

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JANUARY 14, 2010
8:00 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
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:25 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
JANUARY 7, 2010**

MOTION: Stevens moved and Schorr seconded approval of the January 7, 2010 Staff Meeting minutes. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Letters from the Nebraska Heart Institute (NHI) and Saint Elizabeth Regional Medical Center's HealthConnect at Home Regarding the Assistance Provided to them by Emergency Management During the Recent Snowstorm (Exhibits A & B)

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

**3 MEETING WITH REPRESENTATIVES OF LANCASTER COUNTY
VILLAGES
A. RECEPTION (8:00 - 8:30 A.M.)**

- B. REVIEW OF FLOODPLAIN MAP REVISIONS** - Shuhai Zheng, Flood Plan Management Chief, Nebraska Department of Natural Resources (NDNR); Gloria Bucco, Public Information Officer, NDNR; Staci Parent, Floodplain Mapping Specialist, NDNR; Bill Jones, Floodplain Management Specialist, NDNR; Ben Higgins, Senior Engineer, Lincoln Public Works/Utilities; Paul Zillig, Assistant Manager, Lower Platte South Natural Resources District (NRD); and Scott Nelson, Assistant Manager, Nemaha NRD
- C. UPDATE ON EXPANSION OF RURAL HOME OCCUPATIONS BY SPECIAL PERMIT** - Mike DeKalb, Planner, City of Lincoln - Lancaster County Planning Department
- D. ROUND TABLE DISCUSSION**

Separate minutes.

ADDITIONS TO THE AGENDA

- A. Letters from the Nebraska Heart Institute (NHI) and Saint Elizabeth Regional Medical Center's HealthConnect at Home Regarding the Assistance Provided to them by Emergency Management During the Recent Snowstorm (Exhibits A & B)

Board consensus was to refer the letters to Doug Ahlberg, Emergency Management Director, and ask him to contact medical facilities in the community and make assistance to them a part of his emergency reaction plan.

- 4 COUNTY ROAD ISSUES (NORTHWEST 70TH STREET, ARBOR ROAD AND WEST ALVO ROAD)** - Don Thomas, County Engineer; Doug Pillard, Design Division Head, County Engineering

Don Thomas, County Engineer, asked whether the Board wants the following road projects to remain on schedule:

- Arbor Road

Thomas noted funds were set aside for this project in the Keno Fund. **NOTE:** The paving of Arbor Road east of North 70th Street is intended to provide access to a motocross track at the Abbott Sports Complex.

Board consensus was to proceed with the project.

- Northwest 70th Street

Thomas said the first half mile of Northwest 70th, north of West Adams Street, has been graded and a mile on West Superior Street, from Northwest 56th Street to Northwest 70th Street, by the University of Nebraska's Challenge Course, has been graded and rocked. He said plans by the Lower Platte South Natural Resources District (NRD) to build a dam in the second half mile have been delayed and he proposed that the County take that portion back as a road project. Thomas said he would like to proceed with right-of-way acquisition on the west side (estimated cost of \$18,000) out of the current budget, explaining it will likely be by condemnation. **NOTE:** Right-of-way has been acquired on the east side. He said those costs were not included in the budget, so it will likely be a budget overrun. Thomas estimated construction costs at \$180,000 and said he will include those costs in next year's budget.

MOTION: Hudkins moved and Stevens seconded to authorize the County Engineer to proceed with acquisition of right-of-way on the west side of Northwest 70th Street, as outlined. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

- West Alvo Road (See Exhibit C for an aerial map)

Thomas estimated the cost to connect Northwest 12th Street and West Alvo Road to the Tallgrass Parkway roundabout, including right-of-way acquisition, at \$300,000. He said the road would be graded to Rural to Urban Transportation System (RUTS) Program standards and a two-lane course rocked.

Hudkins suggested the adjacent property owners be asked to contribute the right-of-way if they want the road built in the near future.

Thomas said he would not prioritize this road as it will be costly and the County would be building ahead of development.

Hudkins said he believes this road will facilitate more development than Northwest 70th.

MOTION: Schorr moved and Hudkins seconded to: 1) Authorize a letter to be sent to the adjacent property owners requesting a donation of land for right-of-way; and 2) Direct the Chair and Vice Chair to ask the Mayor if the City has any interest in having the road improved. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

Thomas said plans to improve a mile and a half on South 68th Street have been delayed, due to new federal regulations. He said he budgeted \$90,000 for the right-of-way acquisition but won't be able to proceed until he receives authorization from the federal government.

Heier asked Thomas how things stand with his snow removal budget.

Thomas said it appears it will be over budget.

POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney; Don Thomas, County Engineer; Doug Pillard, Design Division Head, County Engineering

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 10:15 a.m. for discussion of potential litigation. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 10:26 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

MOTION: Schorr moved and Stevens seconded to waive Lancaster County's purchasing policies, which require three (3) informal quotes, with regards to County Engineering's sign face purchase from the 3M Company. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5 UNCLASSIFIED EMPLOYEE SALARIES - Mark Koller, Personnel Director; John Cripe, Classification and Pay Manager; Nicole Gross, Compensation Technician

The Board reviewed information provided by the Personnel Department regarding directors' salaries, showing possible increases ranging from 0.00% to 2.00%, and a salary survey of the following counties: Douglas County, Nebraska (includes Omaha), Linn County, Iowa (includes Cedar Rapids), Polk County, Iowa (includes Des Moines), Scott County, Iowa (includes Davenport), Sedgwick County, Kansas (includes Wichita), and Shawnee County, Kansas (includes Topeka) (see agenda packet).

The Board also received a handout showing the proposed 2010 salaries for deputy county attorneys (Exhibit D). **NOTE:** An overall increase is 2.49% is proposed.

Hudkins said he does not believe the County's budget situation will allow the Board to make salary adjustments this year. He also suggested it may be necessary to look at furloughing employees who are not part of 24 hour/7 days per week operations in order to meet the budget.

Heier added it still isn't clear what cuts the Legislature might make that will impact counties.

Bill Jarrett, Chief Deputy Sheriff, appeared and expressed concern regarding compression of wages.

Dennis Keefe, Public Defender, appeared and said his office has experienced a similar situation.

MOTION: Schorr moved and Stevens seconded to approve a 1.00% increase for the directors and a 1.50% increase for Sheriff's deputies, deputy county attorneys and deputy public defenders. Schorr and Stevens voted aye. Hudkins and Heier voted nay. Motion failed due to the lack of a majority.

It was noted that Commissioner Workman is expected back next week. Hudkins said if any Commissioner plans to bring forth a motion at that time to increase salaries they should include the total dollar impact.

MOTION: Stevens moved and Heier seconded to approve a 1.00% increase for the unclassified employees. Stevens and Heier voted aye. Schorr and Hudkins voted nay. Motion failed due to the lack of a majority.

Gary Lacey, County Attorney, appeared and suggested the Board reduce employee's vacation benefits and apply the savings to salaries.

MOTION: Hudkins moved and Heier seconded to request a legal opinion on whether individual elected officials and appointed department heads have the right to set the amount of vacation time their unclassified employees receive.

Steven suggested limiting vacation accruals. **NOTE:** Employees may accrue up to 240 hours of vacation time and may roll those hours over at the end of the year.

Schorr requested a list, by department, of how many employees are at the maximum accrual. She also requested a chart showing the financial impact of giving the Sheriff's deputies, deputy county attorneys and deputy public defenders an increase of 0.50%, 1.00% or 1.50%.

ROLL CALL: Hudkins and Heier voted aye. Schorr and Stevens voted nay. Motion failed due to the lack of a majority.

District Court Judge Jodi Nelson appeared and submitted a request for a pay increase for the District Court Judge's bailiffs (Bailiff II's) to equalize their salaries with those of Paralegal II's (Exhibit E).

ADMINISTRATIVE OFFICER REPORT

K. Juvenile Court Memorial for Judge Nuernberger

Theresa Emmert, Juvenile Court Administrator, appeared and said the Juvenile Court has funds in its budget to help fund the expense of a memorial for Judge Nuernberger that will be displayed in the Juvenile Court waiting area. **NOTE:** The amount requested is \$500. The family of Judge Nuernberger has agreed to pay the remainder of the cost.

MOTION: Schorr moved and Stevens seconded to authorize the Juvenile Court to spend \$500 for a memorial for Judge Nuernberger.

Hudkins suggested the issue of placement of the memorial be referred to the Public Building Commission (PBC).

Eagan said Don Killeen, County Property Manager, was contacted and said he indicated it is not necessary, since placement is internal to the office.

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

6 **DRUG COURT GRANT** - Kim Etherton, Community Corrections Director; Jerod Gavin, Drug Court Coordinator

Kim Etherton, Community Corrections Director, said St. Monica's Substance Abuse Treatment for Women is struggling financially with the demands placed on them for communication and collaboration with the Adult Drug Court. She requested authorization to apply for an expansion grant for the Adult Drug Court, explaining there are two parts to the grant:

1. The Bureau of Justice Assistance (BJA) piece will fund a supervision officer and possibly an additional part-time position in the court system. A 25% match is required but in-kind services would count.
2. The Center for Substance Abuse Treatment (CSAT) piece will provide \$325,000 per year, for up to three (3) years, to pay for the St. Monica's staff person working with the Adult Drug Court, and to hire a dually licensed Matrix Model treatment provider to assist with the mental health piece, in partnership with the Community Mental Health Center (CMHC). That individual would work with CMHC's case management and homeless special needs services to address the needs of the participants.

MOTION: Schorr moved and Stevens seconded to authorize Community Corrections to proceed with both grant proposals.

Heier asked whether Etherton would be adding any new employees as a result.

Etherton said CMHC might need to hire a new staff person but said the cost would be covered by the grant.

Hudkins suggested Etherton try to contract with another entity, rather than add a new position at CMHC.

Etherton said she will check with CenterPointe, Inc. and Region V Systems to see whether they could provide case management services.

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

7 FUNDING FROM U.S. MARSHALS SERVICE - Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, said the U.S. Marshals Service has contacted the Sheriff's Office and indicated they have additional funding available for equipment (\$5,000) and fuel (\$6,000) for the combined Metro Area Fugitive Task Force (MAFTF). He asked that the Sheriff's Office be allowed to place the funds in Grant Fund 27 and to draw on them as needed. Jarrett noted there is also \$8,000 available for overtime but said he is not including that in his request. He said the budget for overtime will be higher than anticipated because of grants but said all of the grants will be revenue neutral.

MOTION: Hudkins moved and Schorr seconded to accept the offer of funding from the U.S. Marshals Service, as outlined. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

8 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney; Don Thomas, County Engineer; Doug Pillard, Design Division Head, County Engineering

Item was moved forward on the agenda.

9 ACTION ITEMS

A. Microcomputer Requests:

1. C#29823, \$1,153.63 from District Court Clerk's Budget for Four (4) Microsoft Office 2007 STD Licenses
2. C#60042, \$16,677.73 from Public Defender's Budget for a PC, etc.

3. C#60032, \$1,977.14 from Public Defender's Budget for Three (3) HP Mini 5101 Laptops

MOTION: Stevens moved and Schorr seconded approval of the microcomputer requests. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

- B. Violence Against Women Act (VAWA) Grant Renewal

MOTION: Hudkins moved and Stevens seconded approval. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

10 CONSENT ITEMS

There were no consent items.

11 ADMINISTRATIVE OFFICER REPORT

- A. 2010 Committee Assignments

Item was held.

- B. Appointment of Jereme Hill to Community Mental Health Center (CMHC) Advisory Committee

The Board scheduled the appointment on the January 19, 2010 County Board of Commissioners Meeting agenda.

- C. Prudential Conference Call Update

Eagan said the revenue reimbursement funds, which total \$235,000, are currently in a trust fund that is invested through the County Treasurer. He recommended that the funds be moved to Prudential's Gibraltar Fund, which is earning 4.35%, and that a portion of the funds be used to hire someone to monitor investments. Board consensus was to refer the matter to the Pension Review Committee (PRC) for review and recommendation.

- D. Lancaster Manor Mail Delivery

The Board decided to continue Records and Information Management's mail delivery to Lancaster Manor for the time being.

E. Nebraska Association of County Officials (NACO) Institute of Excellence

It was noted the NACO Institute of Excellence (leadership program) is now open to all elected and appointed county officials and registrations for the 2010 Institute are now being accepted. Board consensus was schedule discussion of this opportunity on a Management Team agenda.

F. Records Disposal Review (County Attorney)

The Board reviewed a request from the County Attorney's Office to extend the disposal date for four (4) boxes of records.

MOTION: Stevens moved and Hudkins seconded to extend retention for two (2) years. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

G. Nebraska Association of County Officials (NACO) County Board Workshop (February 10-12, 2010 in Kearney, Nebraska)

Heier and Hudkins indicated plans to attend the workshop.

H. Longevity Awards for Lancaster Manor Employees

Board consensus was to give longevity awards to Lancaster Manor employees who have earned them and to extend an invitation to those employees to attend the Employee Recognition Breakfast on May 18, 2010.

I. Lincoln Metropolitan Planning Organization (MPO) Meeting (February 25, 2010, 1:30-3:00 p.m.)

The Chair and Vice Chair indicated that they will be unable to attend the meeting. Hudkins offered to attend the meeting in their place. Minette Genuchi, the County Board's Administrative Assistant, was asked to check whether there will be a quorum.

J. Legislative Report

Eagan disseminated copies of the legislative update (Exhibit F). He also gave an overview of two legislative bills:

- LB 686 (Change fees received by clerks and registers of deeds)
- LB 692 (Change a duty of county assessors relating to real property valuation)

K. Juvenile Court Memorial - Judge Nuernberger

Item was moved forward on the agenda.

12 PENDING

There were no pending items.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Joint Budget Committee (JBC) - Stevens, Schorr

Stevens said they were briefed on a professional mentoring program that will match refugees who were professionals in their country with professionals in their respective fields. The intent is to help them obtain work in this country in their professional field.

Schorr said the Commercial Health Endowment, in conjunction with Leadership Lincoln, is offering a training session to young professional minorities on how to become more involved in local issues, such as appointments to governmental boards and commissions, and said a list of participants has been requested. She also reported there is a change in the way JBC dollars are allocated and said Kit Boesch, Human Services Administrator, will brief the County Board and City Council at a City-County Common Meeting.

B. Board of Health - Schorr

Schorr said there was lengthy discussion on the difference between potentially dangerous dogs and dangerous dogs and changes to City ordinances with regards to those two classifications. She also reported that over 700 individuals have received their food handler permits through on-line training.

14 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency or other business items.

15 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:33 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Dan Nolte, Lancaster County Clerk