

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 30, 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

Commissioners absent: 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, November 23, 2010.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 30, 2010.**

MOTION: Hudkins moved and Stevens seconded approval of the claims. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS:**

- A. **A utility relocation agreement between Lancaster County and Norris Public Power District, in the amount of \$12,510.19, to relocate utility facilities to accommodate the grading of Saltillo Road between S. 98th Street and S. 120th Street; Project No C55-PQ-406(2). (C-10-0610)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- B. **An interlocal agreement with the Village of Denton for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one deputy to duty in the Village limits and provide a cruiser. The Village will reimburse the County at the overtime rate of pay for the Deputy assigned. Term of the agreement will be from September 1, 2010, to August 31, 2011. (C-10-0611)**

3) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of the agreement. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- C. **A software license agreement with Justice Works, LLC, for the use of Justice Works prosecutorData and related documentation. The prosecutorData Client Application will assist the Lancaster County Attorney's Office with case and docket management. The County will pay a monthly software subscription of \$1.50 per new case opened. (C-10-0612)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

- D. **An agreement with the Child Guidance Center for the services of an internal case manager and for the provision of substance abuse evaluations for youth at the Youth Services Center. The County will pay \$65,511 for the services of the case manager and \$76,845 for substance abuse evaluations for a total amount up to \$142,356. Term of the agreement is July 1, 2010, to June 30, 2011. (C-10-0613)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- E. **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 to provide comprehensive behavioral health services. Term of the agreement is July 1, 2010, to June 30, 2011. (C-10-0614)**

MOTION: Stevens moved and Hudkins seconded approval of the contract. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- F. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Juvenile Court Enhancements. Total project cost is \$316,563, of which \$19,260 is the County's in-kind match. Term of the grant award is January 1, 2011, to December 31, 2012.**

MOTION: Stevens moved and Schorr seconded approval of the grant award. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- 4) **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. **Right-of-way contracts with the County Engineer and Jerry and Jane Schmutte, in the amount of \$14,250, located at S. 54th Street and Martell Road; Project No. C55-S-405(3). (C-10-615) (C-10-0616) (C-10-0617) (C-10-0618)**

4) **CONSENT ITEMS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of the consent items. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

5) **PUBLIC COMMENT:**

Kim Kaspar, President of American Federation of State, County & Municipal Employees (AFSCME), read and submitted a statement regarding treatment of AFSCME employees (Exhibit A). Heier asked Kaspar to give him specific information regarding her statement after the meeting.

Hudkins stated he was contacted by Russell Shultz, Weed Control Supervisor, who asked to discuss a matter in executive session. Hudkins said he made a motion at a previous meeting to go into executive session, but it failed due to lack of a second. Hudkins questioned why the County Attorney's Office recommended the Board not go into executive session and if a director could speak directly to the County Board. Brittany Behrens, Deputy County Attorney, stated there are ongoing discussions between Shultz and the County Attorney's Office. She said the Board can speak with department directors at any time; however, certain steps need to be followed when dealing with a Personnel matter, and these steps are needed prior to going into executive session. Behrens said eventually an executive session may take place, but not at this point of the investigative procedure. Schorr confirmed with Behrens that procedural steps are listed in State statute regarding civil service and in the union contract regarding personnel issues. Stevens noted the County has adopted procedures to deal with issues expeditiously which don't involve the County Board at every step. He said the matter could be brought to the Board when the investigation is done. Heier asked if Kaspar had taken any steps with the union employee involved. Kaspar said she has been representing the employee but was told by one of the County Attorneys that AFSCME could not speak at the investigations. Hudkins stated he would like an explanation as to why Kaspar was told this.

Melvin Moore discussed the County Board election results. He encouraged the Board to listen to and work with everyone in the County.

John Austin discussed a variety of topics, including the Lancaster Manor proceeds and who is involved with the decision on how the funds are used.

6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, December 2, 2010, beginning at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **A public hearing will be held on Monday, December 6, 2010, at 7:00 p.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding Lancaster County's proposed One and Six-Year Road and Bridge Improvement Program for July 1, 2011, to June 30, 2016.**
- 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.**

7) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:02 a.m. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 30, 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

Commissioners absent: Bob Workman

Others present: Norma Agena, 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 10:02 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 23, 2010.**

MOTION: Schorr moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

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

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Sacred Winds Native United Methodist Church
Union College
United Methodist Community Ministries of the Blue River District
Vital Services, Inc.

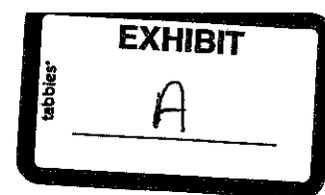
MOTION: Stevens moved and Schorr seconded approval of the motor vehicle tax exemptions. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

4) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:04 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk



November 23, 2010

It seems like when you play by the rules the other team tries to cheat. It is never what is good for one is good for all, but more of what you can take from one and not the other. These statements seem ever so true when it comes to representing AFSCME employees in many discipline cases. What else seems true is the plain and simple fact that this group of employees does not get the same fair treatment as others in unrepresented and management level classes? And it also seems very apparent that a certain member of the County Board of Commissioners gets the same AFSCME "treatment" as I will call it today.

Before you go asking me for the facts to these statements I will spell out just a couple or so examples of how AFSCME employees have been treated in the past. Conduct unbecoming of a County employee is one of the most favorite misused and abused rules the County has. This rule has been used in about every employee case we have represented. Employees have been terminated before legal cases against them were decided, terminated or put into a "forced resignation" situation or receiving reprimands for the same rule violation even after they have tried to change the behavior patterns. What seems never to change is the County's ability to see beyond the simplicity of the issues and really try to investigate the case for its value and merit. And now we are told we need to "be quiet" by a County Attorney or a meeting may be canceled if we state our opinions. This by all means begins to violate Labor Laws and again shows the County enforcing their "strong arm" intimidation strategy.

Now we are looking at a situation which you, the County Board, cannot become involved in because Eagan and Fox tell you it is now a Personnel issue. Since when can the County Board be told they cannot deal with a Personnel issue by an Administrative Aide and a County Attorney? And why, for heaven's sake would you even allow this, knowing what you know? We begin to wonder who really is running the County Board and have thought many times over if you have placed and/or allowed your underling staff to complete tasks of which they are not or should not be allowed to do. And when this happens just how much of the information do you really get and how much gets swept under the County's dirty little carpet?

When important County issues are brought to you, should it not be you who decide what the proper procedure should be and should it not be you to determine who should be in charge of handling such issues? Shouldn't you, the County Board of Commissioners be the ones who discuss it first, within the group of five, before it goes to the hands of another who dictates to you how it should be handled, especially when you were notified first? We know for a fact, Mr. Heier, Mr. Stevens, Ms. Thrope and Mr. Fox were in a meeting earlier this month and have since learned Mr. Hudkins was never informed of this situation. It wasn't until Mr. Hudkins was notified of this several days later and then motioned for an emergency executive session to discuss it. Then and only then was it determined by Eagan and Fox to be a Personnel issue. Again, Mr. Hudkins was shut down, not only as liaison to the Department, but as a representative of his District. This only shows the lack of interest we feel you have on the seriousness of the issue but the lack of support you will give to one of your own.

In fact, I know of other similar cases of which I feel never made it out of the Departments and to you. We also know of unrepresented employees who have given the County a "black eye" but only a very few

of them are really treated the same as AFSCME represented. And these employees, I assume, were by your standards, bad employees, but how many chances did they have to carry out the "dirty" deeds before any action was taken upon them? I am not saying all employees within the County are great or dirty, but it seems many do not receive the training and mentoring they need and/or deserve to complete their jobs as required. In fact, the communication in so many departments is so vague or non-existent, many just try to carry out their duties to the best of their abilities with the little bit of knowledge they were given. The lack of moral and job satisfaction is at an all time low and you wonder why some of the issues arise. This and this alone, falls upon you as the leaders of the community. Your inability to lead by a positive example only festers the wounds left by the same inability passed down the directors and administrators of many departments.

Do you really know what your Aides are doing when you are not around? Did you know that Kerry Eagan called an aggrieved party and tried to explain your stance on an issue? Did you give him your permission to do this or has he just taken it upon himself to do your job without first talking to you? And do you know what he said to the party he called because he may have put you in a situation by making a promise of which may not be able to be carried out? I can almost bet if an AFSCME represented employee did this in good faith it would not be taken this way and some charge would be taken against them. It again only shows a represented employee is only generally thought to be a "throw away" or expendable person and when someone in a management position will have more opportunity to "screw up" and generally continue to misbehave without repercussion.

Tom Kesper
AFSCME Local 2468