

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, MARCH 18, 2010
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
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
MARCH 11, 2010**

MOTION: Stevens moved and Hudkins seconded approval of the March 11, 2010 Staff Meeting minutes. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Joe Kohout, Kissel/E&S Associates (Legislative Consultant)

Joe Kohout, Legislative Consultant, gave a legislative update (Exhibit A). He also reported the following:

- An amendment was filed to LB 948 (Change provisions relating to agency requisitions and competitive bidding) which will apply the provisions of the act to all political subdivisions. He said the bill includes a provision that requires bidders to provide data relating to life-cycle costs for heavy equipment.
- Opposition to LB 1079 (Change the time for appealing to the Tax Equalization and Review Commission (TERC) and certain dates relating to property tax assessment and equalization) has increased significantly.
- Wagering on historic horse races may not take place in a county unless the county board has approved it by resolution under the provisions in LB 1102 (License and regulate wagering on historic horse races).

4 JAIL CONSTRUCTION UPDATE - Chuck Richter, Sampson Construction Company; Mike Thurber, Corrections Director

Chuck Richter, Sampson Construction Company, said work on the new jail is progressing (see photographs in Exhibit B). He said work on the cast-in-place walls, footings, data conduits, utility tunnel and the storm drainage system continues and production of the pre-cast structure will begin shortly.

Mike Thurber, Corrections Director, said they are working to coordinate fiber optic delivery with the City, which will reduce the County's cost.

ACTION ITEMS

A. Microcomputer Requests:

- 1) C#61237, from Human Services Grant Fund for a Laptop Computer and Software for Hispanic/Latino Community Liaison in the Amount of \$2,411.91

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

- 2) C#61270, from the Public Defender's Budget for Eight (8) Mini Netbooks, a DVD Writer and Associated Software in the Amount of \$6,339.83

Item was held for additional information.

5 HAYMARKET TOURISM DISTRICT - Dan Marvin, Arena Coordinator

Dan Marvin, Arena Coordinator, gave an overview of the Lincoln Haymarket Arena Project, noting the following (Exhibit C):

- Project Scope
- Jobs/Economic Development
- Traffic Flow
- Timeline
- Marketing
- Financing

Hudkins noted the Holiday Inn is included in the turnback tax (paid to the City from State sales taxes at the arena and hotels within 450 yards of the arena) but the Embassy Suites is excluded. He said there is a perception the Embassy Suites exclusion is unfair and asked why the boundary was not 500 yards.

Marvin said that is a legislative issue. He said there are other hotels proposed that will be within the turnback tax boundary. The Breslow Ice Center may also be a turnback tax eligible facility.

Heier asked who will own the arena.

Marvin said the City will own it.

Heier asked if the City would be liable for the total debt.

Marvin said the Joint Public Agency (JPA) that the City formed with the University of Nebraska to build the arena would be liable, but said the "backstop" would be on the City side. **NOTE:** The University of Nebraska will not be responsible for the arena debt but will pay a nominal fee to have its basketball teams play in the arena.

Hudkins inquired about the total cost.

Marvin said it is projected to be \$344,000,000.

Hudkins said the bond initiative is for \$25,000,000 and asked how the other funds will be raised.

Marvin said the JPA would issue the rest through general obligation bonds and would sequence it over the construction period. Funds will also be raised through a 4% occupation tax on hotels and car rentals and a 2% occupation bar and restaurant tax. He said there are also other revenue streams available, such as grant funding and naming rights, to help cover shortfalls.

Hudkins asked whether the citizens will get to vote on the cost difference.

Marvin said no, but said the Mayor has indicated if the bond proposition fails, the City will not move forward with the project.

6 POST EMPLOYMENT HEALTH PLAN (PEHP) REQUEST FOR PROPOSALS (RFP) - Doug Cyr, Chief Administrative Deputy County Attorney

Doug Cyr, Chief Administrative Deputy County Attorney, said the City has expressed interest in joining the County in a Request for Information (RFI) for a new Post Employment Health Plan (PEHP) provider. **NOTE:** The City and County currently have PEHP programs with Nationwide Retirement Solutions (NRS).

MOTION: Schorr moved and Hudkins seconded to authorize Doug Cyr, Chief Administrative Deputy County Attorney, and Kerry Eagan, Chief Administrative Officer, to begin negotiations with Kelly Bush, Public Safety Consultants, LLC, to develop a Request for Information (RFI) for a new Post Employment Health Plan (PEHP) provider.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to allow Cyr and Eagan to enlist others they deem appropriate to assist in that effort.

The maker of the motion and the seconder accepted the friendly amendment.

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

7 REPLACEMENT COMPUTERS FOR COUNTY ATTORNEY'S CHILD SUPPORT DIVISION - Doug Cyr, Chief Administrative Deputy County Attorney; Ken Kuszak, Interim Information Services (IS) Manager

Doug Cyr, Chief Administrative Deputy County Attorney, said the State will no longer supply computers to Child Support Divisions. He said the State has offered to sell 20 computers and monitors to the County at a cost of \$150 each and 2 printers at a cost of \$75 each (Exhibit D).

Ken Kuszak, Interim Information Services (IS) Manager, said software licenses that were used at Lancaster Manor will be transferred to the Child Support Division which will save the County approximately \$500 per computer.

Cyr said the total cost, including labor to re-image the computers and install the software, will be \$10,250 and said the County will be able to recoup approximately two thirds of that cost through the Title IV-D Reimbursement Plan (federal reimbursement of 66% of the cost of state/county Title IV-D Child Support programs).

Schorr suggested that the transfer of the software licenses be included in the reimbursement submittal.

MOTION: Stevens moved and Hudkins seconded to authorize Doug Cyr, Chief Administrative Deputy County Attorney, and Ken Kuszak, Interim Information Services (IS) Manager, to: 1) Proceed with the transfer of the computers and printers from the State and the software licenses from Lancaster Manor; and 2) Negotiate inclusion of the software licenses in the Title IV-D Reimbursement. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

8 REQUEST FROM DISCOVERY COMMUNICATIONS, LLC (DCL) AND SIRENS MEDIA, LLC TO FILM A DOCUMENTARY AT THE DRIVERS LICENSE TESTING FACILITY (500 WEST "O" STREET) - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, discussed a request from Discovery Communications, LLC and Sirens Media, LLC to use the Drivers License Testing Facility at 500 West "O" Street on March 19th to film a documentary. He said he had concerns regarding the location release and is still negotiating the terms. Fox added that the company has indicated the filming may be delayed.

Heier noted it is a public building and suggested it may be better to not sign a release.

Fox explained it is better to have a hold harmless agreement in place.

ACTION ITEMS

D. Resolution in the Matter of Authorizing the County Clerk to Issue Payment While the County Board is Adjourned

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

ADMINISTRATIVE OFFICER REPORT

B. Letter from Seniors Foundation Regarding Proceeds from the Sale of Lancaster Manor

It was noted the Seniors Foundation of Lincoln & Lancaster County has asked that proceeds of the Lancaster Manor sale be transferred to their management.

Hudkins said the Lancaster Manor Foundation has a balance of approximately \$210,000 and said the Seniors Foundation was one of two organizations selected to administer those funds.

Workman expressed concern regarding the proposed administration fee (0.75% annually).

Stevens suggested the Board appoint a citizens advisory committee to provide guidance on use and administration of the funds. He said there are several entities in the community capable of administering the funds and suggested the Board develop a Request for Information (RFI).

Workman said he would like to know the yearly return and administration fees for the proceeds from the sale of Lincoln General Hospital.

Schorr said that situation was different in that the funds were used to set up an organization (Community Health Endowment) to allocate those funds. She said the Community Health Endowment may be one of the entities that would bid to receive the funds and said it would be unfair to pose questions to them that are not asked of the others.

Hudkins said he believes the County Board should retain the funds at least until the end of the fiscal year, which will help the County's fund balances.

Schorr said she is opposed to using the funds in any manner to balance the budget.

MOTION: Stevens moved and Schorr seconded to ask the Purchasing Department to prepare a Request for Information (RFI) for information on how the Board might best use the funds for the enhancement of life in Lancaster County, with an emphasis on senior citizens.

In response to a question from Schorr, Stevens said it is not his intent to make any decisions regarding the funds before the end of the fiscal year.

ROLL CALL: Stevens voted aye. Schorr, Hudkins, Workman and Heier voted nay.
Motion failed 1-4.

There was general consensus to schedule a briefing by the Purchasing Department and County Attorney's Office on the process.

9 DIRECTORS AND OFFICERS LIABILITY - Sue Eckley, County Risk Manager; Tom Champoux, UNICO Group, Inc.

Sue Eckley, County Risk Manager, said she was asked whether Board members serving on the District Energy Corporation (DEC) have coverage under directors and officers liability insurance. She said she verified with the insurance carrier that they do and said there is generally liability coverage if a Board member is required to serve on a committee, board, commission or other entity. There is not coverage for voluntary service.

Tom Champoux, UNICO Group, Inc., said many entities have their own directors and officers liability coverage.

Eckley was asked to review the Board's committee assignments and assess whether there is coverage.

10 UNREPRESENTED EMPLOYEE OVERTIME - Terry Wagner, Lancaster County Sheriff; Mark Koller, Personnel Director

Terry Wagner, Lancaster County Sheriff, requested authorization from the County Board and Personnel Director to allow unrepresented employees in his department to receive compensatory time in lieu of monetary payment of overtime worked. **NOTE:** Personnel Policy Bulletin 2003-3 dictates that overtime for unrepresented employees may be compensated by monetary payment only and not compensatory time off. Any county department wanting to authorize compensatory time must first gain the approval of the Board and Personnel Director.

Wagner said his department has 13 employees who may be affected by the request. He said eight are building security guards and said one was recently placed on military leave. Overtime for this classification is anticipated to increase as a result of the personnel shortage. Wagner said the other unrepresented employees in his department have little need or opportunity to work overtime.

Mark Koller, Personnel Director, said the employees are entitled to compensation at one and one-half times the regular rate and said compensatory time needs to be tracked and paid out.

Wagner said his department has a policy in place that governs compensatory time for all employees except the unrepresented and a method to track it.

Koller said the policy needs to be formalized so employees cannot claim a violation of the Fair Labor Standards Act (FLSA).

MOTION: Schorr moved and Workman seconded to approve the request.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to ask Mark Koller, Personnel Director, and Tim Genuchi, Accounting Operations Manager, County Clerk's Office, to review the Sheriff Department's informal tracking process and make a recommendation on how to formalize the policy.

The maker of the motion and the seconder accepted the friendly amendment.

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

11 ACTION ITEMS

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Items A and B were moved forward on the agenda.

Schorr exited the meeting at 11:01 a.m.

- B. Nebraska Department of Revenue, County/City Lottery License Renewal Application for 2010-2012
- C. Nebraska Department of Revenue, County/City Lottery Operator License Renewal Application of 2010-2012

MOTION: Stevens moved and Hudkins seconded to authorize the Chair to sign both documents. Stevens, Workman, Hudkins and Heier voted aye. Schorr was absent from voting. Motion carried 4-0.

D. Resolution in the Matter of Authorizing the County Clerk to Issue Payment While the County Board is Adjourned

Item was moved forward on the agenda.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

A. Board of Zoning Appeals Appointment

Hudkins said Lyle Hermance has declined appointment. Heier said Lee Volker has indicated a willingness to serve on the Board of Zoning Appeals but would like to talk to a member of that body first. It was suggested that he speak to either Tom Thurber or Lynette Nelson.

B. Letter from Seniors Foundation Regarding Proceeds from the Sale of Lancaster Manor

Item was moved forward on the agenda.

C. City-County Common Meeting (Monday, April 5, 2010 at 12:45 p.m.)

Board consensus was to cancel the meeting unless members of the City Council have items they would like to discuss.

D. Website Update

Gwen Thorpe, Deputy Chief Administrative Officer, said the City is moving ahead with plans for their own website and said she will meet with members of the County Management Team on preliminary design concepts for a County website.

Schorr returned to the meeting at 11:05 a.m.

14 PENDING

There were no pending items.

15 DISCUSSION OF BOARD MEMBER MEETINGS

A. District Energy Corporation (DEC) - Hudkins, Workman

Workman said they are going through a refinancing because of new projects. He also reported the DEC project at the new jail will be less than initial cost projections because the DEC received a \$5,000,000 stimulus grant and the costs of construction will be much lower than anticipated.

B. Waverly Library Committee Meeting - Workman

Workman said he met with a group of Waverly citizens who would like to establish a library in Waverly.

Schorr asked whether the Lincoln City Libraries have been involved in the discussions.

Workman said no, but said the group plans to meet next week with Pat Leach, Lincoln City Libraries Director.

C. Information Services Policy Committee (ISPC) - Stevens

Stevens said they discussed fiber optic delivery to the new jail and the Request for Proposals (RFP) for a Voice over Internet Protocol (VoIP) consultant. Stevens said if the County elects to participate in VoIP, the cost split will be approximately 65% for the City and 35% for the County.

D. Parks & Recreation Advisory Board - Stevens

The meeting was cancelled.

E. Visitors Promotion Committee (VPC) - Stevens

Stevens said the group met to consider the request from the Lincoln Children's Zoo for a \$150,000 grant from the County Visitors Promotion Fund for a penguin exhibit. He said the VPC has recommended approval of the request.

Board consensus was to schedule a special presentation on the funding request on a regular County Board of Commissioners Meeting agenda.

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

Stevens said there was a presentation on the Haymarket arena project.

G. Meeting with Mayor - Heier, Stevens

The meeting was cancelled.

H. Public Building Commission (PBC) - Hudkins, Schorr

Schorr said they discussed a new recording system for the City Council/County Commissioners Hearing Room, allocation of space on the first floor of the County-City Building, and change orders related to the remodel of space for the Mayor's Office, Personnel Department and the Development Services Center (DSC).

16 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

17 ADJOURNMENT

MOTION: Stevens moved and Schorr seconded to adjourn the meeting at 11:29 a.m. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk