

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 20, 2007
8:30 A.M.**

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens
Deb Schorr

Commissioners Absent: Bob Workman, Chair

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

Commissioner Stevens opened the meeting at 8:34 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF TUESDAY, SEPTEMBER 11, 2007

MOTION: Stevens moved and Schorr seconded approval of the Staff Meeting minutes dated September 11, 2007. Stevens and Schorr voted aye. Hudkins abstained from voting. Heier was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Records Request from the Lincoln Independent Business Association (LIBA) (Exhibit A)

MOTION: Schorr moved and Stevens seconded approval of the addition to the agenda. Schorr and Stevens voted aye. Hudkins abstained from voting. Heier was absent from voting. Motion carried.

The Vice Chair arrived at the meeting 8:35 a.m. and assumed direction of the meeting.

3 SITTLER FENCE IN RIGHT-OF-WAY - Tom Fox, Deputy County Attorney; Larry Worrell, County Surveyor; Doug Pillard, County Engineering Design Division Head

Tom Fox, Deputy County Attorney, said his office does not believe the proposal to have the County grant a quitclaim deed to Lyle D. and Alice K. Sittler for a piece of property in the right-of-way that was previously granted to the County and for the Sittlers to provide a permanent easement to the County for right-of-way purposes will alleviate liability concerns. He also expressed concern that it would set a precedent for future requests.

Larry Worrell, County Surveyor, explained that there will still be a greater than standard right-of-way in place.

Action on the quitclaim deed is scheduled on the September 25, 2007 Board of Commissioners Meeting agenda.

ACTION ITEMS

A. Francis Policky Address Appeal

Doug Pillard, County Engineering Design Division Head, said the houses on the west side of Northwest 91st Street, north of West "O" Street, are within the range guidelines, but two were out of sequence. Policky's address was farthest out of sequence and was changed.

MOTION: Schorr moved and Hudkins seconded to deny the appeal and retain the address that was assigned by the County Engineer (445 Northwest 91st Street) for Francis Policky. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

4 JUVENILE DETENTION SERVICES CONTRACT - Michelle Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide at YSC; Dennis Meyer, Budget and Fiscal Officer; Tom Fox, Deputy County Attorney

Michelle Schindler, Youth Services Center Director, gave an overview of the following (Exhibit B):

* Per Diem Rates

Schindler offered two per diem rate options for Fiscal Year 2008.

* Total Care Days History

Schindler said the daily population has decreased by seven since FY 2005. Admissions and length of stay are also decreasing. She said the number of care days have gone down in the past three fiscal years, pointing out that care days are what drives the per diem rate.

* Total Housing Revenue History

Schindler said the peaks in FY 2006 and FY 2007 are generally attributed to retro-billing.

* Housing Revenue History

Schindler said the peaks in FY 2006 and FY 2007 are again due to retro billing.

* Total Housing Revenue vs. State Revenue

* Contract Counties Revenue History

* City Housing Revenue History

Schindler said the anticipated revenue shown in the FY 2008 Budget was exceeded, as of August 31, 2007.

Schindler asked how the Board would like to proceed with the detention services contracts (the County has contracts with the Nebraska Department of Health and Human Services (HHS), the City of Lincoln and 17 counties for holding youth in YSC).

A comparison of per diem rates for detention and staff secure facilities was presented (includes rates for Douglas County, Sarpy County and Northeast Nebraska Juvenile Services facilities) (Exhibit C).

In response to a question from Stevens, Schindler said the actual cost per day is \$247.05.

MOTION: Schorr moved and Stevens seconded to begin negotiations with the State using Option 1.

Hudkins said the County needs to keep costs competitive.

Schorr asked that a recalculation at the end of the year for payment of actual costs be offered in the negotiations.

Stevens suggested that the County offer the State an incentive to place youth in the facility, which could lower the rate.

Schorr and Hudkins indicated support for the concept.

There was Board consensus to involve Dennis Meyer, Budget and Fiscal Officer, in the negotiations.

ROLL CALL: Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Schindler was asked to keep the Board updated on the negotiations.

There was also Board consensus to wait on the contracts with other counties and see how negotiations with the State develop.

MOTION: Schorr moved and Hudkins seconded to include a daily rate of \$241.85 in the City contract for Fiscal Year 2008. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Schindler noted that the City has paid the County \$50,000 per year for the last two years for temporary detention of juveniles taken into custody by the Lincoln Police Department (LPD) (assessment services). The City has requested changes to the interlocal agreement to strike provisions that: 1) The County shall not accept youth if they do not have the staff or capacity to provide the service to the youth; 2) The City must use all resources to obtain and provide the County with any and all information regarding the youth, as long as it is not contrary to law; and 3) The City agrees to remain at the Youth Assessment Center until completion of the admission process. She said one option would be to charge the City per diem rate for the youth served, rather than the \$50,000.

MOTION: Schorr moved and Hudkins seconded to: 1) Offer the City the option of either retaining the flat amount of \$50,000 or going to the per diem rate of \$241.85; and 2) Retain the existing contract language. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

**5 LETTER FROM REGION V NETWORK PROVIDERS REGARDING
GENERAL ASSISTANCE (GA) - Gary Chalupa, Veterans Service
Officer/General Assistance Director**

Discussion was held regarding a letter from the Region V Network Providers relating to problems they have had getting clients approved for General Assistance (GA) (see letter in agenda packet).

Gary Chalupa, Veterans Service Officer/General Assistance Director, said it would be beneficial to have more specifics offered.

Schorr noted that CenterPointe, Inc. representatives no longer attend the GA Monitoring Committee meetings. **NOTE:** Topher Hansen, CenterPointe, Inc. Director, signed the letter citing concerns with the GA Program.

Chalupa proposed a "GA 101" (training class) for social workers in the community to provide them with information about the application process.

Schorr suggested that the offer of a class be extended to members of the Human Services Federation.

The Board directed Kerry Eagan, Chief Administrative Officer, and Gary Chalupa, Veterans Service Officer/General Assistance Director, to draft a letter of response offering the training class, extending an invitation to attend the GA Monitoring Committee meetings, and requesting that specifics be directed to Chalupa. Stevens and Schorr agreed to sign the letter, as the Board's representatives to the GA Monitoring Committee.

It was suggested that the training class be taped so that it can be viewed at the providers' convenience.

Chalupa noted that St. Monica's was listed as an agency with concerns on the letter. He said he met with staff at CenterPointe and St. Monica's to explain the application process and said there have been no problems with St. Monica's since their meeting.

Chalupa was asked to document the discussion at those meetings and to send a copy via email to the Board.

- 6 A) PSYCHIATRIST SALARY (DR. BOHART); AND B) LEGISLATIVE BILL 99 TESTIMONY BY TRAVIS PARKER, BEHAVIORAL HEALTH JAIL DIVERSION PROGRAM OF LANCASTER COUNTY DIRECTOR; AND C) NATIONAL ASSOCIATION OF COUNTY OFFICIALS (NACo) GRANT APPLICATION** - Dean Settle, Community Mental Health Center Director; Tom Fox, Deputy County Attorney

A) Psychiatrist Salary

Discussion was held regarding a request from Dr. Patti Bohart to increase her hours and provide her county benefits. Dr. Bohart is currently paid an hourly rate of \$100.00, without any benefits, and has indicated that she would like to work up to full time hours as her children get older.

Dean Settle, Community Mental Health Center (CMHC) Director, proposed that her rate be reduced to \$80.00 per hour, with benefits. He noted that Dr. Bohart works exclusively for CMHC and said he views this as a transition step.

In response to a question from Hudkins, Settle said nothing was mentioned regarding her malpractice insurance coverage.

Tom Fox, Deputy County Attorney, said that the Board would need to set a salary for her. He also expressed concern that this would set a precedent.

MOTION: Schorr moved and Stevens seconded to direct Dean Settle, Community Mental Health Center (CMHC) Director, to go back to Dr. Bohart and ask if she would consider becoming a salaried employee, based on a 24 hour work week with benefits, and to ask that she retain her own malpractice insurance.

Hudkins said he would like to consult the Personnel Department before taking action on the request.

The maker of the motion and the seconder withdrew their motion.

Don Taute, Personnel Director, appeared and indicated a preference to treat all part-time, on-call psychiatrists the same.

Discussion followed with suggestions to reclassify Dr. Bohart as Assistant Acting Medical Director or make her an independent contractor.

Board consensus was to have Settle, Taute and Fox work out the details and language changes to the resolution that addresses the Psychiatrist I's.

Heier questioned whether the change would be an expansion of a non-mandated service.

B) Legislative Bill 99 Testimony

Settle said Travis Parker, Behavioral Health Jail Diversion Program of Lancaster County Director, would like to present testimony on the bill (see a copy of the proposed testimony in the agenda packet).

MOTION: Stevens moved and Schorr seconded to authorize Travis Parker, Behavioral Health Jail Diversion Program of Lancaster County Director, to provide testimony on Legislative Bill 99. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

C) National Association of County Officials (NACo) Grant Application

Settle said the \$5,000 mini-grant will be used for the evaluation component.

MOTION: Stevens moved and Hudkins seconded to authorize submittal of the grant application, with signature by the Chair or Vice Chair, following review by Gwen Thorpe, Deputy Chief Administrative Officer, to make sure it meets the Grant Submittal Policy. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

7 A) THERAPY CONTRACT; AND B) LANCASTER MANOR FINANCIAL UPDATE - Ron Feters, Lancaster Manor Interim Administrator; Tom Fox, Deputy County Attorney

A) Therapy Contract

Tom Fox, Deputy County Attorney, noted that the contract with Key Rehabilitation, Inc. for physical, occupational and speech therapy services has been terminated, effective November 1, 2007. He explained that the contract will need to be amended to account for Medicare billing.

The amendment was scheduled on the September 25, 2007 County Board of Commissioners Meeting agenda.

A contract with Encore Rehabilitation Services, LLC, for physical, occupational and speech therapy services at Lancaster Manor was also scheduled on the September 25, 2007 County Board of Commissioners Meeting agenda.

B) Lancaster Manor Financial Update

Ron Feters, Lancaster Manor Interim Administrator, presented a financial update (Exhibit D).

Feters also reported the following (see Exhibit): 1) The current census is 263, with an average of 4 Medicare patients; 2) There is a staffing shortage in the Business Office and he would like to have Health Care Information Systems (HCIS) bill Medicare until a fiscal position is filled; and 3) The new roof is scheduled to be completed September 22, 2007.

ADMINISTRATIVE OFFICER REPORT

A. Rule 19.9 of the Lancaster County Personnel Rules

Mike Thew, Chief Deputy County Attorney, appeared and presented an County Attorney's Opinion regarding interpretation of Personnel Rule 19.9 (Exhibit E). He said it is the opinion of the County Attorney's Office that the rule does not require a department head to give leave to an employee who moves from the classified service to the unclassified service. Thew said if a department exercises the discretion to grant the leave, the provisions of the rule will "kick in". He recommended amendment of the rule to clarify that it is discretionary and to impose limits on length of leave.

Eagan noted that Cori Beattie, County Board Administrative Secretary, has not requested leave to accept the position of Deputy County Clerk, rather left her resignation open-ended. He added that the Board has not formally accepted her resignation.

Stevens asked whether the Board could accept her resignation and grant her a leave of absence for a limited period of time.

Thew said if it is discretionary.

Eagan added that it would require action by the Board.

Thew noted that all leaves must be requested in writing.

The Board asked Eagan to talk to Cori to see whether that is her intent.

8 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 10:35 a. m. for discussion of pending litigation. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:49 a.m. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

ADDITIONS TO THE AGENDA

MOTION: Hudkins moved and Stevens seconded to add discussion of a letter from Dr. Phil Warrick, Superintendent of School District #145 Waverly, regarding annexation and property valuation for the Qualified Capital Purpose Undertaking (QCPU) Fund Bond to the agenda. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

- A. Records Request from the Lincoln Independent Business Association (LIBA) (Exhibit A)

Informational only.

- B. Letter from Dr. Phil Warrick, Superintendent of School District #145 Waverly, Regarding Annexation and Property Valuation for the Qualified Capital Purpose Undertaking (QCPU) Fund Bond (Exhibit F)

Eagan said Norm Agena, County Assessor/Register of Deeds, has requested a legal opinion on the matter.

The Board requested an update at the next Staff Meeting.

9 ACTION ITEMS

- A. Francis Policky Address Appeal

Item was moved forward on the agenda.

- B. City-County Common Agenda Items (October 1, 2007)

None were stated.

10 ADMINISTRATIVE OFFICER REPORT

- A. Rule 19.9 of the Lancaster County Personnel Rules

Item was moved forward on the agenda.

- B. Planning Director Approval Process (Schedule Future Discussion)

Board consensus was to schedule the discussion when all five commissioners are present.

- C. Food Bank Fall Event

Cori Beattie, County Board Administrative Secretary, appeared and said the committee that worked on planning the barbeque fundraiser would like to have a follow-up event for the Food Bank. She said it may be a City/County employee event that is not sponsored, or endorsed, by either governmental entity.

D. Jail Request for Proposals (RFP) Review Committee

MOTION: Hudkins moved and Heier seconded to make Timothy Loewenstein, Buffalo County Commissioner, a full voting member of the Jail Request for Proposals (RFP) Review Committee. Hudkins and Heier voted aye. Schorr and Stevens voted no. Vote tied. Motion failed due to the lack of a majority.

There was a request to place the item back on the agenda when all five commissioners will be present.

E. Invite State Senators to Fall Retreat (October 11, 2007)

Heier indicated plans to attend the Nebraska Association of County Officials (NACO) 2nd Annual Legislative Conference in Kearney, Nebraska on that date.

Hudkins said he would also like to attend the NACO Conference.

MOTION: Hudkins moved to explore moving the date of the Fall Retreat to October 18, 2007 and to inquire whether Wyuka Conference Center, the scheduled location, is available on that date.

The motion died for the lack of a second.

F. County Government Day

Cori Beattie, County Board Administrative Secretary, appeared and asked whether the Board wants to continue participation in County Government Day. She said she surveyed several other counties and learned that Douglas County does not participate in the event and that several other counties coordinate the event through their Veterans Service Offices.

Schorr questioned the value of participation, noting student apathy.

Hudkins said he believes students lack a thorough knowledge of local government. He said the Sheriff's Drug-Abuse-Resistance-Education (D.A.R.E.) Program is probably County Government's main connection point with students and said he believes the Sheriff's Office should be involved.

Heier said the Lincoln Independent Business Association (LIBA) may want to consider coordinating the event.

Board consensus was to: 1) Ask the American Legion for ideas on how to improve the event; 2) Ask the County Sheriff for input; and 3) Send an email to the elected officials and directors asking that one of them step up and assume coordination of this year's County Government Day.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Stevens said the letter from the Region V Network Providers was discussed.

B. Air Pollution Advisory Board - Hudkins

No report.

C. Board of Health - Schorr

Schorr reported the following: 1) Review of proposed revisions to dog and cat license fees; 2) An update on the West Nile Virus; and 3) Plans to submit a grant application to the National Association of County Officials (NACo) for national accreditation.

D. Information Services Policy Committee (ISPC) - Stevens

Stevens said Information Services is piloting Voice Over Internet Protocol (VoIP) (phone service over the Internet).

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

Schorr said there was a request to remove City Council and County Board representation from the Keno Advisory Committee. There was also interest in adding representation from Region V. She said there was also discussion of: 1) Taking funds "off the top" when doing the JBC allocations and applying them to an initiative effort; and 2) Instituting a request minimum.

Stevens said Rick Hoppe, Administrative Assistant to the Mayor, noted there is human services funding, outside of the JBC process, in the Mayor's Miscellaneous Budget. He said he anticipates that Mayor Beutler and Hoppe will examine that funding.

Schorr said the Board should look to see if there is similar funding in its budget that should go undergo JBC scrutiny.

F. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens noted that LIBA had questioned the \$2.2 million dollars in discretionary funds allocated to the Lincoln-Lancaster County Health Department and said it turns out that it was the term the County's former Budget and Fiscal Officer assigned to the County's contribution to the Health Department under terms of the interlocal agreement with the City. He said further discussion of Health Department funding is scheduled.

G. Mutual Aid Meeting on Rural Ambulance Service - Stevens, Schorr

Stevens said Lincoln Fire and Rescue (LFR) will continue to provide the current level of ambulance service through January 1, 2008 and the rural fire districts need to indicate by that date whether they will pay LFR a fee to continue to provide them with ambulance service, based on historic data (see the draft proposal and supporting documents in the agenda packet). He said LFR will make a decision by May 31, 2008 as to whether to continue to provide ambulance service into the county, irrespective of any contributions by the rural fire districts.

The Board asked that Doug Ahlberg, Emergency Management Director, keep the Board updated.

ADDITIONS TO THE AGENDA

MOTION: Hudkins moved and Stevens seconded to add a report on the Nebraska Association of County Officials (NACO) Southeast District Meeting to the agenda. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Hudkins reported discussion of funding for rural fire districts. He said two counties (Johnson and Fillmore) have joint districts and said it may be beneficial to have that model presented to Lancaster County's rural fire districts.

Hudkins also reported discussion of the following: 1) Road funding; 2) Legislative issues; 3) Location of the State Fairgrounds; and 4) Jail reimbursement.

12 ADJOURNMENT

MOTION: Stevens moved and Schorr seconded to adjourn the meeting at 11:59 a.m. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk