (4) (2014), the Attorney General is authorized to give legal opinions to (1) state agencies and officials relating to the performance of their official duties; (2) state legislators on questions relating to proposed or pending legislation or the performance of some legislative function or duty; and (3) county attorneys when the question posed relates to criminal matters and public revenue. We have no statutory authority to provide legal opinions to private individuals or entities, and we do not do so.

Please note that it is the policy of this office to defer complaints involving the Act occurring at the local level to the county attorney of the county in which the public body ordinarily meets. If you have specific allegations of violations of the Act against the City of Ainsworth, please send them to Brown County Attorney Andy Taylor. We would also suggest that in the event you submit any future complaints to this office, that you provide us with specific details and documentation to support your allegations.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Lisa Schroedl
49-3555-31

³ In this respect, the Letter states that “Councilman Fiala and Mayor Klammer both stated that they would have to take the contract Sheriff Deibler provided back to the City of Ainsworth council meeting for a vote”