

## Electronic Device Use at County Board Meetings

### Potential Guidelines for Board Meetings

The Open Meetings Act is codified in Neb. Rev. Stat. §§ 84-1407 to 84-1414. Provisions within § 84-1412 outline various rights of the public in attending a county board meeting. For purposes of this *Legalline*, two subsections are of primary importance. Subsections 1 and 2 provide in relevant part:

- 1) Subject to the Open Meetings Act, *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 section 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.*
- 2) ***It shall not be a violation of subsection (1) 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.*** A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. *(Emphasis added.)*

On many occasions our office is contacted about issues related to the Open Meetings Act and approaches to best govern a meeting. Resources addressing some of those issues are provided within material contained on our NACO website, including the following:

- [Sample Policy for County Boards -- Commissioners \[i\]](#)
- [Sample Policy for County Boards -- Supervisors \[i\]](#)
- [Open Meetings Act Effective 5/13/2017](#)
- [Outline from Attorney General's Office](#)

Another related aspect that some county boards are being faced with these days is the use of portable electronic devices by attendees at the board meetings. Following is a possible policy that could be used by the boards to provide guidelines for the usage of portable electronic devices at a board meeting.

### Model Portable Electronic Devices Policy [ii]

Portable electronic devices, as used in this rule, means cell phones, personal computers, personal digital assistants, tablets, and other similar devices capable of transmitting, receiving, recording, or storing messages, images, images, sounds, data or other information by electronic means.

Portable electronic devices in a county board meeting or hearing room may be used but must be silenced at all times. Such devices may be used by members of the public to display demonstrative evidence to the board or for any other business related to the county board meeting.

In county board meeting or hearing rooms, attendees may use portable electronic devices to take notes and to transmit and receive data communications so long as the device is completely silent and they do so in an inconspicuous way that does not interfere with the dignity and process of the county board's business conduct. Under NO CIRCUMSTANCES may persons use these devices to make or

receive telephone calls. Nor shall portable electronic devices be used in a manner that interferes with county board proceedings or the work of county officials or personnel. If media representatives or members of the public, videotape, televise, photograph, broadcast, or record its meetings with a portable electronic device, such activities shall not interfere with the conduct of county board business or the participation of meeting attendees.

Failure to comply with these policies will result in the violator being removed from the county board meeting room.

### **IF COURTHOUSE HAS PUBLIC ACCESS TO WIRELESS ACCESS**

**Security Considerations:** Wireless access is by nature an insecure medium. As with most public wireless networks, any information being sent or received over the County's wireless network could potentially be intercepted by another wireless user. Users should not transmit their credit card information, passwords and any other sensitive personal information while using the wireless connection.

Anyone using the wireless network provided by the County is forewarned that there can be no expectation of privacy when using the wireless network. Users assume all associated risks and agree to hold harmless the Court and its employees for any personal information (e.g., credit card) that is compromised, or for any damage caused to user's hardware or software due to electric surges, security issues or consequences caused by viruses or hacking. All users of wireless access should have up-to-date virus protection on their personal laptop computers or wireless devices.

**COUNTY OFFICIALS AND THEIR STAFF WILL NOT PROVIDE TECHNICAL ASSISTANCE.** The County assumes no responsibility for laptop configurations, security or changes to data files resulting from connection to the County's wireless network and cannot guarantee that a user's hardware will work with the County's wireless connection. If a user has problems accessing the Internet over these connections, **STAFF WILL NOT ASSIST IN MAKING CHANGES TO THE USER'S NETWORK SETTINGS OR PERFORM ANY TROUBLESHOOTING ON THE USER'S OWN COMPUTER.** Users should refer to their owner's manuals or other support services offered by their device manufacturer. **ACCESS IS NOT GUARANTEED AND** use of the wireless access provided by the County is a courtesy extended by the County. The County reserves the right to deny or terminate access to anyone at any time.

[\[i\]](#) Guideline Initially Developed by Beth Bazyn Ferrell, NACO Legal Counsel and updated by Elaine Menzel, NACO Legal Counsel.

[\[ii\]](#) Model Policy developed by Elaine Menzel, NACO Legal Counsel.