

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113**

**TUESDAY, FEBRUARY 6, 2007
11:00 A.M.**

(OR IMMEDIATELY FOLLOWING THE BOARD OF COMMISSIONERS MEETING)

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr

Commissioners Absent: Ray Stevens

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

The Chair opened the meeting at 10:19 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, JANUARY 25, 2007

Heier asked that Item 1 be amended to reflect that Hudkins, rather than Heier voted aye.

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes dated January 25, 2007, with the noted correction. Hudkins, Heier, Schorr and Workman voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Dirt Mining Application for Highway 77 Between Waverly Road and Mill Road
- B. Meeting with Mayor
- C. Microcomputer Request C#2007-048, \$1,038.92 from County Attorney for One (1) HP CB/DVD Burner and Related Software (Exhibit A)
- D. Visitors Promotion Committee (VPC) Appointments (Exhibit B)

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

DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster Manor Advisory Committee - Hudkins

Hudkins said there was a presentation on hospice care.

Hudkins noted there is a draft contract for Medicare review of Lancaster Manor and asked how the Board should proceed.

Kerry Eagan, Chief Administrative Officer, recommended that the Board wait for review by Larry Van Hunnik, Lancaster Manor Administrator. He said Van Hunnik is investigating whether it would make sense for Lancaster Manor to be a Medicare facility. The reimbursement rate would be higher, but it would involve additional regulation and expense.

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

Heier said the decisions were made on what position to take on legislation (a list was circulated to Board members).

Hudkins said he substituted for Heier at a meeting last Friday. He also observed testimony by NACO representatives at a legislative hearing on LB 22 (change inheritance tax calculations).

C. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman

Heier said discussion focused on the jail project.

D. Region V Governing Board - Schorr

Schorr said there were concerns that Region VI is utilizing too many of the beds at the Lincoln Regional Center (LRC) which makes it difficult for Region V consumers to access Mental Health Board ordered treatment at the facility. She also reported that expansion of the Integrated Care Coordination Unit (ICCU) to rural counties was placed on hold.

E. Keno Prevention Fund Advisory Board - Schorr

Schorr reported on funding allocations for prevention programs. She also reported that she was unsuccessful in her effort to add two youths as ex-officio members.

F. Parks and Recreation Advisory Board - Stevens

No report.

G. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Board - Heier

Heier said an additional easement is needed from the County for the Jamaica Trail.

H. Lincoln Partnership for Economic Development (LPED) Investors -
Workman

Schorr said she attended the meeting and reported on a presentation on Lincoln's Young Professionals Group (YPG), a program of the Lincoln Partnership for Economic Development (LPED). She said the City's decision to increase its LPED contribution to \$500,000 and the County Board's decision to limit its contribution to \$2,500 were reported and members were encouraged to contact the County Commissioners and encourage them to increase the County's level of participation.

Board members cited instances in which the County has helped to fund economic development (financial assistance to companies such as Weaver's Potato Chip, Kawasaki Motors, Tractor Supply, Linweld and Sandhills Publishing and sharing in funding the salary for Darl Naumann, Administrative Assistant to the Mayor/Economic Development).

ADDITIONS TO THE AGENDA

A. Dirt Mining Application for Highway 77 Between Waverly Road and Mill Road

Workman noted that the City Council denied the special permit application for authority to operate sand, gravel and soil excavation on property one-quarter mile east of North 56th Street/Highway 77, between Waverly Road and Mill Road at the February 5th City Council Meeting. He said it is his understanding that this was a joint application for the entire piece of land and needed approval by both bodies (the County Board approved the application on December 5, 2006).

Eagan recommended that the Board seek a legal opinion.

Heier said he would also like a legal opinion on the use of agricultural land following a Community Unit Plan (CUP) designation.

MOTION: Schorr moved and Heier seconded to request legal opinions regarding: 1) Whether it is necessary to file two different special permit applications when a parcel overlaps jurisdictional lines; and 2) Can land that has been set aside as a common area for agricultural use in a Community Unit Plan (CUP) be used for dirt mining or other uses. Schorr, Workman, Heier and Hudkins voted aye. Motion carried.

3 ADDITIONAL COUNTY COURT JUDGE - County Court Judge Jean Lovell

County Court Judge Jean Lovell presented a caseload report for County, Juvenile and District Courts in Nebraska (Exhibit C) and said the report shows that the Lancaster County Court is the most under resourced court in the State, as far as judges. She said there is also a crisis in terms of staffing (Exhibit D).

Judge Lovell said the Judicial Resources Commission has recommended that the Nebraska Legislature create three new judgeships in Lancaster County (one each in the County Court, Juvenile Court and District Court). The Judicial Resources Commission has recommended that an open seat in the Twelfth Judicial District be moved to Lancaster County, in the County Court. She said the County Court Judges feel they can accommodate a new judge without additional courtroom space, provided there is the courtroom in the jail. The County would have to provide office space and furniture.

The Judicial Resources Commission has also asked the Nebraska Bar Association to do a study of district borders and to make recommendation as to whether the Chief Justice could reassign judges.

Judge Lovell asked the Board to support the recommendations of the Judicial Resources Commission.

Terry Wagner, Lancaster County Sheriff, appeared and said there will be security and transportation issues if courtrooms are located anywhere other than the Justice and Law Enforcement Center.

Board consensus was to seek input from Gordon Kissel, Legislative Consultant

4 ARCHITECTURAL SERVICES FOR COUNTY ATTORNEY (ADDITIONAL OFFICE) - Gary Lacey, County Attorney

Gary Lacey, County Attorney, said Deputy County Attorney David Stempson has retired. He said Stempson was housed at the U.S. Attorney's Office, but his replacement will be located in the County Attorney's Office. Lacey requested the services of an architect to advise how to reconfigure office space.

Hudkins suggested that Lacey seek advise from Don Killeen, County Property Manager.

ACTION ITEMS

- A. Authorize Plan Contacts Form for Blue Cross/Blue Shield

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

- B. Payroll Insert for February 8, 2007 (Safety Flyer)

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

- C. Microcomputer Requests
 - 1. C#2006-248, \$1,415.50 from Community Mental Health Center (CMHC) Budget for Ten (10) Lotus Notes Licenses

Gwen Thorpe, Deputy Chief Administrative Officer, gave a brief explanation of the request.

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

- 2. C#2007-037, \$1,705.15 for Seven (7) Used Computers, Software, Etc. from District Court Budget

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

ADDITIONS TO THE AGENDA

- B. Meeting with Mayor

Workman said he and Heier informed the Mayor of the jail bond election issue. The Mayor did not object to the Board placing the jail bond on the April ballot and said the City's stormwater bond issue will be placed on the May ballot.

- C. Microcomputer Request C#2007-048, \$1,038.92 from County Attorney for One (1) HP CB/DVD Burner and Related Software (Exhibit A)

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

- D. Visitors Promotion Committee (VPC) Appointments (Exhibit B)

Hudkins said the Country Inn Suites General Manager has expressed interest in serving on the committee.

Eagan said he will ask Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, to contact that individual before scheduling the appointments on the County Board of Commissioners Meeting agenda.

5 BLUE CROSS/BLUE SHIELD OUT-OF-NETWORK RATES - Twyla Swearingan, Blue Cross and Blue Shield of Nebraska

Twyla Swearingan, Blue Cross and Blue Shield of Nebraska, gave a presentation on reimbursement for non-contracting providers, noting the reimbursement allowance has been revised, effective April 15, 2007 (Exhibit E). She explained that the change is being made for the following reasons: 1) To encourage members to use Blue Cross and Blue Shield contracting providers; and 2) To keep in line with industry provider reimbursement standards.

Swearingan said in Nebraska, 100% of non-governmental acute care hospitals contract with Blue Cross and Blue Shield, along with 93% of physicians. Nationwide, Blue Cross and Blue Shield networks encompass 88% of doctors and 99% of hospitals. She said less than 3% of the claims received for Lancaster County are for services from non-contracting providers.

Brochures and payroll inserts encouraging use of Blue Cross and Blue Shield in-network doctors, hospitals and health care providers were also distributed (Exhibit F and G).

The Board asked that the information be made available on the County's website.

6 AGREEMENT FOR PLACEMENT OF GOVERNMENT EMERGENCY COMMUNICATIONS EQUIPMENT ON U.S. CELLULAR TOWER AT 176TH AND "O" STREETS - Kristy Bauer, Deputy County Attorney

Kristy Bauer, Deputy County Attorney, said U.S. Cellular has asked that County Resolution R-06-0127 (authority to construct a 199 foot tower for wireless facilities on property generally located one-quarter mile north of the intersection of North 176th Street and "O" Street) be amended to include the co-location agreement that was attached to County Resolution R-07-0009 (authority to construct a 199 foot tower for wireless facilities on property generally located southwest of the intersection of West Alvo Road and Northwest 126th Street). She said Brian Will, Planning Director, has indicated that the amendment will not have to go back before the Planning Commission.

7 PENDING LITIGATION - Kristy Bauer, Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 11:54 a.m. for discussion of pending litigation. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

MOTION: Heier moved and Hudkins seconded to exit Executive Session at 11:58 a.m. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

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

Item was held until later in the meeting.

9 ACTION ITEMS

- A. Authorize Plan Contacts Form for Blue Cross/Blue Shield
- B. Payroll Insert for February 8, 2007 (Safety Flyer)
- C. Microcomputer Requests
 - 1. C#2006-248, \$1,415.50 from Community Mental Health Center (CMHC) Budget for Ten (10) Lotus Notes Licenses
 - 2. C#2007-037, \$1,705.15 for Seven (7) Used Computers, Software, Etc. from District Court Budget

Items A-C were moved forward on the agenda.

10 ADMINISTRATIVE OFFICER REPORT

- A. Request from Jim Burden to Purchase County Property Near Highway 34 and Northwest 27th Street

Board consensus was to start the process to declare the land surplus.

- B. Nebraska Association of County Officials (NACO) Southeast District Spring Meeting (Thursday, March 8, 2007 in Beatrice, Nebraska)

Workman and Hudkins indicated plans to attend.

There was consensus to: 1) Reschedule the Management Team Meeting scheduled for Thursday, March 8th to Thursday, March 1st; and 2) Cancel the Staff Meeting scheduled for Thursday, March 8th and to hold a Staff Meeting on Tuesday, March 6th, immediately following the Board of Commissioners Meeting, if necessary.

- C. Legal Opinion Regarding Jail Bond Election Date

Item was held until later in the meeting.

- D. Community Learning Centers' Representative

MOTION: Schorr moved and Heier seconded to authorize the Chair to sign a letter to Cathie Petsch, Lincoln Public Schools, indicating that the County Board will no longer have a Community Learning Centers' representative. Schorr, Workman, Heier and Hudkins voted aye. Motion carried.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lancaster Manor Advisory Committee - Hudkins
- B. Nebraska Association of County Officials (NACO) Legislative Committee - Heier
- C. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman
- D. Region V Governing Board - Schorr
- E. Keno Prevention Fund Advisory Board - Schorr
- F. Parks and Recreation Advisory Board - Stevens
- G. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Board - Heier
- H. Lincoln Partnership for Economic Development (LPED) Investors - Workman

Items A-H were moved forward on the agenda.

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

The Board received three versions of a letter to Senator Ray Aguilar, Chair of the Legislature's Government, Military and Veterans Affairs Committee, regarding LB 268 (Change election provisions for county board members) (Exhibits H, I and J).

MOTION: Hudkins moved and Heier seconded to accept Letter Draft No. 3 and to authorize signature by the Chair. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

Kissel said Eagan contacted him with concerns regarding the following bills: LB 370 (Adopt the Law Enforcement Officers Retirement Survey Act); LB 371 (Adopt the Nebraska Peace Officer Retirement Act); and LB372 (Adopt the Law Enforcement Officer Retirement Act). He said LB 371 and LB 372 have major fiscal impacts and will not get out of committee. Kissel said he will continue to monitor LB 370, which is a study.

Heier exited the meeting at 12:13 p.m.

Schorr asked Kissel whether the Board should take a position on LB 36 (Change the number of county court judges) and LB 38 (Change the number of separate juvenile court judges), noting there are fiscal impacts.

Kissel said he will talk to the Judicial Committee and try to get a feel for where they are going with the bills.

Schorr said Jim Baird, Cornhusker Place Director, has concerns regarding LB 335 (Change provisions relating to civil protective custody) and gave Kissel a copy of changes he has proposed.

Kissel said he will follow-up with Senator Kruse, introducer of the bill.

Eagan said Kit Boesch, Human Services Administrator, plans to assist Baird with his efforts and said he will tell her to hold off.

Brief discussion took place regarding LB 131 (Provides for the University Research and Development Corridor Master Plan) and LB 435 (Provide for a Nebraska State Fairgrounds Master Plan).

MOTION: Hudkins moved and Schorr seconded to send a letter, with signature by the Chair, to the Nebraska Legislature's Agriculture Committee in support of the studies called for in LB 131 and LB 435. Hudkins, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

In response to a question from Hudkins, Kissel said the Revenue Committee has indefinitely postponed LB 22 (Change inheritance tax calculations). He said the inheritance tax will be part of general discussions about taxes.

It was noted that Mike DeKalb, Planning Department, and Dick Esseks, Planning Commission, plan testify on behalf of Lancaster County on LB 133 (Provide for the transfer of development rights as prescribed). Eagan said he will contact Mark Bowen, Mayor's Chief of Staff, and find out whether the City plans to testify in opposition.

Eagan said that Mike Thurber, Corrections Director, and Gary Chalupa, Veterans Service Officer/General Assistance Director, have differing views regarding LB 666 (Provide for eligibility for certain federal programs upon release from incarceration as prescribed).

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, said the Nebraska Association of County Officials (NACO) opposes the bill and has asked for Lancaster County's position. She said Douglas County is not taking a position on the bill.

Board consensus was to remain neutral at this time and to request additional information on the bill.

Prenda said there are number of election bills before the Government Committee and said this might an opportune time to introduce an amendment for the jail bond issue.

A legal opinion by the County Attorney's Office regarding whether the County can legally schedule the jail bond election on the same date as the City elections was presented (Exhibit K).

Discussion of the legal opinion and what path to pursue followed. Lauren Wismer, Gilmore & Bell PC (Bond Counsel) and Kristy Mundt, Deputy County Attorney, participated in the discussion. Wismer said if his office were writing the opinion, it would track closely to the opinion issued by the County Attorney's Office. He said it has been represented to him that the Secretary of State and Election Commissioner think the state statutes can be interpreted broadly enough to permit the County to "piggyback" on the City's election for a variety of reasons, one of which is economy. Wismer said if the election is held, and the issue passes, the County would likely be able to go forward with issuance of the bonds.

MOTION: Hudkins moved and Schorr seconded to send a letter to John A. Gale, Secretary of State, asking him to render an interpretation of Nebraska Revised Statute §32-201 (Reissue 2004) and an opinion as to whether Nebraska Revised Statute §32-559 (Reissue 2004) gives Lancaster County the authority to schedule an election for a bond issuance on the same ballot with the City of Lincoln's primary election on April 3, 2007 or May 1, 2007. Schorr, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

Wismer recommended that the Board also seek an opinion from the Election Commissioner.

MOTION: Schorr moved and Hudkins seconded to send a letter to Dave Shively, Election Commissioner, and ask him to outline in writing the fiscal implications of holding the County election in conjunction with, or not in conjunction with, the City election. Hudkins, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

NOTE: See Exhibit K for related documentation.

Eagan reported on LB 78 (Change amounts recoverable under the Political Subdivisions Tort Claims Act).

MOTION: Hudkins moved and Schorr seconded to write a letter to Senator Ashford, Chair of the Nebraska Legislature's Judiciary Committee, opposing LB 78 and related legislation. Schorr, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

ADMINISTRATIVE OFFICER REPORT

C. Legal Opinion Regarding Jail Bond Election Date

See Item 8.

12 ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 11:52 a.m. Schorr, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

The Chair reconvened the Staff Meeting at 1:25 p.m.

RETURNING TO ITEM 10C

MOTION: Hudkins moved and Schorr seconded to authorize the Chair to schedule the jail bond issue with the Election Commissioner no later than Monday, February 12, 2007 in order for it to be included on the ballot for the April 3, 2007 City Primary Election, pursuant to an opinion issued by the Secretary of State. Hudkins, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

RETURNING TO ITEM 12

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 1:27 p.m. Hudkins, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

Dan Nolte
Lancaster County Clerk