Omaha Municipal Land Bank Board

MINUTES

Wednesday, January 14, 2015

Regular Meeting:
9:00 AM, Jesse Lowe Conference Room – 3rd Floor
Omaha/Douglas Civic Center
1819 Farnam Street

Meeting Minutes: This document states the minutes before the Omaha Municipal Land Bank Board at their Public Hearing and Administrative meeting held on Wednesday, January 14, 2015.

Certification of Publication: Omaha Municipal Land Bank Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on January 8, 2015.

Members Present: Tom McLeay, Chairman
Jamie Berglund, Vice Chair
Spencer Danner
Randy Lenhoff
Scott Semrad
Cathy Lang
Julie Stavneak
John Heine
Diane Battiato
Mike Riedmann

Members Not Present: Ken Johnson
Julia Plucker
James Thele, Director, Omaha Planning Department

Staff Present: Alan Thelen, City Law Department
Jennifer Taylor, City Law Department
Debbie Hightower, Recording Secretary
PUBLIC MEETING:

Tom McLeay, Chair, called the meeting to order at 9:00 am, introduced the voting and non-voting board members, as well as the City staff. Roll call was taken with 10 board members present (Ken Johnson, Julia Plucker and James Thele were absent).

McLeay stated that the Nebraska Open Meetings Law is in effect and a copy is available in the room for review. McLeay informed the public that a notice of the meeting was published on January 8, 2015 and was verified by Debbie Hightower, Recording Secretary. He stated that copies of the agenda are located in the back of the room and went on to explain the procedures of the meeting.

Motion by Jamie Berglund to approve the minutes from the December 8, 2014 meeting. Randy Lenhoff seconded the motion.

AYES: Berglund, Danner, Lenhoff, Semrad, Lang, McLeay
MOTION CARRIED: 6-0

Jennifer Taylor, City Law Department, drafted a memorandum regarding an update on the Open Meetings Act. Taylor stated that a board is subject to the Open Meetings Act if there is a quorum of voting members. The committees should have three voting members and one non-voting member. Therefore those committees are not required to act underneath or pursuant to the Open Meetings Act and can proceed to discuss things and have meetings as seen fit. However, if that committee were to undertake activities that would be considered to be decision-making, policy-making, aside from discussions and recommendations, therefore the committee would be acting on behalf of the board and would be subject to the Open Meetings Act. In 1992, the Attorney General said, in an opinion, that an informational or educational meeting of a public body where members generally discuss matters pertaining to their business, hear reports from various department heads of the entity as to their duties and learn the workings of the entity is a meeting of the public body for briefing purposes and is subject to the Open Meetings Act. In addition, the Attorney General has also indicated, informally, that a meeting of a public body, “for the purpose of receiving training or doing planning such as a retreat should probably be treated as subject to the Open Meetings Act.” Taylor confirmed that such training or retreat should be published, with an agenda and subject to the Open Meetings Act. With regard to public comments, the public has the right to attend open meetings but are not required to sign in or identify themselves to attend meetings. It is acceptable to require people who want to speak to identify themselves and/or sign in. She further stated that closed sessions are generally identified for being related to either real estate negotiations or legal matters. When the board enters into a closed session, the identified reason is the only thing that can be discussed. A vote is required to come out of closed session and any votes should be held in the open meeting itself. Any conversations about litigation or real estate negotiations can be held in closed session or if you were to discuss those in public, it would be detrimental to the activities of the board. Taylor stated that any electronic correspondence is acceptable unless it is a discussion of policy and should not be held under electronic correspondence.

In response to McLeay, Taylor verified that personnel decisions can also be discussed in closed session such as reprimanding or the firing of an employee. She further stated that a closed
A session can be used to discuss the merits of the applications for the Executive Director, the analysis of the candidates and establishing finalists.

Berglund updated the board regarding the upcoming board training sessions. The first training session will be with the Center for Community Progress, who has provided technical expertise in the past. The training will begin on Tuesday, January 20, 5:30pm to 7:30pm as a working dinner followed by additional training on Wednesday, January 21, 9:00am to 4:00 pm at the Greater Omaha Chamber, 1301 Harney Street. All training sessions will be open to the public but meals are not included.

McLeay pointed out that the training will give the board an outline and framework for strategy and opportunities to grow the Land Bank as they give the board more insight on how Land Banks across the country have strategically positioned themselves within their community and ideas on how to position the Omaha Land Bank.

Berglund further stated that another training session will be held from 8:00am to 5:00pm on Friday, March 13, 2015 at Mammel Hall on UNO’s campus and will also be open to the public. The training will be provided by the Executive Director and his staff from the Cuyahoga Land Bank and a leader from Thriving Communities from Ohio.

Berglund indicated that the consulting contract/training package, which includes ongoing training with the Center for Community Progress, will cost approximately $50,000.00. The Cuyahoga one day training will cost $19,500.00, which also includes additional ongoing assistance. Both entities have given all their assistance up to this point pro bono which has included travel, e-mails, phone calls and lots of discussion.

In response to Mr. Danner, Alan Thelen, City Law Department, suggested that a sign be posted at the training session stating, “Training in Session-Please Keep Noise Level Down”. He further pointed out that the Open Meetings Act states that members of the public are entitled to attend every meeting but do not have the right to speak at every meeting. Taylor added that the board is not required to accept public comments at a meeting and the public is not allowed to participate in an open forum, round table or town hall meeting. Public comment has to be on the agenda, therefore if the only item on the agenda is training, the board does not have to allow the public to comment or participate.

Lang updated the board with regard to the by-laws and policies. A draft of the by-laws was distributed to the board. Lang recommended that the board review the by-laws and add an agenda item to vote and approve the by-laws at the first training session.

Berglund updated the board on the Executive Director Search Committee (Berglund, Johnson, Stavneak, Semrad). She stated that the committee discussed the type of skill sets, qualifications, educational requirements, review of job descriptions from Land Banks in other communities and a time line. Berglund stated that if the caliber of applications is not received, then a search firm may be used. The time line would include: 1) job description distributed to the public by the end of the week; 2) application deadline to be February 10, 2015; 3) conduct a series of interviews that will include phone and personal interviews along with community tours; 4) complete the interviews by the March 11th board meeting; and 5) have any final candidates at
the March board meeting for board members to question. The target date for hire would be mid-April after a background check and a possible personality assessment is completed but would also depend on the prospective Executive Director’s present job status.

Danner updated the board with a Treasurer’s report. He stated that he reviewed several local banking institutions and shared information regarding interest, fees, etc. Danner further stated that Articles of Corporation, Articles of Organization and Federal Tax ID number would need to be provided before a checking account can be opened. He suggested that a signor be designated so a checking account can be opened as soon as possible following approval of the by-laws.

McLeay suggested that the board appoint a member the authority to open a bank account, establish a tax identification number, and to seek a 501C3 designation for the Land Bank.

Lang pointed out that once the by-laws have been adopted, the board can authorize someone to acquire a bank account. She suggested that an expert be engaged regarding a 501C3 designation. McLeay responded that a 501C3 designation is a Federal designation and is desirable for various tax deductions.

Danner asked the board to anticipate what type of account the Land Bank would require. Lenhoff suggested an operating/checking account with a possible money market account in the future.

In response to Lang, Taylor stated that it has not yet been specified or determined how the City contribution of $150,000.00 for the 2015 budget will be allocated or distributed. In response to Battiato, Taylor stated that the intent of the City’s donation was to be an initial donation and not an annual distribution but the board could make a request through the Mayor’s office with regard to future funding.

McLeay suggested that the board consider the appointment of a Finance Committee to address some of the above issues and that the committee be made up of three voting and one non-voting members. McLeay suggested that Danner be part of the Finance Committee and also volunteered to be part of the Finance Committee.

Motion by Cathy Lang to appoint a Finance Committee consisting of Danner, McLeay, Lenhoff and Heine. Spencer Danner seconded the motion.

AYES: Berglund, Danner, Lenhoff, Semrad, Lang, McLeay
MOTION CARRIED: 6-0

Berglund discussed potential revenue resources, expenses and other budget items. She stated that a loose draft of an annual operating budget for 5 years was formulated as part of the Land Bank planning process, which is roughly $400-500,000.00, for 2015 to include professional services (training and consulting work), funds for GIS, communication strategies, office space and basic operation budget. The budget has been shared with a group of potential funders. She indicated that she and McLeay will engage more specifically with the potential donors and engage their interest. She indicated that the philanthropic community (corporate and private) will be supportive of the Land Bank.
Battiato offered the possibility that the services of DOGIS (Douglas Omaha GIS) could be used at a much lower or no cost opportunity. Berglund stated that another land bank tool is E-Property Plus, but it requires coordination with local systems to obtain data.

McLeay opened the meeting up for public comment.

Mary Jane Truemper, 5306 Izard Street, appeared before the board. Truemper asked where a member of the public would go to get the minutes and supporting documents. She encouraged the board to form a citizen advisory group and to make the by-laws available to the public for comment before passing. In response, Lang stated that the by-laws were specifically drafted to be very general with the idea that any items to be changed would be done so in the policies and procedures.

Cheryl Weston, 1811 Emmet Street, appeared before the board. Weston stated she is involved in the Omaha community and would like to see transparency and that the board engages an advisory committee within the community.

It was the consensus of the Board to adjourn the meeting at 9:50am.

Debbie Hightower, Planning Department
Recording Secretary