

**Dakota County Board of Equalization
Emergency Meeting**

Friday, September 27, 2019 at 8:30 a.m.
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Rohde called the emergency meeting to order at 8:41 a.m. Present: Rohde, Hohenstein, Gomez. Absent: Gill and Albenesius. Also present was Christy Abts, Deputy Assessor, Kim Watson, County Attorney and Joan Spencer, County Clerk as Board Secretary. The Open Meetings Act location was noted for all citizens present.

PUBLIC NOTICE

An Emergency Meeting of the Dakota County Board of Equalization has been called by Chair Kevin Rohde for Friday, September 27, 2019, at 8:30 a.m.

The Agenda shall be for the Board to state the nature of the emergency: pending litigation deadline for Tax Equalization and Review Commission (TERC) cases 18C 0200 EarthGrains Baking Companies, Inc. v. Dakota County Board of Equalization and 18C 0178, 18C 0180, 18C 0181 & 18C 0182 YES Companies EXP FRED, LLC v. Dakota County Board of Equalization.

The AGENDA was as follows:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL – Excused Absence

A current copy of the *Open Meetings Act* is posted on the west wall near the entrance of the County Board Meeting Room and is available for review by all citizens in attendance.

1. EMERGENCY BUSINESS

- a. Closed Session to discuss pending litigation negotiations on Tax Equalization and Review Commission (TERC) cases 18C 0200 EarthGrains Baking Companies, Inc. v. Dakota County Board of Equalization and 18C 0178, 18C 0180, 18C 0181 & 18C 0182 YES Companies EXP FRED, LLC v. Dakota County Board of Equalization.
- b. Board to approve or deny the Dakota County Attorney to make the offer for settlement agreement in TERC case #18C 0200 EarthGrains Baking Companies, Inc. v. Dakota County Board of Equalization.
- c. Board to approve or deny the Dakota County Attorney to make the offer for settlement agreement in TERC cases #18C 0178, 18C 0180, 18C 0181 & 18C 0182 YES Companies EXP FRED, LLC v. Dakota County Board of Equalization.

2. ADJOURNMENT

NOTIFICATION 09/24/2019: Dakota County Courthouse, Local Post Offices, www.dakotacountyne.org, email Agenda List including all media

Chair Rohde moved, seconded by Board Member Gomez, to excuse Board Members Albenesius and Gill. ROLL CALL VOTE: Hohenstein- yes, Gomez- yes, Rohde- yes. UNANIMOUS MOTION CARRIED.

Board Member Gomez moved, seconded by Board Member Hohenstein, to convene in closed session for the purpose of discussion on Tax Equalization and Review Commission (TERC) cases 18C 0200 EarthGrains Baking Companies, Inc. v. Dakota County Board of Equalization and 18C 0178, 18C 0180, 18C 0181 & 18C 0182 YES Companies EXP FRED, LLC v. Dakota County Board of Equalization. ROLL CALL VOTE: Gomez- yes, Rohde- yes, Albenesius- absent, Gill- absent, Hohenstein- yes. UNANIMOUS MOTION CARRIED at 8:43 a.m. Chair Rohde restated the reason for closed session.

Board Member Gomez moved, seconded by Chair Rohde, to reconvene in open session. ROLL CALL VOTE: Rohde- yes, Albenesius- absent, Gill- absent, Hohenstein- yes, Gomez- yes. UNANIMOUS MOTION CARRIED at 8:48 a.m.

Chair Rohde moved, seconded by Board Member Hohenstein, to approve the County Attorney make offer for settlement agreement in TERC case #18C 0200 EarthGains Baking Companies, Inc. v. Dakota County Board of Equalization. ROLL CALL VOTE: Hohenstein- yes, Gomez- yes, Rohde- yes, Albenesius- absent, Gill- absent. UNANIMOUS MOTION CARRIED.

No action was taken regarding the YES Companies EXP FRED, LLC TERC cases.

Chair Rohde adjourned the September 27, 2019, Emergency Board of Equalization meeting at 8:49 a.m.

County Board of Equalization

Kevin Rohde, Chair

Date signed

Joan Spencer, County Clerk

Date