The York County Board of Commissioners met according to law on Friday October 26, 2018 at 9:00 a.m. as per notice in the York News Times on October 24 and 25, 2018, and notice being posted at York City Offices, The Post Office and City Library with Chairman Jack Sikes presiding, with Randy Obermier, Bill Bamesberger, Kurt Bulgrin and Paul Buller. Also present at the meeting were Chris Johnson, York County Attorney, Benjamin Dennis, Deputy County Attorney, Amanda Ring, Deputy County Clerk, Melanie Wilkinson, correspondent for the York News Times, Kacee Thompson, and Patrick Tarr.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Sikes announced that the Open Meetings Act was posted outside the door along with copies in the back of the Board Room.

Moved by Obermier, seconded by Bamesberger, to adopt the agenda for Friday, October 26, 2018, roll call: yeas; Obermier, Bamesberger, Buller, Bulgrin, and Sikes, nays, none; motion carried.

Moved by Bulgrin, seconded by Buller, to go into executive session at 09:01 a.m., for the provision of legal advice, also present Chris Johnson, County Attorney and Benjamin Dennis, Deputy County Attorney, roll call: yeas; Bulgrin, Buller, Bamesberger, Obermier and Sikes nays, none; motion carried.

Moved by Bulgrin, seconded by Obermier, to come out of executive session at 09:31 a.m. which no action was taken; roll call: yeas; Bulgrin, Obermier, Bamesberger, Buller and Sikes, nays, none; motion carried.

York County Attorney, Chris Johnson stated that the reason for the Emergency Meeting is the York County Public Defender, Nancy Waldron, is now unable to fulfill her duties as Public Defender. There is no Deputy Public Defender currently appointed who can fulfill the duties of Public Defender. Without a Public Defender, the court system will appoint private counsel to represent defendants in criminal matters to which the Public Defender’s office would otherwise be appointed. A failure to determine what to do with this situation immediately will cost York County taxpayers extreme amounts of money, and will jeopardize the rights of indigent individuals in the community.

The single purpose of this meeting is to determine what to do with the position of Public Defender and/or Deputy Public Defender during the time that Ms. Waldron is unable to fulfill her duties as Public Defender. No other matters shall be brought before this board at this meeting.

Moved by Bulgrin, seconded by Bamesberger, to go into executive session at 09:33 a.m., to prevent needless injury to an individual and for the provision of legal advice, also present Chris Johnson, County Attorney, Benjamin Dennis, Deputy County Attorney, Kacee Thompson, and Patrick Tarr, roll call: yeas; Bulgrin, Bamesberger, Buller, Obermier and Sikes nays, none; motion carried.

Moved by Bamesberger, seconded by Obermier, to come out of executive session at 09:55 a.m. which no action was taken; roll call: yeas; Bamesberger, Obermier, Bulgrin, Buller and Sikes, nays, none; motion carried.

The Board discussed options to address this emergency so the County can comply with all legal duties. Options given were to appoint an individual immediately or allow the court to appoint private practice case by case or a combination of both.

The Board decided to create a temporary Deputy Public Defender position for York County. Moved by Bamesberger; seconded by Bulgrin; to create the temporary position of Deputy Public Defender, roll call, yeas; Bamesberger, Bulgrin, Buller, Obermier, and Sikes, nays; none, motion carried.

The Board then appointed Patrick Tarr to the position of temporary Deputy Public Defender for a term ending December 31, 2018, with a salary equivalent to the Public Defender. Moved by Bulgrin, seconded by Bamesberger, to appoint Patrick Tarr to the position of temporary Deputy Public Defender, roll call, yeas; Bulgrin, Bamesberger, Buller, Obermier, and Sikes, nays; none, motion carried.

There being no further business, the Chairman declared the meeting adjourned at 10:09 a.m.

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Jack Sikes, Chairman Amanda Ring, Deputy County Clerk

York County Board of Commissioners York, Nebraska