

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 2, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 26, 2010.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 2, 2010.**

MOTION: Schorr moved and Stevens seconded approval of the claims. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **PUBLIC HEARING:**

A. **A Class C liquor license application for Yankee Hill Country Club, 4200 San Mateo Lane, Lincoln, Lancaster County, Nebraska.**

The Chair noted the public hearing was carried over from last week. Amy Wieseler, Yankee Hill Country Club, was administered the oath. Stevens thanked Wieseler for updating her application. He said the omission of a traffic violation on the original application did not disqualify the applicant, but he felt the application should be accurate. Per direction of the Chair, the public hearing was closed.

MOTION: Stevens moved and Hudkins seconded to direct the County Attorney's Office to prepare a resolution approving the liquor license. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

Stevens explained a formal resolution would come before the Board at next week's meeting. He told Wieseler there would be no need for her to appear at that time.

4) **OLD BUSINESS:**

- A. **A contract between M & M Used Oil Services, Inc., the City of Lincoln and Lancaster County for the annual supply of used oil collection. The County will pay for items pursuant to State of Nebraska Contract No. QG1008. Term of the contract is October 1, 2010, to March 31, 2011. (C-10-0547)**

MOTION: Schorr moved and Stevens seconded approval of the contract.

Brittany Behrens, Deputy County Attorney, noted the appropriate insurance certificate was received. Hudkins said the County is paid \$0.46 per gallon for the oil collected. John Austin questioned the use of the oil. Hudkins said the oil was recycled. Sharon Mulder, Purchasing Department, said this contract piggybacked the State of Nebraska contract for the Keep Nebraska Beautiful program.

ROLL CALL: Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS:**

- A. **An interlocal agreement between Lancaster County and Dawson County, Nebraska, to house inmates who are held under Lancaster County's lawful authority at the Dawson County Detention Facility. Lancaster County will pay Dawson County \$45 per inmate for each day the inmate is housed by Dawson County. The agreement is effective upon execution of both parties and will be for a one-year period. (C-10-0556)**

MOTION: Workman moved and Stevens seconded approval of the agreement. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- B. **A dental services agreement with Justin Villafane, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Mr. Villafane is a licensed dentist and will be paid \$100 per hour for general services, \$80 per hour for instructing medical staff in the dental clinic practice and \$100 per hour for time in preparation of trial or court testimony. Term of the agreement is November 1, 2010, to November 30, 2010, with an automatic renewal on the 1st of each following month unless terminated prior to that time. (C-10-0557)**

MOTION: Workman moved and Stevens seconded approval of the agreement. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- C. **A grant contract with CenterPointe, Inc., in the amount of \$325,000 to provide funding for the following Behavioral Health programs: \$100,000 for Outpatient Treatment, \$95,000 for Day Rehabilitation, \$55,000 for Adult Residential, \$33,000 for Youth Residential, and \$42,000 for Community Support. Term of the grant contract is July 1, 2010 to June 30, 2011. (C-10-0558)**

MOTION: Workman moved and Schorr seconded approval of the contract.

Schorr said the grant contracts in Items 5C-5I are funded jointly by the City and County for Human Services in Lincoln and Lancaster County.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- D. **A grant contract between Lancaster County and the Lincoln Council on Alcoholism and Drugs, Inc., to provide funding for the project management of the Federal Drug Free Communities Support Program in the amount of \$88,347. The Lincoln Council on Alcoholism and Drugs, Inc., will contribute \$148,602 in matching funds. Term of the grant contract is September 30, 2010 to September 29, 2011. (C-10-0559)**

MOTION: Workman moved and Hudkins seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- E. **A grant contract with Family Service Association, to provide funding for the Behavioral Health program in the amount of \$125,000. Term of the grant contract is July 1, 2010 to June 30, 2011. (C-10-0560)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **A grant contract with St. Monica's Behavioral Health Services for Women, to provide funding for the Project Mother & Child program in the amount of \$50,000. Term of the grant contract is July 1, 2010 through June 30, 2011. (C-10-0561)**

MOTION: Schorr moved and Stevens seconded approval of the contract. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- G. **A grant contract with Friendship Home, to provide funding for the Hotels and Motels in Partnership program in the amount of \$3,500. Term of the grant contract is July 1, 2010 to June 30, 2011. (C-10-0562)**

MOTION: Stevens moved and Workman seconded approval of the contract. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- H. **A grant contract with Cedars Youth Services, Inc., to provide funding for the Centralized Risk and Needs Assessment Project in the amount of \$40,000. Cedars Youth Services, Inc., will contribute \$6,800 in matching funds. Term of the grant contract is July 1, 2010 to June 30, 2011. (C-10-0563)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- I. **A grant contract with People's City Mission for funding for the Emergency Shelter program in the amount of \$60,000. Term of the grant contract is July 1, 2010 to June 30, 2011. (C-10-0564)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- J. **An amendment to a contract between Lancaster County, the City of Lincoln and Moore Medical, found at County Contract No. C-07-0409, for the purchase of medical equipment and related supplies on an as-needed-basis. The amendment extends the agreement for an additional 78 days from October 15, 2010 to December 31, 2010. (C-10-0565)**

MOTION: Stevens moved and Workman seconded approval of the amendment. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- K. **An amendment to a contract between Lancaster County, the City of Lincoln and Midland Medical Supply Co., found at County Contract No. C-07-0410, for the purchase of medical equipment and related supplies on an as-needed-basis. The amendment extends the agreement for an additional 78 days from October 15, 2010 to December 31, 2010. (C-10-0566)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- L. **Utility Permit No. 1009 for Windstream Communications to have approximately 4.5 miles of Underground Fiber Optics Telecommunication line installed from Highway 77 and Mill Road east to North 70th Street, then south along North 70th Street to Arbor Road. There is no cost to Lancaster County. (C-10-0567)**

MOTION: Hudkins moved and Stevens seconded approval of the utility permit. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- M. **A coalition contract for behavioral health services between the Regional Behavioral Health Authority (Region V) and Lancaster County on behalf of the Lincoln/Lancaster County Substance Abuse Action Coalition. Region V will pay the County \$142,000 to provide comprehensive behavioral health services. The term of the agreement is from July 1, 2010 through June 30, 2011. (C-10-0570)**

Item was held per request of the County Attorney.

- N. **Acceptance of a grant award from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in the amount of \$300,000, for the Lancaster County Adult Drug Court Capacity Expansion and Program Enhancement. Term of the grant award is October 1, 2010 to September 30, 2013.**

Kim Etherton, Community Corrections Director, said the money will allow the drug court program to expand, hopefully increasing capacity by around 75%. Schorr asked Etherton what percentage of her program has substance abuse issues. Etherton estimated around 90% for the house arrest population and the pre-trial release program. Hudkins noted law enforcement says 82% of their service calls are drug or alcohol related.

MOTION: Stevens moved and Workman seconded approval of the grant award. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. **Receive and place on file the following:**

1. **County Treasurer's Report on 2009 Distress Warrants.**
2. **NBCS Expenditure & Inventory Reports submitted to the Nebraska State Board of Public Roads Classifications and Standards.**

B. **Right-of-way contracts between the County Engineer and the following:**

1. **Vern and Rita Miles, in the total amount of \$5,510, located on South 54th Street between Hickman Road and Roca Road; Project No. C55-S-405(3). (C-10-0568) (C-10-0569)**

MOTION: Hudkins moved and Stevens seconded approval of the consent items. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:**

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), discussed the first amendment and distributed information from firstamendmentcenter.org (Exhibit A). She read the letter presented at last week's meeting regarding the resignation of a County employee. Hudkins questioned the identity of the County employee and if the County Commissioners received a copy of the letter. Kaspar said the employee requested her name be withheld; a copy of the letter was submitted to the County Clerk's Office.

Melvin Moore discussed negotiations for County employees.

John Austin discussed a variety of topics, including yesterday's City Council meeting, traffic direction during the University of Nebraska football game, the Disabled American Veterans need for a van and the City landfill.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 4, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The County Board will hold a public hearing on Tuesday, November 16, 2010 regarding a request to vacate a portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said Waggoner Subdivision, generally located ¼ mile south of West "O" Street, Lancaster County, Nebraska.**
- C. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the internet 24 hours a day at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

9) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:06 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 2, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING**

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

Others present: Norm Agena, County Assessor/Register of Deeds
Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:06 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 26, 2010.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **ADDITIONS AND DEDUCTIONS: Approval of three additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

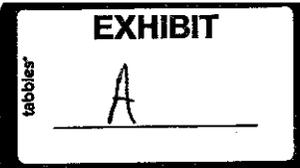
MOTION: Hudkins moved and Stevens seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:07 a.m. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

/s/Dan Nolte

**Dan Nolte
Lancaster County Clerk**



First Amendment topics >



The First Amendment to the U.S. Constitution Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. ABOUT THE FIRST AMENDMENT

About

About the First Amendment

By **Brian J. Buchanan**
First Amendment Center Online managing editor

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— *The First Amendment to the U.S. Constitution*

The First Amendment was written because at America's inception, citizens demanded a guarantee of their basic freedoms.

Our blueprint for personal freedom and the hallmark of an open society, the First Amendment protects freedom of speech, press, religion, assembly and petition.

Without the First Amendment, religious minorities could be persecuted, the government might well establish a national religion, protesters could be silenced, the press could not criticize government, and citizens could not mobilize for social change.

When the U.S. Constitution was signed on Sept. 17, 1787, it did not contain the essential freedoms now outlined in the Bill of Rights, because many of the Framers viewed their inclusion as unnecessary. However, after vigorous debate, the Bill of Rights was adopted. The first freedoms guaranteed in this historic document were articulated in the 45 words written by James Madison that we have come to know as the First Amendment.

The Bill of Rights — the first 10 amendments to the Constitution — went into effect on Dec. 15, 1791, when the state of Virginia ratified it, giving the bill the majority of ratifying states required to protect citizens from the power of the federal government.

The First Amendment ensures that "if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or force citizens to confess by word or act their faith therein," as Justice Robert Jackson wrote in the 1943 case *West Virginia v. Barnette*.

And as Justice William Brennan wrote in *New York Times v. Sullivan* in 1964, the First Amendment provides that "debate on public issues ... [should be] ... uninhibited, robust, and wide-open."

However, Americans vigorously dispute the application of the First Amendment.

Most people believe in the right to free speech, but debate whether it should cover flag-burning, hard-core rap and heavy-metal lyrics, tobacco advertising,

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