

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, OCTOBER 29, 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  
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, THURSDAY  
OCTOBER 15, 2009**

**MOTION:** Stevens moved and Hudkins seconded approval of the October 15, 2009 Staff Meeting minutes. Stevens, Schorr, Workman and Hudkins voted aye. Heier abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Special Information Services Policy Committee (ISPC) Meeting
- B. Elected Officials Salary Committee
- C. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Meeting
- D. Nebraska Association of County Officials (NACO)

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

**3 SEX OFFENDER MANAGEMENT GRANT** - Dean Settle, Community Mental Health Center (CMHC) Director; Dr. Mary Paine and Jason Christensen, Counseling Affiliates of Nebraska, LLC; and Bob Moyer, Grant Manager

Dean Settle, Community Mental Health Center (CMHC) Director, said a Substance Abuse and Mental Health Services Administration (SAMHSA) grant for the Sex Offender Treatment Program will run out in May, 2010. He said the program is a critical public safety response to the issue of sex offenders and perpetrators in the community. Settle said there are currently more than 500 sex offenders in Lancaster County. Many of them were released from sex offender treatment programs at the Lincoln Regional Center (LRC) and correctional facilities in the community and decided to remain in the County. The County currently provides out-patient therapy to 60-65 of them. He said around 60% show Lancaster County as their county of origin.

Dr. Mary Paine, a clinical psychologist with a specialty in this area who serves as the director and project manager, gave an overview of the program.

Settle said it had been their hope since the beginning that the State would "step up" and would continue the initiative once the grant expired or that the City and County might consider funding it from a public safety perspective. He said he recently spoke to Speaker of the Legislature, Mike Flood, and he agreed to check with the Nebraska Crime Commission, Nebraska Attorney General and other state senators to see if monies could be found to continue the program, with a caveat that a program to mirror Lancaster County's be started in Douglas County. Settle said that may not be possible, given the State's budget deficit.

In response to a question from Schorr, Settle said it will take \$500,000 every year to continue the program, train other professionals and reach out to other counties. He said a case manager is also needed, which he estimated would cost an additional \$65,000 to \$75,000.

Board members indicated support for the program and agreed to review the funding request at midyear.

**4 POTENTIAL LITIGATION** - Tom Fox, Deputy County Attorney; Gary Chalupa, Veterans Service Officer/General Assistance Director; Jim Shotkoski, Right-of-Way Division Head, County Engineering

**MOTION:** Schorr moved and Hudkins seconded to enter Executive Session at 8:54 a.m. for discussion of potential litigation. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**MOTION:** Stevens moved and Workman seconded to exit Executive Session at 9:17 a.m. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

**5 NORTHWEST 12<sup>TH</sup> STREET PEDESTRIAN BRIDGE** - Don Thomas, County Engineer

Hudkins asked Don Thomas, County Engineer, for his input on a proposed pedestrian overpass on Northwest 12<sup>th</sup> Street (Highway 34) to assist students crossing from the Highlands Neighborhood to the new Schoo Middle School in the Fallbrook Neighborhood.

Thomas said he believes it would make more sense to build a road/pedestrian overpass.

Stevens asked whether there is potential for Northwest 12<sup>th</sup> Street to become a major north/south road.

Hudkins said Kawasaki favors the proposal and wants Northwest 12<sup>th</sup> Street opened and said Fallbrook wants to complete the road from the end of the bridge to the school, where it intersects with Alvo Road.

**MOTION:** Hudkins moved and Schorr seconded to request a legal opinion on whether the County has legal authority to provide funding for a bridge project that is located entirely within the City's limits. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

**6 SMOKING CESSATION PROGRAM** - Sue Eckley, County Risk Manager; Kari Wiegert, Risk Management Specialist; Tom Fox, Deputy County Attorney

Sue Eckley, County Risk Manager, gave an overview of the proposed Tobacco Cessation Reimbursement Program. She said employees are required to have a conversation with their physician or health care provider about smoking cessation in order to be reimbursed. The doctor visit co-pay would be reimbursable.

Eckley said she also followed up on whether the Lancaster County Medical Society (LCMS) would help fund the smoking cessation program and said Joan Anderson, LCMS Executive Director, indicated the LCMS Board is limiting its support to smoke-free campuses, such as those in the medical community. LCMS is willing to assist employees who do not have insurance through the Medication Assistance Program.

Hudkins suggested the County explore whether there are grants available through the National Association of County Officials (NACo).

Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator, questioned how to address employees who start the program but do not remain employees for the full length of the program.

Tom Fox, Deputy County Attorney, stressed the need to clarify that reimbursement is based on successful completion of the program and that not all tobacco cessation aids require a prescription.

**MOTION:** Workman moved and Hudkins seconded to proceed with the Tobacco Cessation Reimbursement Program, as outlined, with a duration of one year, beginning January 1, 2010, and funding through the Keno Fund or a National Association of County Officials (NACo) grant.

**AMENDMENT:** The maker of the motion and the seconder amended their motion to indicate that funding of the program through the Keno Fund would be limited to \$10,000 and that the per employee maximum is \$250.00.

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

Eckley was asked to outline the program at the November 12<sup>th</sup> Management Team Meeting.

**7 NEW CORRECTIONS FACILITY INFORMATION SYSTEM** - Ken Kuszak, Information Services (IS) Interim Director; Terry Lowe, Systems Development Coordinator; Mike Thurber, Corrections Director

Terry Lowe, Systems Development Coordinator, presented a comparison of the cost of hiring a new Systems Programmer to the cost of Information Services (IS) system support for Corrections (Exhibit A). He said it might be beneficial to have a technology person on-site and said the position could assist Corrections with other technology issues since the programming work would not require a full-time position. Lowe also presented a time line for OpenVMS (Open Virtual Memory System) service and software support (Exhibit B). **NOTE:** OpenVMS is a computer server operating system.

Lowe proposed updating Corrections' Information Management System with a browser-based, front-end, rather than developing a new system. He estimated the cost at \$115,000 for a one-year project. Lowe noted there have been concerns that the Criminal Justice Information Services (CJIS) platform is "dead" and assured the Board it is fully supported and has the strength to exist well beyond 2014.

Workman expressed concern regarding what would happen if CJIS "goes away".

Hudkins said that statement was made in a report the Board received from its consultant. **NOTE:** The County contracted with Gable Consulting for an assessment of the current provision of information services to Lancaster County and a recommendation regarding a County I/S Coordinator position.

Kerry Eagan, Chief Administrative Officer, cautioned the Board about making reference to a report that has not been made public.

**MOTION:** Hudkins moved and Stevens seconded to proceed with the system, as outlined, at a cost of \$115,000.

Mike Thurber, Corrections Director, said it may be beneficial to have a Systems Programmer on staff.

Schorr said she wants a commitment from IS that this project will be a priority project.

Lowe assured the Board it will be.

Ken Kuszak, Information Services Interim Director, said IS definitely wants to do the project.

In response to a question from Stevens, Lowe said it will take a year to put it in production and to be fully interfaced.

Thurber was asked to keep the Board updated on the project.

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

**8 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME** - Tom Fox, Deputy County Attorney; Mike Lang, Administrative Assistant to the Mayor, Economic Development

Schorr asked what the Board can do to avoid having to return \$463,691.86 in Community Development Block Grant (CDBG) Program Income funds to the Nebraska Department of Economic Development (DED) (Exhibit C).

Tom Fox, Deputy County Attorney, explained that DED has the authority to ask for the funds back since the County did not meet their criteria to remain active.

Hudkins said there is a machine shop in Emerald that might want to apply for funds.

Mike Lang, Administrative Assistant to the Mayor, Economic Development, said the County will still have access to CDBG funding on a case-by-case basis.

Hudkins expressed concern that the State might use the funds for other projects and might not have funds available if a project came up in Lancaster County.

Lang agreed to check on the amount of total funds available.

Schorr asked whether the motocross track at the Abbott Sports Complex or the proposed Nebraska Horse Park in northeast Lincoln would qualify.

Lang said he would need to research it. He also stressed the need to have a qualified program administrator.

**MOTION:** Schorr moved and Hudkins seconded to send the Nebraska Department of Economic Development (DED) a letter asking whether the motocross track and proposed Nebraska Horse Park projects would qualify and whether the funds could be used to hire a local Community Development Block Grant (CDBG) Administrator. Hudkins, Workman, Schorr and Heier voted aye. Stevens voted no. Motion carried.

Hudkins exited the meeting at 10:27 a.m.

### **ACTION ITEMS**

A. Thank You Letter to Dr. Tewes (Protector's Challenge Program)

**MOTION:** Stevens moved and Workman seconded to send the letter with signature by all Board members. Schorr, Stevens, Workman and Heier voted aye. Hudkins was absent from voting. Motion carried.

B. Microcomputer Request: C#58065, \$912.43 from Juvenile Court Budget for PC, etc.

**MOTION:** Stevens moved and Schorr seconded approval. Workman, Schorr, Stevens and Heier voted aye. Hudkins was absent from voting. Motion carried.

### **ADMINISTRATIVE OFFICER REPORT**

A. Agenda Items for Tri-County Meeting with Douglas and Sarpy Counties (November 5, 2009)

The following items were suggested:

- Legislative proposals
- Sex Offender Program

## EMERGENCY ITEMS AND OTHER BUSINESS

Workman requested nameplates for Board members and administrative staff for Staff Meetings and other meetings of the Board.

Hudkins returned to the meeting at 10:31 a.m.

- 9 LANCASTER MANOR UPDATE** - Gwen Thorpe, Interim Lancaster Manor Administrator
- A) Sale of Lancaster Manor**
  - B) Provisional License for Gwen Thorpe**
  - C) Public Information Request from the American Federation of State, County & Municipal Employees (AFSCME)**
  - D) Letter to Residents and Families**

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

- Bill from Encore Rehabilitation Services for the period of July-September, 2009 was misplaced or never received and will be paid in October
- Overtime costs for September, 2009 were \$23,495
- Temporary agencies' costs for September were \$29,680
- The State is conducting its annual audit
- Work on past due resident accounts continues, with the assistance of the County Attorney's Office and the State Ombudsman

Hudkins asked whether the Manor has had to draw on County funds to operate.

Thorpe said it has not.

Hudkins asked the amount of the fund balance.

Dennis Meyer, Budget and Fiscal Officer, appeared and estimated the amount at \$510,000.

Hudkins then asked how much the County will receive as a result of the Medicaid cost report.

Meyer said that amount is estimated to be \$935,000.

Information regarding the number of full-time equivalent (FTE) employees, the turnover rate and sick leave usage was also presented (Exhibit D).

### **A) Sale of Lancaster Manor**

Item was held until later in the meeting.

### **B) Provisional License for Gwen Thorpe**

Thorpe said she may apply for an additional six-month provisional license.

**MOTION:** Workman moved and Schorr seconded to seek an additional six-month provisional license for Gwen Thorpe, Interim Lancaster Manor Administrator.

Hudkins said he believes the Board should hire an experienced, licensed administrator for Lancaster Manor.

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

### **C) Public Information Request from the American Federation of State, County & Municipal Employees (AFSCME)**

Eagan noted AFSCME has requested a waiver of all fees related to the public information request presented at the October 27<sup>th</sup> County Board of Commissioners Meeting. He said the cost is estimated to be in excess of \$10,000.

**MOTION:** Workman moved and Schorr seconded to send a letter to the American Federation of State, County & Municipal Employees (AFSCME) indicating the following:

- 1) The estimated minimum cost of providing the information is \$10,000.00
- 2) The County will not waive those fees
- 3) An up-front payment will be required, prior to proceeding
- 4) The cost of complying with a second public information request related to information Commissioner Stevens may have received is unknown at this time

Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

### **D) Letter to Residents and Families**

The following revisions to the letter draft (Exhibit E) were requested:

- Delete the phrase and Manor staff from the last sentence of the second paragraph
- State the date, time and location of the meeting
- Add a sentence encouraging residents and family members to submit their questions in advance

Thorpe asked whether the intent is to have it be an open meeting with Board members and representatives of the County Clerk's Office in attendance or a conversation between representatives of Hunter Management and the residents and family members. She added she would prefer that employee meetings be limited to employees and representatives of Hunter Management so they can have a comfortable discussion.

Workman said he believes Board attendance at the meeting with residents and family members should be limited to the Chair and Commissioner Schorr, the Board's liaison to Lancaster Manor.

Hudkins said he believes it should be an open meeting.

Workman said he does not want the meeting to be confrontational.

**MOTION:** Workman moved and Schorr seconded to limit attendance at the meeting with residents and family members to two (2) Commissioners: Bernie Heier, County Board Chair; and Deb Schorr, the Board's liaison to Lancaster Manor. Workman, Schorr and Heier voted aye. Hudkins and Stevens voted nay. Motion carried.

#### **A) Sale of Lancaster Manor**

**MOTION:** Schorr moved and Hudkins seconded to enter Executive Session at 10:56 a.m. to discuss the potential sale of real estate. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

Workman and Stevens exited the meeting.

**MOTION:** Schorr moved and Hudkins seconded to exit Executive Session at 12:06 p.m. Hudkins, Heier and Schorr voted aye. Workman and Stevens were absent from voting. Motion carried.

Stevens returned to the meeting at 12:07 p.m.

- 10 RESIDENT FUNDS** - Sheli Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide; and Dena Hupp, Account Clerk

Sheli Schindler, Youth Services Center (YSC) Director, said YSC is required to report any property, such as uncashed checks, that has not been claimed in five years to the State, along with a check for the reported amount. She said YSC has a Resident Checking Account that is used to process resident funds coming in and out of the facility and payment of bonds. Three notices of non sufficient funds (NSF) charges were received on this account in 2008. A reconstruction of the account revealed that the charges were the result of not replenishing the account for check printing costs. Schindler requested authorization to have the County Treasurer deposit \$823.98 from the YSC budget into the Resident Checking Account to make it balance.

**MOTION:** Schorr moved and Stevens seconded to authorize the \$823.98 payment from the Youth Services Center (YSC) budget into the Resident Checking Account. Hudkins, Heier, Schorr and Stevens voted aye. Workman was absent from voting. Motion carried.

## **11 ACTION ITEMS**

- A. Thank You Letter to Dr. Tewes (Protector's Challenge Program)
- B. Microcomputer Request: C#58065, \$912.43 from Juvenile Court Budget for PC, etc.

Items A and B were moved forward on the agenda.

## **12 CONSENT ITEMS**

There were no consent items.

## **13 ADMINISTRATIVE OFFICER REPORT**

- A. Agenda Items for Tri-County Meeting with Douglas and Sarpy Counties (November 5, 2009)

Item was moved forward on the agenda.

- B. Midtown Center Tree Removal Cost

Eagan reported a request from the Community Mental Health Center (CMHC) for assistance with the cost of having a tree removed from their Midtown Center property (\$2,185).

**MOTION:** Stevens moved and Hudkins seconded to pay the expense out of the Community Mental Health Center's (CMHC's) budget, with review of the budget at midyear. Hudkins, Stevens, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

C. City-County Common (Monday, November 2, 2009)

Board consensus was to suggest the meeting be cancelled, due to the lack of agenda items.

#### **14 PENDING ITEMS**

There were no pending items.

#### **15 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Joint Budget Committee (JBC) - Stevens, Schorr
- B. Visitors Promotion Committee (VPC) - Stevens
- C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- D. Meeting with Mayor - Heier, Stevens
- E. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Workman
- F. Downtown Lincoln Association (DLA) - Stevens
- G. Lancaster County Corrections Facility Joint Public Agency (JPA) - Heier, Stevens
- H. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Items were held until the next Staff Meeting.

#### **ADDITIONS TO THE AGENDA**

- A. Special Information Services Policy Committee (ISPC) Meeting

Stevens said Information Services (IS) wants to move to a flat, rather than hourly, billing system. Billing will be based on the previous year's usage. He said the Board will receive a briefing at a future Staff Meeting.

Schorr suggested a briefing at a Management Team Meeting would also be beneficial.

B. Elected Officials Salary Committee

There was consensus to appoint Commissioner Heier as the Board's envoy to the Committee.

C. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Meeting

Heier said there are plans to redo the transmission line that runs through Wilderness Park.

D. Nebraska Association of County Officials (NACO)

Heier said the County Attorneys have decided to join NACO.

**16 EMERGENCY ITEMS AND OTHER BUSINESS**

Item was moved forward on the agenda.

**17 ADJOURNMENT**

**MOTION:** Schorr moved and Hudkins seconded to adjourn the meeting at 12:13 p.m. Hudkins, Heier, Schorr and Stevens voted aye. Workman was absent from voting. Motion carried.

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Dan Nolte  
Lancaster County Clerk