

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

May 26, 2011

The Board of County Commissioners of Madison County, Nebraska met in emergency session at 3:00 P.M.

Advance notice of meeting was communicated to County Commissioners and the news media by telephone and electronic mail. Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, County Attorney Joseph Smith, County Highway Superintendent Richard Johnson, and County Clerk Nancy Scheer. Also present were members of the media including Norfolk Daily News reporter Jerry Guenther, US92 reporter Brian Masters, and WJAG/KEXL reporter Susan Risinger. Also present was Diane Uhlir.

Chairman Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room. Motion was made by McCallum and seconded by Uhlir to approve the agenda for the meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Attorney Joseph Smith stated that he spoke to attorney Jason Doele, who would like the opportunity to talk to Commissioner Rick Uhlir before the meeting proceeds. He recommended a recess for approximately 15 minutes.

Motion was made by McCallum and seconded by Uhlir to recess the meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The meeting was recessed at 3:02 P.M. Commissioner Rick Uhlir and County Attorney Joseph Smith left the meeting room at 3:02 P.M. Commissioner Uhlir returned to the meeting room at 3:33 P.M. and County Attorney Joseph Smith returned at 3:46 P.M. Also joining the meeting at 3:46 P.M. were State Patrol Investigator Jason Sears and attorney Jason Doele.

Chairman Klein re-convened the meeting at 3:46 P.M.

County Attorney Joseph Smith stated that the emergency meeting was called at his request. He explained that he contacted Commissioner Klein after he visited with State Patrol officials. He stated that there may be a vacancy in Commissioner District #2. He explained that the reason that he asked the Board to meet in emergency session is because things become complicated when there is a vacancy and he is familiar with everyone's schedule for the next several months. Mr. Smith stated that he realizes that there are only three Commissioners and if there are only two members, and it takes too long to appoint someone, it paralyzes the county. He explained that because of the nature of the matter, he thought it would be best for everyone in the county that the matter be addressed immediately. He explained that the matter to be discussed is a personnel issue because anyone that works for the county, or is elected by the citizens, is personnel. Mr. Smith stated that it is appropriate to go into executive session as long as no one objects, unless the person it concerns wants the matter discussed in open session. He stated that, although the meeting started late, he didn't think the matter would take as long as he originally anticipated. He requested an opportunity to meet with the Commissioners in executive session to explain the details that have been related to him by the State Patrol that may harm someone. Mr. Smith reported that the matter has to do with whether or not a residence is within a certain Commissioner district. He recommended that the Board recess into executive session for the reasons that he announced.

Motion was made by McCallum and seconded by Uhlir to recess into executive session to discuss a personnel issue. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed into executive session at 3:48 P.M. with County Attorney Joseph Smith and Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein present.

Motion was made with McCallum and seconded by Klein to recess from executive session. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed from executive session at 4:10 P.M. Attorney Joel Carlson joined the meeting at 4:10 P.M.

County Attorney Joseph Smith reported that executive session was held pursuant to state statute with all three Commissioners and himself in attendance. He explained that he discussed with the Commissioners reports and information that he received and all Commissioners candidly shared information. He stated that the County Board is concerned whether or not Commissioner District #2 has a vacancy and if there is some confusion regarding residency. Mr. Smith asked Board members if he left anything out that was discussed in executive session which could be lawfully disclosed. Chairman Klein responded that County Attorney Joseph Smith pointed out that it is a misdemeanor to talk about what happened in executive session. County Attorney Joseph Smith stated that, as the press knows, he has given several power point presentations explaining that items discussed in executive session can't be disclosed.

The following motion was made by Commissioner McCallum and seconded by Chairman Klein: Be it resolved that the Madison County Board of Commissioners is requesting the resignation of Richard Uhlir effective May 26, 2011. Roll call vote: Ayes, McCallum and Klein. Abstaining, Uhlir.

Commissioner Rick Uhlir announced that he resigned as County Commissioner.

County Attorney Joseph Smith stated that at this point it is appropriate for the Board to declare a vacancy in Commissioner District #2. Motion was made by McCallum and seconded by Klein to declare a vacancy in Commissioner District #2 and to instruct County Attorney Joseph Smith to proceed according to state statute to fill the vacancy. Roll call vote: Ayes, McCallum and Klein. Nays, none. Motion carried.

County Attorney Joseph Smith stated that Commissioner Rick Uhlir has served the county well for a number of years, but sometimes issues get confused. He stated that certainly the Board members and Mr. Uhlir have worked together to help the county take the path of least confusion and pain for everyone.

Chairman Klein adjourned the meeting at 4:14 P.M.

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County Clerk

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Chairman