

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, OCTOBER 23, 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 8:30 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
OCTOBER 16, 2008**

MOTION: Stevens moved and Hudkins seconded approval of the October 16, 2008 Staff Meeting minutes. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

2 ADDITIONS TO AGENDA

A. Lincoln Chamber of Commerce Public Policy Meeting

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

3 LEGISLATIVE PRIORITIES - Gordon Kissel, Legislative Consultant; Joe Kohout, Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, said Commissioner Schorr testified at the hearing on LR 349 (Interim study to conduct a comprehensive examination of city and county state aid programs currently in state law) and cautioned the Legislature may want to take the state aid as an aggregate and give the County one amount.

Kerry Eagan, Chief Administrative Officer, disseminated the following documents: 1) 2008 Lancaster County Legislative Priorities; and 2) Lancaster County Legislative Proposals, 2009 Session (Exhibits A & B).

Board consensus was to make the following additions to the list of legislative priorities:

- A general paragraph indicating the County supports property tax relief through appropriate state funding
- Last year's LB 979 (amending Nebraska Revised Statute §23-120(3)(b) to allow projects to be financed over twenty years with the 5.2 cent levy)
- Authorize fee for Community Corrections

There was also consensus to make the following deletions and revisions to the lists of legislative and other priorities:

- Delete the following language from the list of legislative priorities: Amend Nebraska Revised Statute §13-1622 to allow increase in self-retention
- Delete the following language from the list of other priorities: 1) Clarify how the County Visitors Improvement Fund can be spent; and 2) Authorize sale of surplus county personal property by electronic auction from the other priorities list
- Move Transfer of Development Rights from the list of legislative priorities to the list of other priorities

Stevens said he would like to pursue statutory changes to the Commission of Industrial Relations (CIR) to allow an exception for ability to pay and comparability to similar jobs in the local community.

There was general consensus to support legislation that would make those changes.

Kissel was asked to research the late filing penalty on personal property to see whether information on the process could be provided to businesses when they file their incorporation papers with the Secretary of State's Office.

Terry Wagner, Lancaster County Sheriff, appeared and said Senator Ashford will introduce legislation, on behalf of the Nebraska Sheriffs' Association, to increase Sheriffs' fees.

4 ARCHER DANIELS MIDLAND (ADM) SETTLEMENT PROCEEDS -
Scott Holmes, Lincoln-Lancaster County Health Department,
Environmental Health Division Chief; Rick Thorson, Environmental Health
Supervisor

Scott Holmes, Lincoln-Lancaster County Health Department, Environmental Health Division Chief, recommended that the remainder of the Archer Daniels Midland (ADM) settlement proceeds (approximately \$60,000) be used as a reserve fund for the Title V Air Quality Fund. **NOTE:** A portion of the funds was used to purchase a hybrid vehicle.

MOTION: Hudkins moved and Stevens seconded to ratify the recommendation to use the remainder of the Archer Daniels Midland (ADM) settlement proceeds as a reserve fund for the Title V Air Quality Fund. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

5 RETIREMENT PLAN LEGAL REVIEW - Doug Cyr, Chief Administrative
Deputy County Attorney

Doug Cyr, Chief Administrative Deputy County Attorney, noted it had been suggested the Board retain legal counsel to do a plan review and redetermination of tax exempt status for the County's 401(a) retirement plan. He recommended the County contract with Janis Winterhoff, a partner in the Omaha law firm Kutak Rock, LLC, who specializes in this type of work. He said her hourly rate is \$200 and said there will be an additional charge if the work requires the assistance of other attorneys in the firm. Cyr said he does not anticipate there will be a substantial number of hours involved and said the work will be paid for out of revenue sharing funds.

The Board scheduled action on the October 28, 2008 County Board of Commissioners Meeting agenda.

Eagan said there was a miscommunication involving whether to allow employees to rejoin the 457(b) deferred compensation plan if they had an involuntary termination and their account was under \$5,000 (see October 16, 2008 Staff Meeting minutes). He said Prudential would prefer to have no involuntary cash-outs of the plan. Employees who terminate voluntarily and withdraw their funds will not be allowed back into the plan.

6 ACTION ITEMS

- A. Grant Application for Motocross/ATV Facility at Abbott Sports Complex (Nebraska Game & Parks Recreational Trails Program)

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

7 ADMINISTRATIVE OFFICER REPORT

- A. County Government Day Legal Opinion

Eagan noted receipt of a legal opinion on whether the use of Keno Funds for County Government Day would fit with the Miscellaneous Expenditures Act (see September 18, 2008 Staff Meeting minutes). He said the County Attorney's Office stated the funds could be used to reimburse expenses other than food. Eagan noted Keno Fund proceeds are to be used for community betterment purposes, which would include County Government Day activities.

MOTION: Schorr moved and Hudkins seconded to authorize payment of \$1,000 out of the Keno Fund to the American Legion to support their efforts for County Government Day. Hudkins, Schorr and Workman voted aye. Stevens voted no. Motion carried.

- B. Request from Bill Luxford, 5-City TV Studio Coordinator, for Use of Room 113 on Thursday, November 20, 2008 (8-10 a.m.)

There was no objection to the request.

- C. Request to Bob Workman, County Board Chair, from Nebraska Association of County Officials (NACO) to Participate in State Conference Opening Session (December 10, 2008)

Workman said he will honor the request.

- D. Horseman's Park Representative

The Board appointed Commissioner Heier the representative and Commissioner Workman the alternate.

E. County Representative for Economic Development Coordinator Position Interviews

Board consensus was to have Dennis Meyer, Budget and Fiscal Officer, participate in the interviews for the position.

It was noted interviews will also be conducted for a new Personnel Director and Commissioners Schorr and Stevens indicated interest in participating.

F. City-County Common Agenda Items (November 4, 2008)

The following agenda items were noted: 1) Indigent defense costs; 2) Jail; and 3) Legislative priorities.

8 DISCUSSION OF BOARD MEMBER MEETINGS

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

No report.

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

Stevens said City Councilman Jon Camp discussed the Lincoln Police Department and Lincoln Fire and Rescue (LFR) union contracts and explained his reasons for voting against a proposal to increase firefighter pensions with annual cost-of-living increases. Stevens said he reported on the jail and the Lincoln Board of Education indicated it is looking at self-insurance.

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

Workman said discussion focused on the Economic Development Coordinator position and "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) on Cornhusker Highway.

D. District Energy Corporation - Hudkins, Heier

Hudkins said the St. Paul (Minnesota) District Energy Chief Executive Officer (CEO) was present and reported that 80 percent of the downtown businesses in St. Paul are on District Energy and tree refuse is burned for their hot water. District Energy decided to do a study to see how much tree refuse goes into the Lincoln's landfill. A possible site for a woodchip burning operation has been identified (7th and "M" Street).

E. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said Mike Thurber, Corrections Director, and Brenda Fisher, Program Director, Corrections Department, discussed mental health programs for jail inmates.

ADDITIONS TO AGENDA

A. Lincoln Chamber of Commerce Public Policy Meeting

Stevens said Congressman Fortenberry discussed the current economic crisis.

9 ADJOURNMENT

MOTION: Stevens moved and Hudkins seconded to adjourn the meeting at 10:18 a.m. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk