

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, OCTOBER 26, 2000
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF FRIDAY,
OCTOBER 20, 2000**

MOTION: Steinman moved and Heier seconded approval of the Staff Meeting minutes dated October 20, 2000. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

2 ADDITIONS TO AGENDA

- a. Menu for Tri-County Retreat**
- b. Letter to Wells Fargo Bank**
- c. Reports on the Juvenile Probation Task Force and the Funders Group - Steinman**
- d. Letter from Vincent Valentino**

MOTION: Hudkins moved and Steinman seconded approval of the additions to the agenda. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

ADDITIONS TO AGENDA

- a. Menu for Tri-County Retreat**

Consensus of the Board to order steak casserole.

b. Letter to Wells Fargo Bank

Kerry Eagan, Chief Administrative Officer, distributed a letter from the County Attorney's office to Wells Fargo Bank regarding the master agreement for treasury management services. (Exhibit A).

Hudkins asked if the new agreement was more restrictive regarding third party lawsuits.

Kerry Eagan, Chief Administrative Officer, stated the current contract is more restrictive and referred to three areas of concern:

- < Paragraph 10.2 shifts the responsibility to the County for any consequential, special or indirect loss or damage whether or not the bank knew or should have known of the likelihood of such loss.
- < Paragraph 10.7 changes the statute of limitations to one year from the date of the act or omission giving rise to the action.
- < Paragraph 11 requires the County indemnify the bank against acts committed by third parties whether or not the County is responsible.

Hudkins requested that a copy of the letter be sent to Brad Korell, Wells Fargo Bank.

Campbell concurred that Brad Korell should be sent a copy of the letter.

In response to a question asked by Heier, Eagan stated Wells Fargo supplied the County with the contract. He said it is a different form contract than what National Bank of Commerce used, but it is for the same core services.

c. Reports on the Juvenile Probation Task Force and the Funders Group - Steinman

Juvenile Task Force

Steinman reported that a proposal would be sent to the Legislature stating that the number of probation officers in Intake should be increased. She stated next year they would begin reviewing job responsibilities of probation officers and whether they should be under the Office of Juvenile Services and/or Health and Human Services or whether they should remain under the judiciaries.

Funders Group

Steinman reported that a presentation was given by Lincoln Public Schools. She noted that the Nebraska Urban League also distributed copies of *State of Black Nebraska*.

d. Letter from Vincent Valentino

Board consensus to refer the letter to the County Attorney.

3 CRISIS CENTER CONTRACT WITH REGION V COUNTIES - Mike Thew, Chief Deputy County Attorney; Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, reported that a meeting was held with representatives from nine counties and Region V regarding the Crisis Center. He stated the consensus was that the increase in post-commitment days needs to be addressed by some type of indemnification through insurance or the County's costs.

He stated when Senator Hudkins reintroduces legislation, the Senators of Lancaster County, as well as the Senators in Region V, will be asked to co-sponsor the bill.

Mike Thew, Chief Deputy County Attorney, stated he was encouraged to hear Senator Byers say that the Governor has said publicly that mental health is his number one spending priority this session.

Thew also stated he felt all of the County Commissioners who spoke at the meeting were very supportive of Lancaster County. He indicated that it was their preference to have Lancaster County self insure and then have each county pay their proportionate share of the cost of any additional insurance. Thew said the problem is the \$100,000 deductible on the insurance policy and how to spread that share of the cost.

Settle suggested a tour of the Crisis Center be scheduled for the Region V Governing Board.

Thew stated it would also be valuable to give a presentation regarding the process and procedures at the Crisis Center.

Settle explained that in years past the Crisis Center would receive three to four calls a year when their overflow of clients were sent to Lincoln General and the psychologist was needed to conduct an evaluation. He reported that they now receive three to four calls a week.

Kim Etherton, Community Mental Health Center, explained that the Crisis Center is requiring a doctor's order be issued when a client wishes to see a psychologist so that the Crisis Center can bill for the psychologist.

Settle stated they feel they can control some of the additional costs as a result of increasing post-commitment days and the ramifications of those increasing numbers that are occurring at the Crisis Center.

They reported that a meeting was held with the attorney who represents BryanLGH who expressed concerns regarding the fact that they are not a locked facility and have no security, yet individuals are being admitted who are inappropriate for their setting. He said a representative from BryanLGH attended the meeting held with the counties and Region V and indicated that they are seriously considering whether they should be in the business of mental health crisis care.

Following discussion about hiring a clinical psychologist with a forensic background, who also has experience with juveniles, Settle stated he would contact Daniel Leggiadro regarding interest in the position.

Campbell suggested that Settle and Etherton speak with Sheryl Schrepf, Families First and Foremost Grant Director, and Gus Hitz, Families First and Foremost, regarding the possibility of using a portion of Families First and Foremost grant monies to hire a clinical psychologist.

4 DISCUSSION WITH SCOTT SIDWELL, NEBRASKA ASSOCIATION OF COUNTY OFFICIALS EXECUTIVE DIRECTOR

Gordon Kissel, Legislative Consultant, indicated that juvenile boarding costs and mental health care (Crisis Center) are the top priorities for the County.

Kerry Eagan, Chief Administrative Officer, gave a brief background stating that the Regional Center is not admitting new patients. He explained those individuals wait at the Crisis Center with no treatment which exposes the County to liability

Campbell stated mental health care is also a priority for Douglas County.

Campbell stated she and Commissioner Steinman would be testifying before the Legislature on juvenile issues at the request of Senator Thompson.

Eagan addressed the use of county monies to pay for the improvement or maintenance of county roads which go through villages. He said an Attorney General's opinion states that counties must stop at village limits. He explained that for many years the County Engineer had entered into interlocal agreements with villages to share the cost of maintenance for that portion of the road within the village. Eagan stated an opinion from the Lancaster County Attorney concurs with the opinion of the Attorney General. He stated they would like to see legislation which would allow counties to spend a percentage of money to help maintain/improve those county roads going through villages.

Other issues addressed by the County Board were as follows:

- < Roadhouses
- < Issuance of building permits for parcels of 20 acres or more

Issues which the Nebraska Association of County Officials (NACO) will be watching were outlined as follows:

- < Property Tax
- < Tax Equalization and Review Committee (TERC)
- < Inheritance Tax
- < Emergency Communications Technology (Enhanced Wireless Surcharge for 911)

5 POLICY ON COUNTY EMPLOYEES CALLED AS WITNESSES IN COUNTY LITIGATION - Mike Thew, Chief Deputy County Attorney; Sheriff Terry Wagner; Chief Deputy Sheriff William Jarrett

Mike Thew, Chief Deputy County Attorney, briefed the County Board about the need for a policy regarding County employees who are called as witnesses in County litigation.

MOTION: Hudkins moved and Heier seconded to authorize Personnel to draft a procedure regarding reimbursement to County agencies, including overtime, for special witness fees and that those departments be reimbursed from the Expert Witness Fund.

Campbell noted that the record should reflect that the policy would cover a County employee testifying on behalf of another County agency.

ROLL CALL: Workman, Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

6 REMOVAL OF TREES AT LANCASTER MANOR - Larry Van Hunnik, Lancaster Manor Administrator

Larry Van Hunnik, Lancaster Manor Administrator, explained Steve Schwab, City Arborist, informed Lancaster Manor that there are three trees along South Street which need to be removed because they are dying and that there is another tree that needs to be trimmed or removed.

Van Hunnik recommended following the arborist's suggestion to remove the four trees, at a cost not to exceed \$500 per tree. He also recommended that they wait until spring to see if additional trees would need to be planted.

MOTION: Heier moved and Steinman seconded removal of the four trees along South Street, at a cost not to exceed \$500 per tree. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

7 REPORT AND RECOMMENDATION FROM THE PENSION REVIEW COMMITTEE REGARDING ADDITIONAL INVESTMENTS - Pension Review Committee

Kerry Eagan, Chief Administrative Officer, stated the committee recommended the addition of the following funds to the Lancaster County Employees Retirement Plan:

- < Invesco Dynamics (mid cap growth)
- < Janus Fund (large cap growth)
- < Invesco Small Company Growth (small cap growth)
- < American Century International Growth (international growth)
- < Strong Common Stock (mid cap blend)
- < Neuberger Berman Genesis Trust (small cap blend)
- < Nationwide U.S. Government Bond (intermediate bond)
- < Franklin Small Cap Growth

Eagan referred to the second recommendation stating that a new agreement be entered into with Nationwide Retirement Solutions regarding the Morley Stable Value Fund, retroactive to September 29, 1999.

The third recommendation from the committee, he stated, was that the County should continue to monitor the progress on the redesign of Nationwide's website.

The final recommendation was that the County continue to evaluate its deferred compensation program, including the options of adding additional deferred compensation providers, consolidating the program under one provider, and tying the fee structure to the pension plan.

Eagan stated he would place the agreement regarding the Morley Stable Value Fund on the Tuesday agenda and also the additional investment options for the retirement plan.

8 JOINT PUBLIC AGENCY BOND ISSUE FOR AGRICULTURAL SOCIETY EVENTS CENTER; PAVING HAVELOCK - Alan Wood, Attorney for the Agricultural Society; Bill Giovanni, Ameritas; Lauren Wismer, Bond Counsel

Present were Lauren Wismer, Cline, Wismer, Wright, Johnson & Oldfather law firm; Eric Bergquist, Cline, Wismer, Wright, Johnson & Oldfather law firm; Scott Keene, Ameritas; Bill Giovanni, Ameritas; Don Thomas, County Engineer; Charles Willnerd, Lancaster County Agricultural Society Building Committee Chair; Alan Wood, attorney for the Agricultural Society and Dave Kroeker, Budget & Fiscal Officer.

Dave Kroeker, Budget & Fiscal Officer, reviewed *Source and Use of Funds* (page 14 of the Commissioners' packet). He stated by using the beginning cash balance of \$167,000 and including the bond proceeds along with the \$200,000 from District Energy that there should be approximately \$22,152 remaining.

Kroeker distributed documentation regarding construction cost changes (Exhibit C) and noted that the changes are due to the addition of a machine shed and the paving of a portion of Havelock Avenue.

Also discussed were the contributions, with Kroeker noting that they have received \$194,000 to date. Projected contributions for 2001 are \$103,000; \$45,000 for 2002 and \$17,000 for 2003. Expected contributions between 2004 and 2010 are \$32,350.

Willnerd stated the contributions for 2001 through 2003 are a combination of pledges and first payments have not been made. He stated the \$32,350, for years 2004 through 2010, was a note receivable on a land contract which is paid monthly.

Willnerd also stated the bond interest rates are decreasing and it may be possible that the \$680,000 from the budget to be used for financing costs could possibly buy more than the \$5,000,000 worth of bonds.

In response to a question asked by Hudkins, Willnerd stated they are not anticipating using any of the bond money for operating funds.

Workman asked if the Agricultural Society had a line of credit available.

Willnerd stated they have set up a \$25,000 note with Wells Fargo Bank through the end of the year. To date they have not used any of the line of credit.

Workman stated he is comfortable with the \$5,000,000 worth of bonds.

Campbell asked Bill Giovanni, Ameritas, if they are assured of the figures.

Giovanni responded yes.

Scott Keene, Ameritas, quoted a figure of \$120,000 for cost of issuance.

In response to a question asked by Campbell regarding accrual of interest income between October and April, Keene stated interest income would be approximately \$75,000.

Also discussed was *Use of Funds* and a *List of Equipment to be Purchased* (pages 15 and 16 in the Commissioners' packet).

In response to a question asked by Hudkins, Giovanni stated that they can do a bond issue which generates net proceeds of \$5,145,000.

Board consensus to remain with the \$5,000,000 bond issue.

Paving of Havelock Avenue

Don Thomas, County Engineer, stated it is not the correct time of year for paving. He also said that Havelock Avenue is in the floodplain and there could be serious subgrading work needed. Thomas suggested that the bid be let in February with paving to be done in the summer. He also recommended that they pave to the bridge.

Alan Wood, attorney for the Agricultural Society, stated that paving to the bridge would increase the cost over the \$65,000 budgeted.

Thomas quoted a cost of \$80,000.

Campbell stated the cost difference between paving from the third driveway to the bridge would be at the cost of the County.

Board consensus to let the bid in February and request that the paving be the first project to be completed in the summer.

Eric Bergquist, Cline, Wismer, Wright, Johnson & Oldfather law firm, stated he would schedule a meeting of the Joint Public Agency in which they will elect officers, execute the Facilities Agreement and ratify and approve the public notice of intent to issue bonds.

9 LABOR NEGOTIATIONS - Georgia Glass, Personnel Director; Diane Staab, Deputy County Attorney

MOTION: At 11:17 a.m. Heier moved and Hudkins seconded to enter Executive Session for the purpose of discussing labor negotiations. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

MOTION: At 11:24 a.m. Heier moved and Hudkins seconded to exit Executive Session. Steinman, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

10 CONSENT ITEMS

- a. Request from Dave Kroeker to attend AGA Seminar on November 3, 2000
- b. Vacation Requests:
 1. Mike Thurber for October 26-27, 2000
 2. Doug Ahlberg for December 2-4, 2000

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Campbell, Steinman, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

a. District Court Furniture

Campbell referred to Page 23 of the Commissioners' packet and explained that the original request was approximately \$3,000, however, furniture is needed for the new District Judge.

Dave Kroeker, Budget & Fiscal Officer, suggested District Court take the money from their budget with review by the County Board at the end of the year.

MOTION: Hudkins moved and Steinman seconded to request District Court purchase furniture from their budget with review by the County Board at the end of the year. Workman, Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

b. Wilderness Park Committee

MOTION: Hudkins moved and Heier seconded to designate Commissioner Campbell and Kerry Eagan to the Wilderness Park Committee. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

c. Jail Standards Seminar

Campbell asked if anyone was interested in attending.

Board consensus to refer the letter to Mike Thurber, Corrections Director.

d. Deputy Chief Administrative Officer

Hudkins stated that Kerry Eagan, Chief Administrative Officer, needs assistance, however, his thought was that they give the Secretary to the County Board additional duties and hire a receptionist. He stated he supports the concept of getting Eagan a higher level individual to assist him with his duties. Hudkins asked what would happen with the secretary's position if a Deputy Chief Administrative Officer is hired.

He also noted concern regarding the salary for a Deputy Chief Administrative Officer.

Eagan distributed a job description for a Deputy Chief Administrative Officer (Exhibit D) and the Administrative Secretary to the County Board (Exhibit E). He explained that Personnel updated the "Desirable Knowledges, Abilities and Skills" for the Deputy Chief, however, the job duties and examples of work performed did not change.

Eagan stated he originally requested a receptionist in December, 1999, however, the County Board requested that Personnel develop a Deputy Chief Administrative Officer position in the Unclassified Service. He stated he expressed concern at that time that the budget impact would be larger than the original proposal.

A legal opinion, Eagan stated, indicated that the County Board could place the position in the Unclassified Service, however, it would have to be as a deputy department head.

Eagan stated if the Deputy Chief position is created an additional person would still be needed.

Eagan stated that the Board needs to decide whether they want to proceed with the Chief Deputy and receptionist positions or if they want to proceed with his original proposal. He stated the Board previously made it very clear that they would like a position in the Unclassified Service which would have a broad range of very responsible duties involving a large amount of discretion.

Eagan added that he was comfortable with his original proposal and that he had no vested interest in making the position a Deputy Chief.

Steinman indicated she supports proceeding with the Deputy Chief and receptionist positions because the County Board is getting more responsibilities and becoming involved in more issues. She stated to be more effective they need to expand the office.

Hudkins suggested proceeding in stages, such as expanding the office by one additional person to answer the telephone with a review in one to two years.

Campbell stated she felt the Deputy Chief position would take the County Board into the future, however, she would be willing to try the addition of a receptionist with a review of the position in six months.

MOTION: Heier moved and Steinman seconded to proceed with the Deputy Chief Administrative Officer and receptionist positions, to change the job title of the Administrative Secretary to the County Board and make the position more substantive. Heier, Workman, Steinman and Campbell voted aye. Hudkins voted no. Motion carried.

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DISCUSSION OF BOARD MEMBER MEETINGS

a. Visitors Promotion Committee - Steinman

Steinman reported she received a copy of *Repositioning Omaha for Tourism Growth*.

b. Parking Committee - Campbell

Campbell reported that Jeff Fortenberry, City Councilman, had requested a parking tag for his assistant and Captain William Coleman, Deputy County Sheriff, had also requested a tag for visiting judges. She said individuals who serve on boards, such as the Personnel Policy Board or advisory boards, will be receiving memos that parking tags may be used when they are attending an advisory board meeting, however, they are not to be used for professional or personal reasons.

Campbell also explained that some individuals are removing their parking tags and are parking along the street or in the public parking lot. In an effort to solve the problem, stickers will be issued and employees will need a parking tag and a sticker displayed in their vehicle(s).

She said that they also discussed "H" Street, however, no recommendations were made. Campbell added that John Sinclair, Sinclair Hille & Associates, directed to look at long term options in the event that the County expands the correctional facility.

**c. Parks & Recreation Advisory Board Futures Committee
- Workman**

Workman reported the Futures Committee meeting was held. He noted that discussion took place regarding the comprehensive plan survey which includes a section regarding parks.

d. Attention Center Advisory Committee - Heier

Heier reported that the Attention Center Advisory Committee was cancelled.

13 ADJOURNMENT

MOTION: Hudkins moved and Workman seconded adjournment of the County Board Staff meeting. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk