

10507 Board Meeting Agenda Preparation and Distribution

- (1) Subject to the provisions of subsection 7, an item of business proposed for action or discussion by the Board of Governors shall be placed upon the agenda for a meeting of the Board of Governors as may be directed or approved by the Chair of the Board.
- (2) In addition, subject to the provisions of subsection 7, an item of business proposed for action or discussion by the Board of Governors shall be placed upon the agenda for a meeting of the Board of Governors if (1) the item is forwarded to the Chair of the Board and a majority of the non-ex officio members of an elected or appointed committee of the Board request that the item be placed on the agenda for the next or a designated meeting of the Board; or (2) the item is forwarded to the Chair of the Board and any four non-ex officio members of the Board request that the item be placed on the agenda for the next or a designated meeting of the Board. An item shall not be placed on the agenda under this subsection 2 unless the item has been reduced to writing and delivered or e-mailed to the Chair of the Board prior to the finalization of the final agenda in compliance with the Open Meetings Act. Any indication to the Chair of the Board by a non-ex officio member of an elected or appointed committee or by a member of the Board that the member desires that the item be placed on the agenda for the specified meeting of the Board, whether such indication is given or made to the Chair by a signed writing, electronic mail, telefax, or oral or telephonic communication, shall be considered a request by the member for purposes of this Policy.
- (3) Subject to the provisions of subsection 7, the first tentative agenda for each regular meeting of the Board of Governors shall be prepared by the President, may be amended by the Chair of the Board of Governors, and shall be approved by the Chair no later than one week prior to the date upon which the regular meeting of the Board of Governors is to convene. A copy of the tentative agenda shall be sent, via e-mail, to each member of the Board of Governors at his or her e-mail address as same is shown on the books and records of the Board of Governors, no later than one week prior to the date upon which the Board of Governors is to convene. Any subsequent tentative agenda shall be prepared, amended and approved in the same manner as the first tentative agenda. A copy of each subsequent tentative agenda, upon approval by the Chair of the Board of Governors, shall be e-mailed to each member of the Board of Governors at his or her e-mail address as same is shown on the books and records of the Board of Governors. A member of the Board may request to have the materials described in this subsection 3 delivered to him or her by personal delivery, rather than by e-mail, as provided in subsection 4 below.
- (4) Notwithstanding the provisions of Board Policies 10503, 10508, 10606, 10607, or any other provision of the Board's Policy Manual, the default method of delivery of all Board of Governors and committee meeting notices, meeting agendas, and meeting minutes, shall be by e-mail. Supporting documentation for the Board agenda (Board packets) will be placed on the Board's SharePoint web site and may be accessed by Board members there. Any member of the Board of Governors who wishes to receive Board of Governors and committee meeting notices, meeting agendas, meeting minutes, and Board packets

via personal delivery must designate such election, by e-mail or otherwise, to the Recording Secretary of the Board of Governors. Having made such an election for personal delivery, the Board member may subsequently change the election by giving the Recording Secretary of the Board at least four (4) business days written, e-mailed, or other notice of the requested change.

- (5) The final agenda to be acted upon by the Board of Governors at any regular or special meeting of the Board shall first be approved as to form by the Chair of the Board, subject to the provisions of subsection 7. The final agenda for each regular meeting of the Board shall be transmitted via e-mail to each Board member at his or her e-mail address (or, if personal delivery has been elected by such Board member, by personal delivery to his or her personal delivery address) as shown on the books and records of the Board. The agenda for a special meeting of the Board may be transmitted to members of the Board by e-mail or other electronic means, or by personal delivery if so elected by a Board member, not less than 24 hours prior to the special meeting. The agenda may be amended thereafter in any manner and at any time permissible under the Nebraska Open Meetings Act, subject to the provisions of subsection 7.
- (6) The final agenda for a regular meeting of the Board shall be transmitted via personal delivery to each Board member who has elected personal delivery, and via e-mail to each of the other members of the Board, in sufficient time prior to any such regular meeting and in no event less than seventy-two hours prior to any such meeting, but the final agenda may nevertheless be amended thereafter in any manner and at any time permissible under the Nebraska Open Meetings Act, subject to the provisions of subsection 7.
- (7) If the Board of Governors acts upon a proposal or item of business and the action is supported by the affirmative votes of six (6) or more members of the Board or by the negative votes of six (6) or more members of the Board, then such proposal or item of business (and any proposal or item of business determined by the Chair to be substantially similar) shall not be placed on any agenda for a meeting of the Board during the six months next ensuing after such action by the Board, and such proposal or item of business (and any proposal or item of business determined by the Chair to be substantially similar) shall not be reconsidered by the Board during such next ensuing six months, unless:
 - (A) In the exercise of his or her good faith judgment, the Chair concludes there has been a substantial and material change in circumstances since the prior action of the Board;
 - (B) In the exercise of his or her good faith judgment, the Chair concludes there are one or more new and material facts which, at the time of the prior action of the Board, were not known to any of the members of the Board supporting reconsideration of the prior action, and which could not with reasonable diligence have been known or discovered by any of such members at the time of the prior action by the Board; or

- (C) At least six (6) members of the Board request that the proposal or item of business be placed on the agenda for the next or a designated meeting of the Board. Under this exception (C), any indication to the Chair of the Board by a member of the Board that the member desires that the proposal or item of business be placed on the agenda for the specified meeting of the Board, whether such indication is given or made to the Chair by a signed writing, electronic mail, telefax, or oral or telephonic communication, shall be considered a request by the member for purposes of this exception. A proposal or item of business shall not be placed on the agenda under this subsection 7(C) unless the proposal or item of business has been reduced to writing and delivered or e-mailed to the Chair of the Board prior to the finalization of the final agenda in compliance with the Open Meetings Act.

(Amended 9/22/92; 3/27/01; 11/26/02; 2/22/05; 3/23/10; 7/27/10; 6/26/12; 2/25/14)