

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, NOVEMBER 1, 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  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
OCTOBER 25, 2007**

**MOTION:** Stevens moved and Schorr seconded approval of the Staff Meeting minutes dated October 25, 2007. Schorr, Workman and Stevens voted aye. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Management Team December Meeting
- B. Nebraska Association of County Officials (NACO) Annual Conference (Exhibit A)
- C. Item for the Mid-Year Budget Retreat

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

**3 VETERANS SERVICE COMMITTEE VACANCY** - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, said there is a vacancy on the Veterans Service Committee due to the death of one of the members. He contacted the veterans service organizations to solicit volunteers to complete the term, which will expire June 30, 2008. One application was received from Ronald G. Lechner (Exhibit B). Chalupa said the Veterans Service Committee has reviewed his application and said it is believed that he would be a good selection.

**MOTION:** Schorr moved and Stevens seconded to authorize Gary Chalupa, Veterans Service Officer/General Assistance Director, to begin the process to bring forth nomination of Ronald G. Lechner to the Veterans Service Committee. Stevens, Schorr and Workman voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at the meeting at 8:37 a.m.

**4 COMPUTER PURCHASE** - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, requested authorization to purchase 12 computers, replacing older equipment and implementing a Five-Year Replacement Plan (total cost is \$14,102.60). He said funds have been budgeted for the purchase.

**MOTION:** Stevens moved and Schorr seconded to approve the purchase, out of the County Assessor/Register of Deeds' budget.

Discussion followed on whether to spread the purchase over a longer period of time.

Ogden said maintenance costs could increase if the purchase is delayed.

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

**ADDITIONS TO THE AGENDA**

A. Management Team December Meeting

Board consensus was to schedule the meeting on December 6<sup>th</sup>.

- B. Nebraska Association of County Officials (NACO) Annual Conference (Exhibit A)

The Commissioners all indicated plans to attend.

- C. Item for the Mid-Year Budget Retreat

Kerry Eagan, Chief Administrative Officer, suggested that discussion of a request from Sue Eckley, County Risk Manager, to increase the hours for Sara Ondracek, Risk Management Specialist, be scheduled on the agenda.

### **ACTION ITEMS**

- A. Wellness Newsletter (November 15, 2007 Payroll)

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

- B. Nebraska Association of County Officials (NACO) Voter Confirmation Form

**MOTION:** Hudkins moved and Stevens seconded to designate the Chair and the Vice Chair as the Board's representatives on the form. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

### **ADMINISTRATIVE OFFICER REPORT**

- A. Proposed Amendment of Rule 19.9 of the County Personnel Rules

Eagan said the County Attorney's Office has submitted draft language to amend Rule 19.9 of the County Personnel Rules, to make it clear that it is intended to be permissive in nature:

#### **19.9 Leave of Absence Without Pay to Accept Appointment in the Unclassified Service**

A status employee *may* be granted leave without pay from his position to accept appointment to a position in the unclassified service. The employee *may* return to a comparable position to that which was formerly held in the classified service at any time and will have his rate of pay established in accordance with Rule 17.5.

He said the proposed amendment would make Rule 19.9 consistent with a corresponding provision in the American Federation of State, County & Municipal Employees (AFSCME) labor agreement (Article 26, Section 5).

**MOTION:** Hudkins moved and Stevens seconded to forward the proposed amendment to the Personnel Policy Board for recommendation. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

Stevens suggested that a reasonable time limit be addressed in labor negotiations.

B. Update on County Board Administrative Aide Position

Eagan said there were 86 applicants for the position and said interviews will be conducted with the top eight. He noted that Cori Beattie, Deputy County Clerk and former County Board Administrative Secretary, has asked to participate in the interviews and questioned whether that would be appropriate since an employee in the County Clerk's Office, who is now supervised by Beattie, is one of the applicants.

**MOTION:** Stevens moved and Schorr seconded to have Commissioner Schorr, Kerry Eagan, Chief Administrative Officer, and Gwen Thorpe, Deputy Chief Administrative Officer, conduct interviews with the top eight candidates. Stevens and Workman voted aye. Schorr and Hudkins voted no. Vote tied. Motion failed due to the lack of a majority.

**MOTION:** Hudkins moved and Schorr seconded to have Commissioner Schorr, Kerry Eagan, Chief Administrative Officer, and Cori Beattie, Deputy County Clerk, conduct interviews with the top eight candidates.

**FRIENDLY AMENDMENT:** Schorr offered a friendly amendment to include Gwen Thorpe, Deputy Chief Administrative Officer.

The maker of the motion accepted the friendly amendment.

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

**5 FIDUCIARY LIABILITY INSURANCE** - Sue Eckley, County Risk Manager; Tom Champoux, UNICO Group, Inc.; Doug Cyr, Chief Administrative Deputy County Attorney

Tom Champoux, UNICO Group, Inc, presented a quote and sample policy for fiduciary liability coverage from Chubb (Insurance Group) (Exhibits C & D). He said the premium is \$4,810 for \$1,000,000 in coverage, with a \$5,000 deductible.

**MOTION:** Schorr moved and Hudkins seconded to purchase the fiduciary liability coverage from Chubb. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Champoux was asked to explore options for additional coverage.

**6 GRANT CONTRACT FOR HEALTH DEPARTMENT AND SHERIFF SCHOOL AND COMMUNITY TOBACCO PROGRAM** - Tom Fox, Deputy County Attorney; Doug Cyr, Chief Administrative Deputy County Attorney; Bill Jarrett, Chief Deputy Sheriff; Sheriff's Captain Todd Duncan

Sheriff's Captain Todd Duncan gave an overview of the Health Department's School and Community Tobacco Program in which minors recruited by the Lincoln-Lancaster County Health Department assist law enforcement in performing compliance checks of businesses selling tobacco products.

Bill Jarrett, Chief Deputy Sheriff, noted that the program has been suspended while new contract terms are negotiated.

Tom Fox, Deputy County Attorney, said at issue is the City's request to remove the indemnification clause.

Doug Cyr, Chief Administrative Deputy County Attorney, said in his opinion the County has more liability under Workers' Compensation recovery.

Board members expressed support for the program and asked Fox to continue to work with the City to find language that is acceptable to both parties.

**7 JAIL CONSTRUCTION MANAGER PROPOSAL** - Vince Mejer, Purchasing Agent

Vince Mejer, Purchasing Agent, said only one response was received to the Request for Proposals (RFP) for a Jail Construction Manager (Sampson Construction). Sampson Construction also offered the option of serving as Construction Manager at Risk. Under this concept the contractor has input in planning and design decisions and construction can begin before completion of the design. He said this concept has been utilized by the Lincoln Public Schools and University of Nebraska and both have reported cost savings.

Board consensus was to schedule further discussion with John Sampson, Sampson Construction, at a Special Staff Meeting on Tuesday, November 6<sup>th</sup>, immediately following the County Board of Commissioners Meeting.

## **8 PENSION REVIEW COMMITTEE (PRC) RECOMMENDATIONS FOR ENHANCEMENT OF PENSION PLAN AND DEFERRED COMPENSATION PROGRAM WITH NATIONWIDE RETIREMENT SOLUTIONS (NRS)**

Doug Cyr, Pension Review Committee (PRC) appeared and said the Board just missed the deadline to give Nationwide Retirement Solutions (NRS) notice of non-renewal of the contract for administration of the pension plan and deferred compensation program but could challenge of the automatic renewal clause.

Eagan reported the following recommendations from the Pension Review Committee (PRC) (Exhibit E): 1) A notice of non-renewal should be immediately be sent to NRS notifying them of Lancaster County's intent to not renew the existing contract for administration of the pension plan and deferred compensation program; 2) NRS should be offered the opportunity to negotiate a new contract prior to the issuance of a Request for Proposals (RFP) for a pension provider; and 3) The following plan enhancements should be prioritized in the negotiations with NRS:

1. Lowest possible fees for plan participants
2. Rate of return on the Fixed Account must be raised
  - a. Huler Index should be used as the benchmark for the rate of return and the County should seek "Favored Nation" status
  - b. Examine the possibility of establishing a separate account
3. Convert the Lifestyle Funds to Lifecycle Funds
4. Open architecture for plan investments
5. Add passively managed, low cost mid-cap and small-cap blend funds
6. Revenue sharing paid to the County should remain at \$40,000 and any possible increase in revenue sharing should be directed toward lower participant fees
7. Default option for employees who fail to designate investment choices should be the Lifecycle Funds
8. Examine support services available through NRS
  - a. Consider conducting a survey of plan participants
  - b. Determine whether participants are adequately served by one NRS on-site representative
9. Conduct a thorough investment performance review
10. Examine the possibility of establishing a self-directed brokerage account only for the 457 Deferred Compensation Program

Cyr suggested that someone from the County contact some of the "higher ups" at NRS and inform them that the County intends to give notice of termination but also plans to enter into negotiations with NRS.

Mark Coleman, PRC, appeared and indicated support for the default option.

**MOTION:** Hudkins moved and Stevens seconded to authorize the Chair to send a letter of termination to Nationwide Retirement Solutions (NRS), indicating that the County Board will allow 90 days for negotiation of a new contract. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

**9 LANCASTER EVENTS CENTER DRIVEWAY TO HAVELOCK AVENUE -**  
Alan Wood, Lancaster County Agricultural Society Counsel; Bruce Bailey,  
Design Associates

Alan Wood, Lancaster County Agricultural Society Counsel, displayed a poster that advertised the opening of the Lancaster Event Center. He said it portrayed the Master Plan and showed three driveways onto Havelock Avenue. Wood also presented the following documents (Exhibits F, G and H):

- \* Letter from Doug Pillard, County Engineering Design Division Head, dated July 27, 1999, citing concern regarding the Stevens Creek bridge and suggesting elimination of one access to Havelock Avenue
- \* Site Plan
- \* Driveway Design Standards

Wood said one driveway was eliminated, based on the letter, and culverts were installed (a \$50,000 investment). He said the Ag Society would like to install the second driveway but County Engineering will not allow a straight driveway out to Havelock Avenue. Wood said County Engineering believes the driveway would be too close to the intersection of 84<sup>th</sup> Street and Havelock Avenue and wants it to curve and be further away from 84<sup>th</sup> Street (see Exhibit G). He said if the driveway were built straight north it would be 782 feet east of the intersection, which exceeds Driveway Design Standards for spacing and clearance.

Bruce Bailey, Design Associates, said County Engineering believes Havelock Avenue may be six lanes in the future and said a deceleration lane could be added at that time to address traffic concerns.

Hudkins said shifting the driveway will impact the parking area.

Wood asked the Board to overrule County Engineering on the issue.

**MOTION:** Hudkins moved and Workman seconded to allow the driveway at a distance of 782 feet, utilizing the existing box culvert.

Schorr noted that she has declared a conflict of interest on this matter.

Stevens said he would like to see more current information from County Engineering.

**ROLL CALL:** Hudkins and Workman voted aye. Stevens voted no. Schorr abstained from voting. Motion carried.

**10 CONTRACT WITH REGION V REGARDING EMERGENCY PROTECTIVE CUSTODY (EPC) - C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program; Tom Fox, Deputy County Attorney**

C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, cited concerns regarding Lancaster County's proposed changes to the Agreement for Emergency Protective Custody (EPC) Services between Region V Systems and the Community Mental Health Center (CMHC); July 1, 2007 - June 20, 2008 (Exhibit I):

- Section 5a: *Referring County shall be responsible for all costs of medical and related services, including all prescriptions, which are provided to individuals from a Referring County, and are rendered to the individual outside of the CMHC Facility or by a separate or third party medical service provider. The Referring County will be billed directly by the medical services provider.*
- Section 5b: *CMHC shall not be responsible for, billed for, or pay for the cost of any medical or related services, including all prescriptions, which are provided to an individual from a Referring County and are rendered to the individual outside of the CMHC Facility or by a separate or third party medical service provider.*
- Section 9: *Region V shall require the Referring County to be responsible for all costs of any medical or related services, including all prescriptions, which are provided to an individual from the Referring County, and are rendered to the individual outside of the CMHC Facility or by a separate or third party medical service provider. Region V shall require the Referring County to be billed directly for medical services by the medical services provider.*

Johnson said Lancaster County is interpreting the state statutes to say that the rural counties are responsible for all costs of medical services and said each county makes their own decisions in relation to medical and associated costs for individuals with EPC status.

Tom Fox, Deputy County Attorney, said the language was intended to make it very clear that Lancaster County is not responsible for those costs. He said the language came from the County's contract with Bryan/LGH Health System and said the rural counties can negotiate their own contracts with the hospital and medical providers.

Johnson suggested that it would be better to have Sections 5a and 9 state: *Referring County will be billed directly by the medical services provider for costs of medical and related services, including all prescriptions, which are provided to an individual from the Referring County, and are rendered to the individual outside of the CMHC Facility or by a separate or third party medical service provider.*

Eagan suggested the following wording: *CMHC shall not be responsible for, billed for, or pay for the cost of any medical or related services, including all prescriptions, which are provided to an individual from a Referring County and are rendered to the individual outside of the CMHC Facility or by a separate or third party medical service provider. The costs of any medical and related services provided to a resident of a Referring County, shall be between the Referring County and the hospital or medical provider.*

Schorr said it may be necessary to have the other counties sign an addendum to their contract to make it clear that Lancaster County is not responsible for those costs.

Johnson and Fox were asked to continue to work on the contract language.

**11 PHASE I ENVIRONMENTAL ASSESSMENT FOR PROPERTY AT SOUTHWEST 40<sup>TH</sup> AND "O" STREET (NEW JAIL SITE) - Don Killeen, County Property Manager; Tom Fox, Deputy County Attorney**

Don Killeen, County Property, reported satisfactory findings from an assessment of the soil. He noted that the Burlington Northern/Santa Fe Railroad has fuel tanks southwest of the site (across 40<sup>th</sup> Street) and asked whether the Board would like to test the groundwater as well as a due diligence measure (estimated cost is \$2,500). Killeen said the groundwater was sampled 12 years ago and was clean. Groundwater on property north of the railroad tanks was sampled recently and was also clean.

**MOTION:** Hudkins moved and Stevens seconded to conduct the groundwater test.

Tom Fox, Deputy County Attorney, noted that it will delay the closing date.

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

## 12 ACTION ITEMS

- A. Wellness Newsletter (November 15, 2007 Payroll)
- B. Nebraska Association of County Officials (NACO) Voter Confirmation Form

Items A and B were moved forward on the agenda.

## 13 ADMINISTRATIVE OFFICER REPORT

- A. Proposed Amendment of Rule 19.9 of the County Personnel Rules
- B. Update on County Board Administrative Aide Position

Items A and B were moved forward on the agenda.

- C. Agenda Items for Meeting with Douglas and Sarpy Counties (November 8, 2007) and Attendance

The following items were suggested: 1) Legislation; 2) Budget comparisons; and 3) Rural ambulance service.

- D. Keno Prevention Fund Recommendations

The item was scheduled on the November 5, 2007 Board of Commissioners Meeting agenda.

- E. Legislative Priorities

The Board reviewed Lancaster County Legislative Priorities, 2008 Session (see agenda packet). Last year's legislative priorities list was also reviewed (Exhibit J) and the following changes were suggested:

- \* Reword Item 1B: *Increase Lancaster County's distribution from the Highway Trust Fund*
- \* Give higher priority to Item 5E: *Amend Nebraska Revised Statute §23-120(3)(b) to extend the maximum length for bonded projects to twenty (20) years*
- \* Give lower priority to Item 2: *Transfer of Development Rights*
- \* Add to the list of priorities: *Amend Nebraska Revised Statute §23-13-1622 to allow increase in self-retention for health and dental insurance*

- \* Add to list of other priorities:
  - \* *Clarify how the County Visitors Improvement Fund can be spent*
  - \* *Authorize sale of surplus county personal property by electronic auction*
  - \* *Require tax stickers on mobile homes*

The Board scheduled adoption of 2008 Lancaster County Legislative Priorities on the November 6<sup>th</sup> Board of Commissioners Meeting agenda.

- F. General Obligation Bond Priorities (Meeting with Mayor Beutler and State Senator Avery, November 7, 2007)

Kerry Eagan, Chief Administrative Office, and Dennis Meyer, Budget and Fiscal Officer, will attend.

- G. Legal Opinion Regarding 190<sup>th</sup> Street

Board consensus was to forward a copy of the legal opinion to Joy Schroeder, Otoe County Commissioner.

#### **14 BOARD MEMBER MEETING REPORTS**

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

Stevens said discussion focused on the Keno Prevention Fund recommendations and a recommendation to change the endowment portion.

- B. Community Mental Health Center (CMHC) Planning Committee - Stevens, Schorr

Schorr said financial concerns were discussed.

- C. Metropolitan Planning Organization (MPO) Officials Committee - Heier, Workman

Workman reported approval of a document that will allow the City to apply for a grant to transport individuals back and forth to job locations.

**15 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 11:50 a.m. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk