

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 17, 2008
COUNTY-CITY BUILDING, ROOM 113
8:30 A.M.**

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

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
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:32 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES, THURSDAY, APRIL 10, 2008;
RECEIVE AND PLACE ON FILE JAIL WORKSHOP MINUTES FOR
TUESDAY, MARCH 25, 2008**

MOTION: Stevens moved and Hudkins seconded approval of the staff meeting minutes for April 10, 2008 and to receive and place on file the jail workshop minutes for Tuesday, March 25, 2008. Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Health Insurance for Part-Time Bailiffs
- B. Report on Little Salt Meeting
- C. Report on Afghani Visitors
- D. LB 777

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

Schorr appeared at 8:35 a.m.

**3 CORRECTIONS FISCAL YEAR '08 MICROCOMPUTER BUDGET
(C#2008149, \$14, 713.93) - Mike Thurber, Corrections Director**

Mike Thurber, Corrections Director, appeared and indicated they are requesting 4 new CPU's, 7 replacement CPU's (many of which will go in the Law Library) and 2 extra monitors.

Melanie Koch, Corrections Department, appeared and said most of the computers are just outdated and do not have the capacity to run the Lexis software.

MOTION: Hudkins moved and Stevens seconded approval of Microcomputer Request C#2008149. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Health Insurance for Part-Time Bailiffs

Eagan distributed a copy of an E-mail he received from Judge Jodi Nelson regarding health insurance for the part-time bailiffs (Exhibit A). He indicated these positions have always had health insurance. Some time ago, a resolution was passed which addresses benefits for unrepresented and unclassified employees. Under that resolution these employees are defined as full-time bailiffs, although the part-time bailiffs do not get sick leave or vacation. Eagan said the positions have always had health insurance and should continue to have health insurance.

MOTION: Hudkins moved to stay with the original proposal as laid out by the County Board. The motion failed because of a lack of a second.

Schorr agreed the part-time bailiff should receive health insurance benefits because she is working 30 hours. The County is currently providing health insurance to part-time employees who are working only 20 hours. Schorr said the previous study on bailiffs need to be readdressed.

Eagan suggested the Board review the reports. He believes the bailiffs should be in the classified service which means they would get benefits. Eagan said the bailiff that was just hired is without insurance at this point and she took the job with the representation that insurance was included.

MOTION: Stevens moved and Schorr seconded to authorize Clancy Smith to have health benefits on a 30-hour week basis, not including vacation or sick leave, and that the Board look at the bailiffs practices and policies for the future. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

4 RURAL TRANSIT UPDATE AND BUDGET - Wayne McClaran, Rural Transit Director

Wayne McClaran, Rural Transit Director, appeared and indicated there is an increase this year in personnel and fuel costs. He said they are still trying to get the word out to the rural community to encourage more ridership.

Workman questioned the per-trip cost.

Stevens said it's approximately \$41.60, based on the number of rides.

Schorr asked if customers would be receptive to an increase.

McClaran said he is planning to survey riders regarding fees and availability.

Stevens said McClaran is asking for a 32% increase from the County and believes riders should pay more especially since it is a non-mandated service.

Hudkins disagreed with Stevens and noted rural residents don't have many transportation options. They, too, pay a lot of taxes, therefore he was in favor of the County providing this service to the rural residents of Lancaster County through Rural Transit.

MOTION: Schorr moved and Hudkins seconded to increase the price for rural transit rides from \$1.50 to \$2.00 per ride.

FRIENDLY AMENDMENT: Stevens moved to amend the motion to raise the increase to \$3.00 per ride. There was not a second and the motion failed.

ROLL CALL: Schorr, Workman and Hudkins voted aye. Stevens voted no. Motion carried 3-1.

5 CONSTRUCTION MANAGER AT RISK CONTRACT - Vince Mejer, Purchasing Agent; Mike Thurber, Corrections Director

Vince Mejer, Purchasing Agent, appeared and said negotiations with John Sampson are over regarding the Construction Manager at Risk (CMR). The fee will be \$185,000 for the services prior to 60% construction being done. The total fee is 3.25% of the construction total (not including District Energy). Mejer added the CMR will not get any percentage of the architectural costs. When construction is 60% complete, the CMR will guarantee the Board a final total cost for the jail. If it goes over that amount, the monies will come out of the CMR's pocket. If it goes under that amount, the County benefits by the lower cost.

Mejer noted the County has not decided on an independent Construction Manager (CM) that reports directly to the Board. Clark Enersen proposed a cost of \$350,000 to \$400,000 to do the additional studies including contract supervision of security design people.

Workman and Hudkins spoke with Don Killeen, Building Administrator, who said he could oversee the payments, thus, saving the County money.

Workman asked to put the item back on the agenda for further discussion when all Board members are present.

Mejer suggested the County Board hire someone that reports directly to them and oversees the CMR and the Architect.

Tom Fox, Deputy County Attorney, appeared and indicated the architectural contract is written so that they do not have anything to do with certifying payments or accepting applications for certification.

Mejer explained that the Board originally discussed hiring a Construction Manager (CM) that reported to the Board. Then the Board went with the CMR concept. At the time of negotiations with the architect, it was still assumed the County would hire a CM so this was excluded from the contract.

The Board agreed there needs to be a meeting with John Sampson, Don Killeen, Clark Enersen and Vince Mejer to discuss the CM and payments.

Fox said the contract now being negotiated is a traditional CMR contract versus the LPS method. The LPS method is where the CMR is not the constructor and there is a three-party contract between the CMR, the Board and a sub-contractor. Fox said the contract being negotiated allows the CMR to hire and contract with all sub-contractors.

Mejer noted he will be involved in all of the bids related to the jail.

6 PENDING LITIGATION AND INVESTIGATIVE PROCEEDING - Kristy Bauer, Deputy County Attorney; Ron Feters, Lancaster Manor Administrator; Bill Jarrett, Chief Deputy Sheriff; Tom Fox, Deputy County Attorney

MOTION: Schorr moved and Hudkins seconded to enter into Executive Session at 9:27 a.m. for the purpose of discussing pending litigation and investigative proceedings. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 10:26 a.m. Schorr, Hudkings, Workman and Stevens voted aye. Motion carried.

7 2008 LANCASTER COUNTY AUDIT - Dave Riley, Bland and Associates

Dave Riley, Bland and Associates, appeared and said the Independent Auditor's Report and Basic Financial Statement received a good opinion. The one area they don't have is the management's discussion and analysis which includes accounting management.

Dennis Meyer, Budget & Fiscal Officer, appeared and indicated Lancaster County would like to get to the position of preparing their own financials and the management's discussion will be part of that preparation.

Riley briefly outlined three weaknesses in internal control that should be addressed. He also noted the OMB Circular A-133 report was given a clean opinion.

Kevin Hughes, Bland and Associates Manager, gave an in-depth overview of the following weaknesses and their suggestions:

1. Lack of segregation duties, in important areas such as journal entry preparation, may lead to intentional or unintentional errors not being detected.
Suggestion: The Journal Entries be reviewed by an independent party.
2. A number of transactions and account balances that should have been included in the County's financial statements for the prior period were omitted resulting in a significant number of prior period adjustments during the current year.
Suggestion: Management of the County review all account balances, adjusting entries, financial statements, notes and schedules to assure their accuracy prior to their issuance.
3. The computer system in place is inadequate in determining what comprises cash and investments belonging to the County and what portion is owned by other governmental entities.
Suggestion: The County should maintain a monthly, detailed schedule that reflects, by fund, the breakdown of agencies within that fund and the amount of cash in financial institutions and on hand. A similar schedule should also be maintained reflecting the amount of investments owned by the County and those held in trust by the County, by fund, and agencies within that fund.

2 EMERGENCY ITEM ADDITION TO THE AGENDA

- A. Lancaster Manor West Chiller

MOTION: Hudkins moved and Schorr seconded to add the emergency item to the agenda. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

Eagan distributed documentation regarding an E-mail from Ron Feters, Lancaster Manor Administrator, regarding the West Chiller at Lancaster Manor (Exhibit B).

Ron Feters, Lancaster Manor Administrator, appeared and indicated the west chiller went out and needs to be replaced as soon as possible because it is beyond repair.

Mejer appeared and said if the Board is going to classify the need as an emergency they can waive the formal bidding requirement and have the Purchasing Department solicit prices immediately.

MOTION: Schorr moved and Hudkins seconded to waive the provisions of the County Purchasing Act for the emergency item. Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

8 LANCASTER COUNTY RURAL EMERGENCY MEDICAL SERVICES (REMS) COMMITTEE UPDATE - Greg Hall, Committee Chair

Greg Hall, Committee Chair of Rural Emergency Medical Services, appeared and indicated they are interested in developing a request for proposal (RFP) for rural emergency medical services. The committee would like the Board to allow them to draft the RFP with the assistance of the County Purchasing Department and have it facilitated by the County. They would then ask the County Board to enter into an interlocal agreement with entities outside Lancaster County. Hall also asked the County Board to appoint all members of the Lancaster County REMS Committee to the RFP evaluation committee.

Mejer said he doesn't know if there is a conflict of interest with allowing Purchasing to be involved as Lincoln Fire & Rescue will likely submit a bid. He has requested a legal opinion.

Schorr felt the evaluation committee would be too large if all REMS committee members were included. She suggested a smaller group evaluate the bids.

Stevens asked how many bids might come in.

Hall said they have contacted three entities that are willing to respond, Lincoln Fire & Rescue (LFR), American Medical Response (AMR) and Midwest Medical Transport.

Mejer indicated they have some situations where a Rural Fire Chief or Assistant Chief may work for AMR or a Fire Chief may work for LFR so he was very specific in saying those people cannot be on the evaluation committee.

MOTION: Hudkins moved and Stevens seconded to authorize Vince Mejer to prepare the RFP subject to approval by the County Attorney. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

9 EMPLOYEE BLOOD CHEMISTRY TESTING - Sue Eckley, County Risk Manager

Sue Eckley, County Risk Manager, appeared and introduced Kari Wiegert, Risk Management Specialist. Eckley indicated the employee blood chemistry profiles are scheduled for May 13th in the County-City Building, May 14th at the Corrections Building and May 15th in the County-City Building. This year employees will be required to call her office to schedule an appointment. The County will pay the basic blood draw and one-half of the PSA and TSH tests.

MOTION: Hudkins moved and Schorr seconded to authorize the payroll insert on May 1, 2008 for employee blood chemistry testing. Stevens, Workman, Hudkins and Schorr voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

B. Little Salt NRD Meeting

Hudkins gave a brief overview of the Little Salt NRD meeting and indicated they would like to buy more land for preserving the tiger beetles. He said the landowners are interested in keeping the land instead of giving it to the government.

C. Afghan Visitors

Stevens reported seven Governors from Afghanistan were touring the United States to learn about basic civics lessons. He said the Afghanis had no idea that County, State and Federal governments were all separate, nor did they know all the responsibilities of County government.

D. LB 777

Hudkins reported LB 777 was approved by the Governor. This bill clearly defines that agricultural land is to be valued as agricultural land and horticultural land will be valued if someone is living on it as a residence or using it commercially.

10 REPORT ON SPECIAL PERMIT NO. 07033 (SOIL MINING AT HIGHWAY 77 BETWEEN DAVEY AND BRANCHED OAK ROADS) - Dale Stertz, Building and Safety Department Chief Plans Examiner

Dale Stertz, Chief Plans Examiner, appeared and distributed documentation regarding a complaint received by the Building & Safety Department (Exhibit C) and questioned how to proceed.

Mike DeKalb, Planner, appeared and outlined the following violations:

- 2.1.10 There is no sign posted on site with contact information.
- 2.1.11 No performance bond for \$5,000 is on file with any City or County entity.
- 2.3 Contacted the NRD and County Engineer and no erosion control plan has been submitted.
- 2.4 There is a sign on Highway 77 close to Branched Oak Road that says truck entrance. Sign is about a half mile away from entrance to property. State of Nebraska Department of Roads said they have not been contacted for sign approval or placement.

Stevens said Building and Safety should contact the applicant's Attorney regarding the violations and suggested a public hearing should be held to revoke the permit.

Eagan suggested contacting the County Attorney to provide some due process and order to show cause as to why the special permit should not be terminated.

MOTION: Hudkins moved and Stevens seconded to authorize Building and Safety, in conjunction with the County Attorney's Office and Planning, to follow up with the complaint on Special Permit No. 07033 and the violations. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

11 ACTION ITEMS

- A. Authorize Issuance of Specification No. 08-115, Request for Proposals Regarding Lancaster County's 457 and 401(a) Plans

MOTION: Schorr moved and Stevens seconded to authorize issuance of Specification No. 08-115. Stevens, Workman, Hudkins and Schorr voted aye. Motion carried.

- B. Letter of Agreement with Nationwide Retirement Solutions Extending Contracts Regarding 401(a) and 457 Plans to December 31, 2008

MOTION: Stevens moved and Hudkins seconded to authorize the Chair to sign the Letter of Agreement. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Use of Citizens Information Center (CIC) for Graphics

Gwen Thorpe, Deputy Chief Administrative Officer, appeared and gave a brief overview of the County's minimal use of Citizens Information Center's graphics.

The Board agreed the County will not use CIC for graphics unless needed.

- B. Video Arraignments

Eagan reported Heier and Hudkins were questioning if it is legal to do video arraignments.

Hudkins said he spoke with Supreme Court Justice Mike Heavican who urged the County Board to get a County Attorney's opinion regarding video arraignments.

MOTION: Stevens moved and Schorr seconded to ask for a County Attorney's opinion regarding the ability to do video arraignments. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

C. Energy and Resource Conservation Suggestion Contest

Thorpe reported the City is having a contest where employees offer suggestions on how they can reduce the consumption of energy and materials and they are asking the County to also get involved. Thorpe said Stevens suggested the winner could be named employee of the month or receive the Commissioner's Award of Excellence. She said the employees could be notified about the contest through a payroll insert.

MOTION: Stevens moved and Hudkins seconded to participate in the program and ask the Mayor if he wants to include a representative from the County Board in his plan and, if not, distribute the individual handout or payroll insert to the employees. Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

Schorr said after review of the County employees that entered the contest, the Board will determine whether or not to award the Commissioners' Award of Excellence to that employee.

D. Meeting with Journal Star Editorial Board Regarding Jail Bond Election

The Board agreed Stevens and Schorr will meet with the Journal Star.

E. Planning Commission Appointment

Workman reported the Mayor's Office has not received the letter from the Board recommending Charlie Weber for the Planning Commission Appointment. He distributed a resume he received from James Partington (Exhibit E) and said he would like to send the letter to the Mayor.

The Board agreed to stick with the first letter recommending Charlie Weber.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. **Information Services (IS) Policy Committee Meeting** - Stevens

Stevens reported the Mayor asked all of his departments to come in with their budget at 94%, which includes salaries. He also said the Microsoft updates to the operating systems don't always work appropriately with everybody's software and the updates are not supposed to be installed until IS gives the go ahead. Stevens noted IS suggested the Board look at radio frequency identification for the jail, which might work better than bar codes.

B. Parks Advisory Board Meeting - Stevens

Stevens reported they looked at 15 different park properties to sell and there are only 2 practical parks that could be sold as buildable lots and there will be a recommendation to the City Council that they look at those two parks. A representative from Mothers Against Drunk Drivers (MADD) was at the meeting who was interested in having a Kiosk placed where the Rock Island Bike Path crosses South Street and the trees have been planted for family members who have died because of drunk drivers. Stevens suggested having a trail marker at the site.

C. Region V Meeting - Schorr

Schorr reported there has been an increase in employee theft and they heard a presentation from the rental assistance program who help people with mental health issues stay off the streets. She said they also discussed the Eliminate the Weight, Eliminate the Waste Program.

D. LIBA Budget Monitoring Committee Meeting - Stevens

Stevens reported the budget for Lincoln Public Schools will not be done until this fall. Stevens said he mentioned the jail bond that will be on the ballot and they discussed the length of time it will take to pay off the bonds.

E. Monthly Meeting of County Board Chair, Vice Chair and Mayor - Workman, Heier

Workman reported they are still discussing combining the City and County Attorney offices. He said a plan was presented for rural ambulance services which has currently been put on hold. With regard to the County's Visitors Improvement, the Mayor's Office will be asking for \$700,000 to do a study on the arena.

F. District Energy Corporation Meeting - Heier, Hudkins

Hudkins reported they authorized \$25,000 to study District Energy providing heating and cooling for the ice rink and arena. He also said they discussed what type of heating and cooling will be needed at the new jail and whether the District Energy building will be attached or detached to the jail. Hudkins said there was another \$50,000 approved to go towards advanced planning for the jail facility.

G. **General Assistance Monitoring Committee Meeting** - Schorr,
Stevens

Schorr reported they reviewed the changes to the guidelines.

14 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 12:10 p.m.
Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk