

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JANUARY 25, 2007
8:30 A.M.**

Commissioners Present: Bob Workman, Chair
Larry Hudkins
Ray Stevens
Deb Schorr

Commissioners Absent: Bernie Heier, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF TUESDAY, JANUARY 23, 2007

MOTION: Stevens moved and Schorr seconded approval of the Staff Meeting minutes dated January 23, 2007. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Microcomputer Request C#2007-033, \$628.93 from Human Services for Two (2) Palm Pilots (Exhibit A)
- B. Suicide Prevention Grant Application to the Community Health Endowment (Exhibit B)
- C. Keno Satellite Application from Ron's Pub
- D. Correspondence from the Nebraska Association of County Officials (NACO) Regarding LB564 (Change the Recreational Liability Act) (Exhibit C)

MOTION: Schorr moved and Hudkins seconded approval of the additions to the agenda. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit D). He reported that he submitted a letter in support of LB305 (Change distribution of certain sales tax revenue) under the guidelines of funding issues that the County has prioritized. The bill was advanced by the Revenue Committee.

Discussion took place regarding LB268 (Change election provisions for county board members). Kissel noted that five of Lancaster County's eight Senators have signed off on the bill and suggested the need to present clear arguments if opposing the bill. There was general consensus to provide the Senators an explanation of why nomination by district and election on a countywide basis has worked in Lancaster County and to urge them to consider permissive language. Hudkins noted that Schorr spoke with former County Commissioners Jan Gauger and Kathy Campbell regarding the bill and suggested that Schorr provide testimony at the legislative hearing. It was also noted that Campbell has agreed to speak with Senator McGill, the bill's sponsor.

Mark Bowen, Mayor's Chief of Staff, appeared and urged the Board to support LB403 (Change distribution and allocation of certain sales tax revenue and road funds).

MOTION: Hudkins moved and Stevens seconded to support LB403. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Bowen agreed to provide a draft letter of support.

There was also general consensus to support LR6CA (Constitutional amendment to provide for investment by political subdivisions).

Eagan gave an overview of LB364 (Change apportionment of inheritance tax revenue).

Kissel agreed to monitor that bill and other legislation related to the inheritance tax. He will also monitor the following bills: LB294 (Change a standard of review for appeals to the Tax Equalization and Review Commission); LB332 (Change procedures for appeals to the Tax Equalization and Review Commission); and LB335 (Change provisions relating to civil protective custody).

ADDITIONS TO THE AGENDA

- A. Microcomputer Request C#2007-033, \$628.93 from Human Services for Two (2) Palm Pilots (Exhibit A)

Kit Boesch, Human Services Administrator, appeared and said she has revised her request and is no longer requesting a Palm Pilot for herself. She said she is still requesting one for Corey Steele, Juvenile Justice Coordinator, and outlined the reasons.

Gwen Thorpe, Deputy Chief Administrative Officer, said there may also be Blackberry-type devices available through the Alltel phone contract.

It was noted that there will also be a monthly charge for email access.

MOTION: Schorr moved and Stevens seconded to authorize the purchase of a basic model Palm Pilot for Corey Steele, Juvenile Justice Coordinator, in consultation with Information Services. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

4 MEDICAL INTERPRETATION STANDARDS - Kit Boesch, Human Services Administrator; Helen Fagan, Diversity Coordinator for BryanLGH Medical Center

Helen Fagan, Diversity Coordinator for BryanLGH Medical Center, discussed the need for quality, qualified interpreters in the delivery of health care.

In response to a question from Workman, Fagan explained that patient has the right to request, to use or to refuse an interpreter.

Kit Boesch, Human Services Administrator, said the Joint Budget Committee (JBC) has recommended that the County Board and City Council endorse the concept of National Standards for Medical Translation and Interpretation in Health Care. She noted that endorsement does not constitute a financial obligation.

Boesch also presented a letter of support from Dr. Robert B. Rhodes, a family practice physician and President and Founder of Clinic with a Heart (Exhibit E).

MOTION: Stevens moved and Hudkins seconded to ask Kit Boesch, Human Services Administrator, and Helen Fagan, Diversity Coordinator for BryanLGH Medical Center, to give a presentation at a County Board of Commissioners Meeting, at which time a resolution endorsing the concept of National Standards for Medical Translation and Interpretation in Health Care will be presented. Stevens, Hudkins, Schorr and Workman voted aye. Motion carried.

5 COUNTY SPECIAL PERMIT NO. 06058, NORTHWEST 126TH AND WEST ALVO ROAD (AGREEMENT WITH U.S. CELLULAR) - Kristy Bauer, Deputy County Attorney; Harvey Cooper, Attorney for U.S. Cellular; Michele Roth, U.S. Cellular

Kristy Bauer, Deputy County Attorney, reported that a compromise has been reached with U.S. Cellular regarding location of emergency communications equipment on a proposed cell tower (see January 18, 2007 Staff Meeting minutes). A letter of agreement will be attached, as a special condition, to the resolution stipulating the following terms and conditions: 1) A three-year reservation period for co-location of the emergency communications equipment on the tower; 2) Ten feet of vertical space will be provided, rent-free; and 3) The space on the tower that will be reserved will be determined within 30 days of approval. She noted that rent-free, co-location of emergency communications equipment is also a condition of the special permit.

Harvey Cooper, Attorney for U.S. Cellular, said the intent is to allow the County a three-year period to determine whether it wants to co-locate on the tower. If the County elects not to exercise its option by the end of that period, space would be opened up commercial carriers. He also clarified that the County's space will be rent-free as long as U.S. Cellular occupies the tower (U.S. Cellular's lease is for five years, with four, five-year options).

Schorr asked whether the agreement will apply to all of U.S. Cellular's towers in Lancaster County.

Cooper said the intent is to have it apply to a tower at 176th and "O" Streets, as well.

Bauer said it would require a request to amend the special permit because it was approved with that condition.

Michele Roth, U.S. Cellular, stated that the intent is to have it apply to future applications.

Sheriff's Captain Bill Jarrett appeared and said he would like more flexibility at the end of the three-year period.

Terry Lowe, Information Services Project Manager, appeared and requested the ability to approach U.S. Cellular regarding possible co-location of Wi-Linc (Wireless Internet) equipment.

Stevens asked whether the tower will cover Malcolm.

Cooper said if it does, it will be peripherally. He said it designed to be the "gateway" to the old Cellular One 800 megahertz system. **NOTE:** U.S. Cellular is limited by the Federal Communications Commission (FCC) to a 1,900 megahertz system in Lancaster County.

6 CASE MANAGEMENT SYSTEM - Gary Lacey, County Attorney; Kristy Bauer, Deputy County Attorney; Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, presented information related to the purchase of software from DefenderData for a case management system for the Public Defender's Office and the County Attorney's Office versus having Information Services (IS) build a system (see cost comparison in Exhibit F). He said DefenderData has converted the County's data to their system and has proposed coming on-site to work with staff and make necessary modifications. DefenderData has asked the County to cover those expenses, estimated at \$3,500.

Kristy Bauer, Deputy County Attorney, said she drafted a contract for services and travel expenses and said one of the issues was the lack of workers' compensation insurance. She said it will be up to the Board whether to waive that requirement. DefenderData has also requested the following changes: 1) Have the contract governed by the State of Utah (DefenderData is located in Salt Lake City; and 2) Eliminate language stipulating that Lancaster County can walk away from the contract, if it is not satisfied with services, and not pay for any prior services.

Keefe noted that services to date have been provided at no charge.

Bauer said there have been verbal representations that the services were free. She stressed the need for the County to get that commitment in writing.

Gary Lacey, County Attorney, expressed concern that the relationship with DefenderData has become adversarial.

Keefe added that the company has an excellent reputation.

Board consensus was to schedule an agreement with DefenderData to provide and install a test version of the case management software system on the January 30, 2007 Board of Commissioners Meeting agenda.

7 JUVENILE COURT ADMINISTRATOR - Juvenile Court Judge Roger Heideman; Juvenile Court Judge Linda Porter; Juvenile Court Judge Toni Thorson

General discussion took place regarding a request from the Juvenile Court Judges to hire a full-time court administrator. Suggested duties include administrative functions, coordination of Family Drug Court functions, file review related to the legal contracts and review of requests for court-appointed counsel. The cost was estimated at \$50,000 to \$55,000 and it was suggested that the expense could be offset, in part, by using \$20,770 that the Nebraska Supreme Court has allocated for a part-time Family Drug Court position and reallocating the \$3,000 that is paid to the bailiff that has administrative duties. A conference room could be converted into office space to accommodate the position.

Gary Lacey, County Attorney, appeared in support of the request, noting the heavy workload in the Juvenile Court.

It was noted that a shared position has been discussed with the District Court Judges. The fact that the courts are located on different floors and that budget oversight is the only common duty were mentioned as drawbacks to a shared position.

Additional discussion of the request, and a similar request from the District Court, is scheduled on the Mid-Year Budget Retreat agenda. The Juvenile Court will forward information regarding the Douglas County Juvenile Court Administrator to the Board.

8 MID-YEAR BUDGET RETREAT AGENDA - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, discussed the proposed agenda (see agenda packet).

Schorr said she would like the Lincoln Chamber of Commerce to talk to the Board about the County's Lincoln Partnership for Economic Development (LPED) contribution.

Hudkins suggested a detailed discussion of how to spend the Visitors Improvement Fund and an overview of the County's current Community Development Block Grant participation.

MOTION: Schorr moved and Stevens seconded to schedule a brief presentation by the Lincoln Chamber of Commerce regarding their request for Lincoln Partnership for Economic Development (LPED) funding. Stevens and Schorr voted aye. Workman and Hudkins voted no. Vote tied. Motion failed due to the lack of a majority.

There was Board consensus to: 1) Add discussion of the TRIM Electronic Recordkeeping System to Item 5b; and 2) Have Don Killeen, County Property Manager, participate in the discussion of long-term facility needs (Item 5d).

Eagan suggested that discussion of the County's role in economic development be scheduled on a future Staff Meeting agenda.

9 JAIL BOND ELECTION - Dave Shively, Election Commissioner

Discussion took place with Dave Shively, Election Commissioner, about whether to schedule the jail bond election in April or May. Shively suggested that the County seek a legal opinion regarding conflicting statutory language on elections (could require different dates for a city election and a special election). He noted that the City is also talking about placing a bond issue on the April ballot. Shively estimated the cost of conducting the election at \$60,000 to \$75,000, noting the cost is dependent on when the election is held and what else is on the ballot (costs are prorated on ballot space used). A special election could also be conducted by mail, but would be costly.

MOTION: Schorr moved and Stevens seconded to: 1) Request a legal opinion from the County Attorney's Office regarding conflicting language on elections in State Statutes; and 2) Ask the Chair and Vice Chair to meet with the Mayor in the next week to inform her of the County's intent to conduct a jail bond election. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

There was also Board consensus to schedule discussion of the jail bond election on the City-County Common agenda.

ADDITIONS TO THE AGENDA

- B. Suicide Prevention Grant Application to the Community Health Endowment (Exhibit B)

Dean Settle, Community Mental Health Center Director, appeared and presented updated information on the grant (Exhibit G).

Schorr exited the meeting at 10:57 a.m.

MOTION: Hudkins moved and Stevens seconded to proceed with the grant application. Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 11:03 a.m.

- C. Keno Satellite Application from Ron's Pub

Eagan indicated that Ron's Pub plans to resubmit a Keno satellite application.

Board consensus was to schedule the application on the February 6, 2007 Board of Commissioners Meeting agenda.

- D. Correspondence from the Nebraska Association of County Officials (NACO) Regarding LB564 (Change the Recreational Liability Act) (Exhibit C)

MOTION: Stevens moved and Schorr seconded to authorize Commissioner Hudkins to represent Lancaster County in a video about the Bronsen recreational liability case and related legislation (LB564). Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

10 ACTION ITEMS

- A. Microcomputer Request C#2006-489, \$11,806.23 from the County Assessor's Budget for Six (6) Computers; Fourteen (14) Monitors; Two (2) Printers and Associated Software

Norm Agena, County Assessor/Register of Deeds, appeared and gave an explanation of the revised request, which now totals \$10,306.

MOTION: Hudkins moved and Stevens seconded approval of the revised request. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

- B. Microcomputer Request C#2007-026, \$5,049.57 from the Microcomputer Fund for Adult Probation, Changing Configuration of the Approved Budget Request

MOTION: Stevens moved and Schorr seconded approval. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

- C. Address Change Appeal from Dale Lilyhorn (Existing Address is 3000 West Branched Oak Road; New Address is 3110 West Branched Oak Road)

It was noted that the request to retain the existing address does not meet geocoding (the process of assigning geographic identifiers) (Exhibit H).

MOTION: Schorr moved and Stevens seconded to deny the appeal. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

- A. Meeting with Nebraska Department of Health and Human Services (HHS) Regarding Lancaster Manor Admissions

Schorr reported on a meeting held with David Cygan, attorney for the Nebraska Department of Health and Human Services (HHS), and Larry Van Hunnik, Lancaster Manor Administrator, to discuss Lancaster Manor admissions and the possibility of the Manor becoming Medicare certified. She noted that HHS has offered to pay for a certification consultant.

B. City-County Common Agenda Items

The following items were suggested: 1) Jail financing options and bond election; 2) Yankee Hill Road/Denton Road issues; and 3) Proposals to increase the City's funding of Noxious Weed Control and to change the split of Keno proceeds (the current split is 70% for the City and 30% for the County).

C. Youth Detention Contract with the State

Eagan said the State has not signed the contract yet and said Michelle Schindler, Youth Services Center Director, is concerned because someone at the State is maintaining that the per diem amount will not be retroactive, even though that has been the understanding through all of the discussions.

Hudkins suggested that Eagan contact Christine Peterson, Nebraska Department of Health and Human Services (HHS) Chief Executive Officer, directly.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Nebraska Association of County Officials (NACO) Board of Directors - Heier

No report.

B. Nebraska Association of County Officials (NACO) Legislative Committee - Heier

Board consensus was to authorize Commissioner Hudkins to represent Lancaster County at the meeting, in Heier's absence.

C. Joint Budget Committee (JBC) - Stevens, Schorr

Stevens said the request for endorsement of the National Standards for Medical Translation and Interpretation in Health Care was the main topic of discussion.

Schorr reported that the United Way of Lincoln-Lancaster County has exceeded its goal and said discussion also took place regarding the impact of the Boys and Girls Clubs of America coming to Lincoln.

D. Downtown Lincoln Association (DLA) - Stevens

No report.

E. Youth Services Advisory Committee - Heier

No report.

F. Community Mental Health Center (CMHC) Advisory Committee -
Stevens

Stevens said discussion focused on the Commission for Accreditation of Rehabilitation Facilities (CARF) report.

13 ADJOURNMENT

MOTION: Stevens moved and Hudkins seconded to adjourn the meeting at 11:35 a.m. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk