

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1467

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 33.15, 33.16 AND 33.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 33.15 of the La Vista Municipal Code is amended to read as follows:

### **§ 33.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning or otherwise provided by the Open Meetings Act, as amended from time to time,

#### **PUBLIC BODY.**

(1) (a) The City Council of the city,

(b) All independent boards, commissions, bureaus, committees, councils, subunits or any other bodies now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and

(c) Advisory committees of the bodies listed above.

(2) This subchapter shall not apply to subcommittees of such bodies 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. (Neb. RS 84-1409(1)) ('79 Code, § 1-602)

**MEETINGS.** All regular, special or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy or the taking of any action. (Neb. RS 84-1409(2)) ('79 Code, § 1-601) (Am. Ord. 353, passed 12-6-83; Am. Ord. 564, passed 5-4-93)

**VIRTUAL CONFERENCING.** Conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection 84-1412(2) of the Open Meetings Act.

SECTION 2. Section 33.16 of the La Vista Municipal Code is amended to read as follows:

### **§ 33.16 MEETINGS TO BE PUBLIC; EMERGENCY DECLARATION; VIRTUAL CONFERENCING.**

(A) Except as provided in division (E) below, all public meetings, as defined by law, shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the public body usually holds such meetings unless the publicized notice required by this section designates some other public building or other specified place.

(B) The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the public body and to the public. Such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website. In addition to the method of the notice required by the preceding sentence, such notice may also be provided by any other appropriate method designated by the public body or City Council. The methods and dates of such notice shall be recorded in public body minutes. The notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda that is kept continually current shall be readily available for public inspection at the office of the City Clerk 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. The agenda of any City Council meeting shall be made available and placed on



# ORDINANCE RECORD

Ordinance No. 1467

No. 728—REDFIELD & COMPANY INC., OMAHA

the City's public website at least 24 hours before the meeting and remain available on such website for at least six months. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the public body scheduled outside the corporate limits of the city. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.

(C) Meeting minutes shall include a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, the names of each member of the public body present or absent at each convened meeting and the substance of all matters discussed. The minutes shall be written or kept as an electronic record and shall be available for inspection by the public within ten working days or prior to the next convened meeting, whichever occurs earlier, upon request at any reasonable time at the office of the City Clerk. Minutes of any City Council meeting shall be made available and placed on the City's public website at such time as the minutes are available for public inspection and remain available on such website for at least six months.

(D) Except as otherwise provided in §33.20, any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the public body in open session,. The record shall show how each member voted or that the member was absent and did not vote.

(E) Notwithstanding anything in this chapter to the contrary, if an emergency is declared by the Governor under the Emergency Management Act, a public body, the territorial jurisdiction of which is included in whole or in part in the emergency declaration, may hold a meeting by virtual conferencing, provided applicable requirements of subsection 84-1411(7) of the Open Meetings Act are satisfied. In addition any public body may hold a meeting by virtual conferencing solely for purposes of discussion in accordance with subsection 84-1411(8) of the Open Meetings Act.

('79 Code, § 1-603) (Am. Ord. 997, passed 6-20-06; Am. Ord. 1443, passed 2-1-22)  
Statutory reference: Meeting requirements, see Neb. RS 84-1408 through 84-1413 2022  
S-13 40 La Vista - Administration

SECTION 3. Section 33.22 of the La Vista Municipal Code is amended to read as follows:

## **§ 33.22 PUBLIC PARTICIPATION.**

(A) Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to §33.17, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of subsection 33.22(A) 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. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body 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. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(C) No public body shall, for the purpose of circumventing the provisions of the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.



# ORDINANCE RECORD

Ordinance No. 1467

No. 728—REDFIELD & COMPANY INC., OMAHA

(D) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public body shall be informed about the location of the posted information. (Neb. RS 84-1412) ('79 Code, § 1-609) (Am. Ord. 353, passed 12-6-83; Am. Ord. 398, passed 11-19-85; Am. Ord. 457, passed 1-19-88; Am. Ord. 997, passed 6-20-06; Am. Ord. 1090, passed 4-7-09)

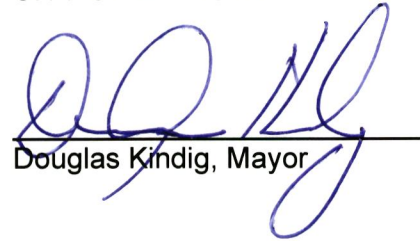
SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

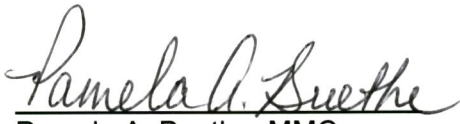
SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, MMC  
City Clerk