

**ORDINANCE NO. 2021-11**

**AN ORDINANCE TO AMEND TITLE III PUBLIC ADMINISTRATION, CHAPTER 31 CITY COUNCIL, SECTION 31.36 PUBLIC PARTICIPATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.**

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title III Public Administration, Chapter 31 City Council, Section 31.36 Public Participation of the Wayne Municipal Code is hereby amended to read as follows:

**§ 31.36 PUBLIC PARTICIPATION.**

(A) Subject to the Open Meetings Act, being Neb. RS 84-1407 to 84-1414, the public has 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 Neb. RS 84-1410, 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 division (A) 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**. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(C) 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 ~~may~~ **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**.

(D) No public body shall, for the purpose of circumventing the Open Meetings Act, being Neb. RS 84-1407 to 84-1414, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) 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.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(1) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(2) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(3) Reasonable arrangements are made to accommodate the public's right to attend, hear, and

speak at the meeting, including making ~~a telephone conference call~~ **virtual conferencing** available at an instate location to members, the public, or the press, if requested 24 hours in advance;

(4) No more than 25% of the public body's meetings in a calendar year are held out-of-state;

(5) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act, being Neb. RS 84-1407 to 84-1414;

(6) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested 14 days in advance and if economically and reasonably available in the area; and

(7) The public body publishes notice of the out-of-state meeting at least 21 days before the date of the meeting in a legal newspaper of statewide circulation.

(G) The 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.

(H) Public bodies shall make available at the meeting or the instate location for ~~a telephone conference call or videoconference~~, **virtual conferencing as required by subdivision (F)(6) of this section**, 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 being Neb. RS 84-1407 to 84-1414, posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

Section 2. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 1<sup>st</sup> day of June, 2021.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk