



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

MARNA MUNN
ASSISTANT ATTORNEY GENERAL

December 1, 2017

Muriel Clark
[REDACTED]

RE: *File No. 17-M-136; Village of Sutherland; Muriel Clark, Complainant*

Dear Ms. Clark:

This letter is in response to your correspondence to our office dated August 10, 2017, in which you allege that “members of the Village Board of Trustees of the Village of Sutherland Nebraska engaged in an illegal meeting.” Before proceeding, we would point out that Neb. Rev. Stat. § 84-1414 of the Open Meetings Act [Neb. Rev. Stat. § 84-1407 through 84-1414 (Reissue 2014, Cum. Supp. 2016)] gives this office general enforcement authority over the act. This authority requires us to determine whether a public body has complied with the various procedural provisions of the Open Meetings Act, relating to agenda, notice, closed session, voting, minutes, etc. However, this office has no general supervisory authority over governmental subdivisions in Nebraska, including county boards. By law, our focus is open meetings enforcement.

The information contained in your initial complaint seemed to suggest possible Open Meeting Act violations, most specifically relating to a continued gathering of a quorum of the Board after the adjournment of the public meeting. However, a quorum of the Board gathered in one place does not by itself support a violation of the Open Meetings Act, absent some evidence that the quorum discussed policymaking for the public body. See *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010). It is not clear, and you do not allege, that this happened. To that end, we requested that you provide additional details relating to this incident. We did not receive a response of any kind from you to our inquiry.

In its response to your complaint, the Board generally denied any violations of the Open Meetings Act occurred. The Board also denies that a quorum of members met to discuss Village business, explaining rather that the members of the Board remained after a meeting due to safety concerns, and Board members dispersed after law enforcement arrived to ensure their safety.

Muriel Clark
December 1, 2017
Page 2

Your initial complaint did not contain sufficient allegations to support a violation of the Open Meetings Act, and you declined to provide any additional information to this office when requested. Under these circumstances, and given the Board's response, we find no violations by the Village of Sutherland Board of Trustees based on your August 10, 2017 complaint. As a result, we are closing our file.

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



Marna Munn
Assistant Attorney General

cc: Kent Florom, Attorney for the Village of Sutherland

46-038-29