

**South Central Economic Development District
Tuesday, May 11, 2010 Teleconference Meeting
Toll Free Dial In 888-296-6500 or Direct Dial In 913-227-1219
Guest Code 464819#**

Emergency Special Meeting Minutes

The South Central Economic Development District exists to develop and promote a positive economic climate which supports regional growth.

8:30 AM Emergency Special Board of Directors Meeting via Conference Call

Call to Order: Meeting was called to order at 8:30 AM by President Jerrell Gerdes

Open Public Meeting: President Jerrell Gerdes indicated that this was an open meeting and the open meetings law was in effect. This teleconference was held per Nebraska Statute § 84-1411 subsection (5) which allows for emergency teleconference meetings. (Statute Attached)

Roll Call

Adams	Dale Curtis	Buffalo	Timothy Loewenstein
Clay	Barb Barnett	Franklin	Jerrell Gerdes
Hall	Absent	Hamilton	Clarence Trumble
Harlan	Steve Waring	Kearney	Absent
Merrick	Rex Weller	Nuckolls	Roger Watson
Phelps	Theresa Puls	Webster	Absent
Private Business	Wayne Bell	Private Business	Jim Gorman
Stkhldr Org: UNK	Ross Taylor	Stkhldr Org: CCC	Absent
At Large	Merrill Duntz		

Introductions: Sharon Hueftle, SCEDD Executive Director; Jodi Garrelts, SCEDD Office Manager; Jan Diehl, Superior; Dan Clark, Superior; Arnold Brown, Nuckolls County

Additions to Agenda/Agenda Approval: There were no agenda additions. Approved unanimously via a consent motion from President Jerrell Gerdes.

New Business:

Rescind Bid Acceptance for NSP 1, Project B, Superior Central Avenue Project: At the special board meeting held May 3, 2010, the board voted to accept a bid for demolition of commercial structures in Superior, acknowledging that the bidder materially altered the time of performance from the bid specs, from 60 days per specs to 200 days. After the bid letting, prior to awarding the bid to the contractor, Executive Director Hueftle discussed SCEDD Procurement Procedures with SCEDD's attorney. SCEDD's procurement procedures regarding competitive sealed bids state:

Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

Hueftle told the board the contractor, VanKirk Brothers, was notified by telephone on Thursday, May 5, 2010, that the bid award was suspended pending further research regarding the material change in time of performance. The contractor was sent a letter by mail on Monday, May 10, 2010, notifying him the board would be rescinding the decision and the project would be re-bid.

Motion was made by Tim Loewenstein and seconded by Clarence Trumble. Unanimous approval by roll call vote.

The re-bid for this project will occur at the May 27 SCEDD Board meeting. Questions were raised regarding the required advertising for bids. An attorney will be consulted. The new bid specs will include a time of performance of 200 days.

Next Meeting: Red River Steakhouse and Lounge, Minden, Kearney County, Thursday, May 27, 2010

Adjourn Board Meeting: Meeting was adjourned at 8:47 am

§ 84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. 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 (a) twenty-four hours before the scheduled commencement of the meeting or (b) 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.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, of a board of an educational service unit, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section [24-1204](#), by telephone conference, if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, or governing body is present at each site of the videoconference or telephone conference; and

(e) No more than one-half of the state entity's, advisory committee's, board's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

(a) The territory represented by the educational service unit or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which an educational service unit board member or a member of the entity's or pool's governing body will be present;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(g) The telephone conference call lasts no more than one hour; and

(h) No more than one-half of the board's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

History. Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2. August 30, 2009