

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 13, 2008  
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 8:33 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE MINUTES OF THE THURSDAY, MARCH 6, 2008  
STAFF MEETING**

**MOTION:** Stevens moved and Schorr seconded approval of the minutes of the Thursday, March 6, 2008 Staff Meeting. Stevens, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at the meeting at 8:35 a.m.

**2 ADDITIONS TO THE AGENDA**

A. Pending Litigation

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

**3 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Kristin Crawford, Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented the following documents (Exhibits A, B and C):

- \* Legislative Update
- \* Committee Statement on LB 777 (Change provisions relating to property valuation for taxation purposes)
- \* Committee Statement on LB 889 (Provide construction alternatives for political subdivisions)

Schorr said the Region V Governing Board has asked each County Board within the Region to support amendment of LB 960 to increase behavioral health funding.

Kissel said he is working towards that goal.

No action was taken.

Sue Eckley, County Risk Manager; Don Herz, City Finance Director; and Terry Wagner, Lancaster County Sheriff; appeared and expressed concerns regarding LB 1082 (Amend the Nebraska Workers' Compensation Act to redefine injury and personal injuries).

**MOTION:** Hudkins moved and Stevens seconded to direct Gordon Kissel, Legislative Consultant, to actively oppose LB 1082. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**4 BEHAVIORAL HEALTH JAIL DIVERSION GRANT PUBLICATION** - Travis Parker, Behavioral Health Jail Diversion Program Manager; Dean Settle, Community Mental Health Center (CMHC) Director

Travis Parker, Behavioral Health Jail Diversion Program Manager, distributed copies of an article about Lancaster County's Behavioral Health Jail Diversion Program that was published in the January/February issue of *American Jails* magazine (Exhibit D). He said the article was split into two parts and said the second part, which will report outcomes, will appear in the March/April issue.

Dean Settle, Community Mental Health Center Director (CMHC), said Lancaster County's program is being touted as a national model and is worthy of consideration in the jail planning. He said the program is a fairly inexpensive alternative that keeps the mentally ill out of jail and back into the service community.

Schorr noted the County is responsible for their medications, which are expensive, while they are incarcerated.

Parker indicated plans to request a one-year, no cost, extension of the Bureau of Justice Assistance Grant, which would carry the program through the end of August, 2009. He said that would help to reduce the amount the County will be asked to provide in terms of continued support. **NOTE:** The County currently provides \$150,000 in funding. Parker said the Bureau of Justice Assistance has released a new round of grants and said he is working with Kim Etherton, Community Corrections Director, to seek additional funding under the Community Corrections "umbrella".

**GRANT REQUEST (SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) OLDER ADULT TARGETED CAPACITY EXPANSION GRANT IN THE AMOUNT OF \$400,000) - Kit Boesch, Human Services Administrator; Dean Settle, Community Mental Health Center (CMHC) Director**

Kit Boesch, Human Services Administrator, said the three-year SAMHSA grant targets persons age 60 and over who are experiencing depression. She said CMHC, CenterPointe, Lincoln Area Agency on Aging, University of Nebraska at Lincoln (UNL) Public Policy Center and the Mental Health Association are proposing to implement the Healthy IDEAS (Identifying Depression, Empowering Activities for Seniors) Project, imbedding it in the Harvest Project (a program designed specifically to work with individuals who are over the age of 55 and suffer the combined effects of advanced age, impaired health, mental illness and/or substance abuse). Boesch said the proposal has a good chance of funding because it proposes to work with new Americans the second year.

**MOTION:** Schorr moved and Hudkins seconded to authorize submission of the grant, with signature by the Chair. Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

**5 DISTRIBUTION OF PENSION PROCEEDS PRIOR TO ACTUAL RETIREMENT - Doug Cyr, Chief Administrative Deputy County Attorney**

Doug Cyr, Chief Administrative Deputy County Attorney, said there is provision in the retirement plan (Section 6.1, Determination of Benefits Upon Retirement) which allows employees to elect a payout of their pension account when they reach normal retirement age, prior to the time they retire or otherwise terminate their employment with Lancaster County. The language is in conflict with another provision within the plan (Section 9.15, Payment of Benefits) which states benefits shall be paid only upon death, total and permanent disability, normal or early retirement, termination of employment or upon plan termination. Cyr said several Lancaster Manor employees have taken advantage of the language and have withdrawn funds out of the pension fund. He asked the Board whether it wants to allow such withdrawals.

Cyr noted the County's plan also defines normal retirement age to be 60 while the Internal Revenue Service (IRS) defines it as 62. Distribution during working retirement to county employees between the ages of 60 and 62 may be grounds for disqualifying the county pension plan as a qualified trust.

**MOTION:** Schorr moved and Hudkins seconded to direct the County Attorney's Office to prepare language to change Section 6.1 of the retirement plan.

In response to a question from Stevens, Cyr said the withdrawals are not a widespread practice and would not be considered a condition of employment.

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

**6 INTERLOCAL AGREEMENT BETWEEN COUNTY AND CITY FOR EMERGENCY AMBULANCE SERVICES TO ALL AREAS OF THE COUNTY** - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said terms of an interlocal agreement with the City for emergency ambulance service, through Lincoln Fire and Rescue (LFR), outside the City limits and to all areas of the County have been worked out. The cost to the County will be \$60,000.

The Board scheduled action on the March 18, 2008 Board of Commissioners Meeting agenda.

**ADDITIONS TO THE AGENDA**

A. Pending Litigation

**MOTION:** Hudkins moved and Schorr seconded to enter Executive Session at 9:35 a.m. for discussion of pending litigation. Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

Schorr exited the meeting.

**MOTION:** Stevens moved and Hudkins seconded to exit Executive Session at 9:55 a.m. Stevens, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

**7 AMENDMENT TO BLUE CROSS/BLUE SHIELD INSURANCE ADMINISTRATIVE SERVICES AGREEMENT** - Kristy Bauer, Deputy County Attorney; Bill Kostner, City Risk Manager; Brett Young, Blue Cross/Blue Shield of Nebraska

Bill Kostner, City Risk Manager, said Blue Cross/Blue Shield of Nebraska has requested amendment of the administrative services agreement. He said the change is minor and will only affect a few employees.

Brett Young, Blue Cross/Blue Shield of Nebraska, said the contract allows for access to BC/BS's networks outside of Nebraska. He said the contract stipulates a percentage for the BlueCard Program access fees and said an error was made in that figure. The amendment would change the percentage from 4.31% to 7.75%, which is less than the 2007 figure (8.45%). Young estimated that the County would save \$100 in access fees, based on 2007 figures.

Schorr returned to the meeting at 9:58 a.m.

Kostner recommended approval of the amendment.

**MOTION:** Hudkins moved and Stevens seconded to schedule the amendment on the County Board of Commissioners Meeting agenda, retroactive to January 1, 2008. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**8 INTRODUCTION OF JEFF MCREYNOLDS, GEOGRAPHIC INFORMATION SYSTEM (GIS) COORDINATOR** - Rob Ogden, Chief Field Deputy Assessor/Register of Deeds; Erik Hubl, GIS Mapping Division Head; Ken Morgan, Assistant Planning Director

Erik Hubl, GIS Mapping Division Head, introduced Jeff McReynolds, GIS Coordinator, to the Board.

**9 PROPOSAL FROM BRYAN/LGH HEALTH SYSTEM REGARDING DISCOUNTS FOR LABORATORY SERVICES AND WORKERS' COMPENSATION CLAIMS** - Tom Fox, Deputy County Attorney; Sue Eckley, County Risk Manager

Tom Fox, Deputy County Attorney, said Bryan/LGH Health System has offered the City and County a discount for laboratory services related to significant exposures that occur in the workplace and workers' compensation claims. He said Bryan/LGH has offered a four-year, non-exclusive contract but said there is still a question as to whether the services need to be put out for bid.

In response to a question from Schorr, Sue Eckley, County Risk Manager, estimated significant exposure numbers at four to six within a six month period. She said Bryan/LGH is looking to "fast track" the contract and said she still has questions about the agreement.

Eckley said significant exposures are currently reported to the Health Department and the Infectious Disease Division determines the validity. If it is determined to be a significant exposure, the employee is referred to Bryan/LGH and the department picks up the charges. She said it would not be a workers' compensation claim unless the employee contracts a disease from the exposure.

Schorr asked whether Nebraska Occupational Health Center (NOHC) could provide the service. **NOTE:** NOHC provides emergency medical services to Lancaster County for Workers' Compensation injuries.

Eckley said NOHC is not a 24 hour facility but does have nurses on-call.

Board consensus was to research the matter further.

**10 BOARD OF EQUALIZATION PROTEST SYSTEM ENHANCEMENTS -**  
Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Terry Lowe,  
Information Services Project Manager

Dan Nolte, County Clerk, said his office has been looking at ways to enhance the Board of Equalization (BOE) protest system. He said Information Services (IS) will make electronic scheduling available by the filing period and said most, if not all of the \$10,000 cost, will be absorbed by his budget. Nolte noted there is also the capability to offer electronic filing, but said legal concerns regarding electronic signatures will need to be resolved.

Terry Lowe, Information Services Project Manager, said electronic scheduling will interface with the County Assessor's Orion software by automatically populating certain fields of information, such as the legal description and value, into the form. The individual protesting will print and sign the form and select the time and date of their protest hearing. He said the scheduling component will also dovetail with letter production and the protest hearings. Final values will be exported into Orion at the end of the process.

Hudkins remarked that this year is optimal for a test of the electronic scheduling system because fewer protests are anticipated.

Cori Beattie, Deputy County Clerk, clarified that those wishing to reschedule a hearing will need to contact the County Clerk's Office.

Board consensus was to proceed, as outlined.

**11 GRANT REQUEST (SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) OLDER ADULT TARGETED CAPACITY EXPANSION GRANT IN THE AMOUNT OF \$400,000) - Kit Boesch, Human Services Administrator; Dean Settle, Community Mental Health Center Director**

Item was moved forward on the agenda.

**12 ACTION ITEMS**

- A. Agenda Items for Monthly Meeting of County Board Chair, Vice Chair and Mayor

None were stated.

**13 ADMINISTRATIVE OFFICER REPORT**

- A. Pension Plan Request for Proposals (RFP)

Kerry Eagan, Chief Administrative Officer, disseminated copies of *Lancaster County Deferred Compensation Program, Project Schedule, Assignment of Responsibilities and Duties, Vendor Search* (Exhibit F) and said one of the first duties is to establish a Request for Proposals (RFP) Sub-Committee.

There was general consensus to name the following to the committee: Kerry Eagan, Chief Administrative Officer; Dennis Meyer, Budget and Fiscal Officer; Doug Cyr, Chief Administrative Deputy County Attorney; Don Killeen, County Property Manager; Terry Adams, Deputy County Treasurer; John Cripe or Paul Lutomski, Personnel Department ; representatives of the labor unions and a representative of the Employees Advisory Team (possibly Jeanne Sayers).

- B. Planning Commission Replacement for Robert Moline

Board consensus was to schedule discussion of a replacement on the March 27<sup>th</sup> Staff Meeting agenda.

- C. Request for Resolution of Support on Amendment 1 (Relates to a Political Subdivision's Ability to Invest Public Endowment Funds)

**MOTION:** Schorr moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter of support and to schedule action on a Board of Commissioners Meeting agenda. Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

## 14 DISCUSSION OF BOARD MEMBER MEETINGS

### A. Nebraska Innovation Zone Commission (NIZC) - Heier

No report.

### B. Region V Governing Board - Schorr

Schorr said legislative related issues and funding for behavioral health were discussed.

### C. Railroad Transportation Safety District (RTSD) - Workman, Stevens, Schorr

Schorr and Stevens said there was an update on projects and discussion of "quiet zones" (a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities). It was noted Hickman and Waverly have requested consideration of "quiet zones" in their communities.

### D. Meeting of Public Building Commission Chair, Vice Chair and Mayor - Workman

Workman said discussion focused on moving the City Attorney or County Attorney's Offices from the Justice and Law Enforcement Center to the third floor of the County-City Building.

Hudkins suggested that Workman arrange a meeting between the Mayor and County Attorney to discuss a possible merger of functions.

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

Stevens reported on pharmacy costs and said a formulary has been developed for psychotropic drugs.

### F. Air Pollution Control Advisory Board - Hudkins

No report.

### G. Board of Health - Schorr

No report.

## **14 EMERGENCY ITEMS AND OTHER BUSINESS**

Thorpe said the position of Administrative Assistant to the County Board was advertised as a full-time position.

Hudkins agreed to serve on the interview panel, in addition to Schorr, Eagan and Thorpe.

## **15 ADJOURNMENT**

**MOTION:** Stevens moved and Schorr seconded to adjourn the meeting at 10:46 a.m. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk