

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, SEPTEMBER 17, 2009  
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
and Interim Lancaster Manor Administrator  
Dan Nolte, 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, THURSDAY  
SEPTEMBER 10, 2009**

**MOTION:** Stevens moved and Schorr seconded approval of the September 10, 2009 Staff Meeting minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Additional Air Card for County Board
- B. Tri-County Meeting
- C. 2010 Legislative Proposals
- D. Youth Services Center (YSC) Per Diem
- E. October 8, 2009 Staff Meeting

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

**3 POTENTIAL LITIGATION** - Sue Eckley, County Risk Manager; Kari Wiegert, Risk Management Specialist

**MOTION:** Schorr moved and Workman seconded to enter Executive Session at 8:32 a.m. for discussion of potential litigation and an investigative proceeding. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to exit Executive Session at 9:02 a.m. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

**4 EXECUTIVE SESSION (INVESTIGATIVE PROCEEDING)** - Dean Settle, Community Mental Health Center Director

See Item 3.

**ADMINISTRATIVE OFFICER REPORT**

A. Management Team Fall Retreat

Board consensus was to hold the retreat at Grand Lodge at the Preserve (4400 South 80<sup>th</sup> Street) on October 22nd.

**5 COUNTY SPECIAL PERMIT NO. 07024A, TEMPORARY MOBILE HOME AT SOUTHWEST 14<sup>TH</sup> STREET AND WEST OLIVE CREEK ROAD** - Mike DeKalb, Planner

Mike DeKalb, Planner, gave an overview of County Special Permit No. 07024A, a request for authority to locate and occupy a mobile home while building a permanent residence on property at Southwest 14<sup>th</sup> Street and West Olive Creek Road (Exhibit A). The County Board approved a special permit for temporary residence while building a permanent residence in 2007. That permit has expired. He said weather delays and the applicants' inability to sell their home in the recession have slowed progress and they are requesting additional time to complete their new residence. Planning staff and the Planning Commission have recommended conditional approval.

Stevens suggested limiting the permit to two, rather than three years.

**ADMINISTRATIVE OFFICER REPORT**

D. Home Occupations

Heier said he will not vote for a proposed text amendment to add special permit language for expanded home occupations unless the County has the ability to enforce provisions.

DeKalb suggested the Board explore other options with the County Attorney and Building and Safety.

Kerry Eagan, Chief Administrative Officer, said there are other remedies in the State Statutes but said the courts have been reluctant to use them.

#### B. County Board Meeting Guidelines

The Board reviewed proposed revisions to Guidelines for Public Participation at Meetings of the Lancaster County Board of Commissioners (see agenda packet). There was general consensus to limit the public comment period to one (1) hour and to indicate that the comments must relate to County business.

### **ADDITIONS TO THE AGENDA**

#### A. Additional Air Card for County Board

Workman suggested the Board purchase a second air card for the County Commissioners' Office. The charge would be \$45 per month.

The other Board members indicated they are not interested in doing so.

#### B. Tri-County Meeting

Eagan said Sarpy County has set November 5, 2009 as the date for the meeting. The site will be the Embassy Suites in LaVista.

#### E. October 8, 2009 Staff Meeting

Board consensus was to change the meeting time to 10:00 a.m.

- 6 LANCASTER MANOR UPDATE** - Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator
  - A) PERSONNEL REDUCTIONS**
  - B) PUBLIC RECORDS REQUEST FROM MARK VASINA, RECEIVED SEPTEMBER 15, 2009**

Gwen Thorpe, Interim Lancaster Manor Administrator, reported the following:

- Census was 230 on September 16<sup>th</sup>
- Referrals are up, although not all referrals are appropriate
- Employee smoking will be limited to the back dock area
- A former employee discarded a number of bills and the August financial reports reflect a "catch up" of those payments
- Overtime costs for August were \$22,920 and temporary agency costs were \$41,268
- Sick leave abuse continues to be a problem

In response to a question from Schorr, Thorpe said most of the overtime is related to direct care staffing.

### **A) Personnel Reductions**

Thorpe said three positions that are vacant as a result of resignations will not be filled. One was represented by the American Federation of State, County & Municipal Employees (AFSCME) and the other two were unrepresented. She said she has identified seven other positions that can be eliminated. Four are represented by the union and three are unrepresented. Thorpe said none involve direct care of residents.

Hudkins said the Board has scheduled sale of the facility on November 4<sup>th</sup>. He recommended retention of the positions, adding savings from elimination of those positions a few weeks before the sale won't be substantial and employee morale is already low.

Stevens responded there is no scheduled sale date.

Schorr said November 4<sup>th</sup> is the date the State Auditor's report is anticipated and said the Board has indicated it will not complete a sale prior to receiving that report.

Thorpe said even if there is a signed agreement, the County will operate the facility until the closing date and said the back bills have "eaten" significantly into this year's budget.

Hudkins asked if the bills were neglected or not properly posted as bills owed.

Thorpe said they were discarded.

Hudkins said he has been telling the Board about that potential since last December.

Workman stated Hudkins has never warned the Board about bills being thrown away. He said Hudkins did indicate he thought there were Medicaid reimbursements that weren't billed. Workman asked Thorpe the amount of the bills.

Thorpe said she does not have that figure. She said she does recall Hudkins saying something about that but said he did not identify the source of the information.

### **ACTION ITEMS**

- A. Notification Letter to American Federation of State, County & Municipal Employees (AFSCME) Local 2468 Regarding Lancaster Manor Layoffs

In response to a question from Hudkins, Tom Fox, Deputy County Attorney, appeared and explained that employee "bumping rights" are specifically laid out in the AFSCME contract. He said it includes a seniority component.

**MOTION:** Workman moved and Schorr seconded approval of the letter. Stevens, Schorr, Workman and Heier voted aye. Hudkins voted no. Motion carried.

### **RETURNING TO ITEM 6**

#### **B) Public Records Request from Mark Vasina, Received September 15, 2009**

Eagan said some of the documents Vasina has requested (see Exhibit B) were included in the Hunter Management's response to the Request for Qualifications (RFQ). He said the appraisal report he has requested is not a public record.

### **ACTION ITEMS**

- A. Notification Letter to American Federation of State, County & Municipal Employees (AFSCME) Local 2468 Regarding Lancaster Manor Layoffs

Item was moved forward on the agenda.

### **ADDITIONS TO THE AGENDA**

- C. 2010 Legislative Proposals

Heier asked whether there are any legislative issues the Board would like him to take to the Nebraska Association of County Officials (NACO).

The following issues were suggested:

- Transfer of contiguous development rights
- City responsibility for defense costs on city cases
- Jail medical costs at the Medicaid rate
- Change County pension match
- Equitable made whole doctrine
- State funding for the Southeast Nebraska Behavioral Health Information Network (SNBHIN)
- Costs to sequester juries
- Medicaid and mental health reform
- Statutes governing jails
- 911 surcharge
- Direct file on low level felonies (eliminate preliminary hearings)
- Have the State assume coroner functions
- Authorize telephonic County Board meetings in emergency situations

**7 REALLOCATION OF HOMELAND SECURITY GRANT** - Doug Ahlberg,  
Emergency Management Director

Doug Ahlberg, Emergency Management Director, asked the Board to sign a 2005 grant adjustment notice. He said there was \$13,063.56 remaining from a 2005 Homeland Security Grant and said the Nebraska Emergency Management Agency (NEMA) has agreed to reallocate an additional \$19,232.00. Ahlberg said those funds can go back into his budget and reimburse the County for funds allocated to his department for emergency equipment.

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

**8 OFFICE CHAIRS FOR LANCASTER COUNTY JUVENILE COURT** -  
Theresa Emmert, Juvenile Court Administrator

Theresa Emmert, Juvenile Court Administrator, said the low bid for 44 new courtroom chairs for Juvenile Court was \$19,932. She said that amount was lower than anticipated.

Schorr asked Emmert whether there are sufficient funds in her budget to fund the expense.

Emmert said no, \$12,100 was budgeted.

**MOTION:** Schorr moved and Workman seconded to authorize the expenditure from the Juvenile Court budget, with the understanding the Juvenile Court may need to request an additional allocation.

Stevens asked why the full amount was not budgeted.

Emmert said it was an oversight. She said it was discussed at the departmental budget hearing, but said the focus of that discussion shifted from the chairs to the legal contracts.

Schorr asked Emmert if she knows how the change in the legal contract situation will impact their budget.

Emmert said it is difficult to tell. She said she hopes to have a better idea by mid-year.

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

## **9 ACTION ITEMS**

- A. Notification Letter to AFSCME Local 2468 Regarding Lancaster Manor Layoffs

Item was moved forward on the agenda.

## **10 CONSENT ITEMS**

There were no consent items.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Management Team Fall Retreat
- B. County Board Meeting Guidelines

Items A and B were moved forward on the agenda.

- C. County Board Holiday Schedule

Board consensus was to not hold any Board of Commissioners or Staff Meetings during the period of December 22, 2009 to January 4, 2010.

D. Home Occupations

Item was moved forward on the agenda.

E. Request for Conveyance of Vacated Alley in Sprague

Item was held until later in the meeting.

F. Super Common Meeting (October 6, 2009)

Heier said the purpose of the meeting is to discuss an overpass on Highway 34. A meeting time of 8:00 a.m. was suggested.

**ADDITIONS TO THE AGENDA**

D. Youth Services Center (YSC) Per Diem

Michelle Schindler, Youth Services Center (YSC) Director, appeared and proposed that the County continue the per diem rate of \$236 for the State and contract counties for the coming year. She said the City's per diem rate is recalculated at the end of the year and will be \$214.87.

**MOTION:** Hudkins moved and Stevens seconded to: 1) Set the per diem rate at \$236 for the State and contract counties; and 2) Direct the County Attorney's Office to prepare the contracts. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

**RETURNING TO ITEM 11**

E. Request for Conveyance of Vacated Alley in Sprague

Eagan gave a brief overview of the request.

The Board requested a report and recommendation from County Engineering. **NOTE:** County Engineering utilizes the property to the north.

G. Keno Prevention Fund Grants

The Board scheduled the item on the September 22, 2009 County Board of Commissioners Meeting agenda.

## 12 PENDING

There were no pending items.

## 13 DISCUSSION OF BOARD MEMBER MEETINGS

### A. Information Services Policy Committee (ISPC) - Stevens

Stevens said one of the issues they discussed was that Julie Gable, Gable Consulting, would be coming to Lincoln and meeting with the Mayor. **NOTE:** The County contracted with Gable Consulting for professional consulting services regarding an assessment of the current provision of information services to Lancaster County and recommendation regarding a County I/S Coordinator position.

### E. Meeting with Mayor - Heier, Stevens

Stevens said the Mayor stated he never intended to meet with Gable but would be willing to discuss her report with the County Board Chair and Vice Chair.

Thorpe said Minette Genuchi, Administrative Assistant, has located the email exchange with the Mayor's Office that set up that meeting.

Stevens said the Mayor's cancellation of the meeting resulted in additional cost to the County. **NOTE:** There were additional charges to change Gable's airline tickets.

Thorpe was asked to provide the Board with copies of the correspondence and to forward a copy to the Mayor's Office.

### B. Parks & Recreation Advisory Board - Stevens

Stevens said discussion focused on plans for a new bandshell for Antelope Park and an art wall for the Antelope Valley Project.

### C. Region V Governing Board - Schorr

Schorr said Region V is partnering with Urban Development to allocate some of the stimulus funding for two specific programs: 1) Homeless Prevention; and 2) Rapid Re-Housing. She also reported that Region V has submitted a bid to the State to provide a toll-free hotline for families to call if they have trouble with their youth.

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

Stevens said the Committee Chair is looking for legal authority for the Lincoln Airport Authority to sell property. He said State Senator Coash is looking at exemptions for State sales tax and perhaps trying to eliminate some of them.

E. Meeting with Mayor - Heier, Stevens

Item was moved forward on the agenda.

F. Gable Meeting - Heier, Stevens

Meeting was cancelled.

G. Lancaster County Fairgrounds Joint Public Agency (JPA) - Heier, Workman

Workman said they approved a tax levy of \$0.00383.

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

Hudkins said he attended a meeting State Senator Haar called regarding the Highway 34 Project. He said representatives of the Nebraska Department of Roads (NDOR), Lincoln Public Schools (LPS) and the Lincoln Police Department (LPD) were present. Hudkins said there was consensus that an overpass is needed but said LPS is not willing to participate financially at this point.

Stevens said he would like to schedule an amendment to an agreement with Justice Works, LLC, to develop, provide and present a customized version of the prosecutorData case management software system for the County Attorney's office back on the County Board of Commissioners' Meeting agenda.

### **RETURNING TO ITEM 2A**

Workman urged the Board to reconsider purchasing a second air card for the County Commissioners' Office.

**MOTION:** Workman moved and Heier seconded to purchase a second air card for the County Commissioners' Office to be used primarily by Kerry Eagan, Chief Administrative Officer.

Brief discussion followed.

**ROLL CALL:** Workman voted aye. Schorr, Stevens, Hudkins and Heier voted nay.  
Motion failed.

**15 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 10:45 a.m. Hudkins, Stevens, Heier, Schorr and Workman voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk