

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, MAY 27, 2010
8:30 A.M.**

Commissioners Present: Deb Schorr, Acting Chair
Larry Hudkins
Bob Workman

Commissioners Absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

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

Commissioner Schorr opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, MAY 20, 2010; MINUTES OF DEPARTMENTAL BUDGET HEARINGS ON TUESDAY, MAY 11, 2010 AND WEDNESDAY, MAY 12, 2010

It was noted the minutes of the Departmental Budget Hearings on May 11, 2010 and May 12, 2010 are not included.

MOTION: Hudkins moved and Workman seconded approval of the May 20, 2010 Staff Meeting minutes. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

2 ADDITIONS TO THE AGENDA

- A. Comprehensive Plan Outreach (Exhibit A)
- B. Possible Concessions on Lancaster Manor

MOTION: Hudkins moved and Workman seconded approval of the additions to the agenda. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

3 DEPUTY GENERAL ASSISTANCE DIRECTOR - Gary Chalupa,
Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, requested authorization to promote a case worker in his office to the position of Deputy General Assistance Director, explaining that individual would continue to perform case worker duties. He said he will make an adjustment to the Temporary Salaries line item in his budget to offset the projected \$7,500 increase in salary, so there will be no budgetary impact to the County.

MOTION: Hudkins moved and Workman seconded to authorize Gary Chalupa, Veterans Service Officer/General Assistance Director, to proceed as outlined. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

ADDITIONS TO THE AGENDA

A. Comprehensive Plan Outreach (Exhibit A)

Kerry Eagan, Chief Administrative Officer, said the Planning Department is seeking suggestions of groups and organizations in the rural areas that might be interested in information on the Comprehensive Plan process.

Board consensus was to ask the Planning Department to give the Board a briefing on the Comprehensive Plan process. The Board will offer their suggestions at that time.

B. Possible Concessions on Lancaster Manor

Hudkins noted there was an article in today's Lincoln Journal Star Newspaper regarding Lancaster Manor. He said Commissioner Workman was quoted as stating Hunter Management, the purchaser, is unable to meet the June 1, 2010 closing date and has asked for an extension. Hudkins said the Board has granted a number of delays and concessions already and said he believes any decisions regarding their request for an extension and waiver of a \$250,000 penalty for not closing on June 1st should be made at a regular County Board of Commissioners Meeting when all five Commissioners are present. He said it was reported that the bank Hunter Management was going to obtain financing from has gone bankrupt and said he would like to know whether Hunter Management has other means or assets to complete the sale. Hudkins said if they do, it is not in the best interest of Lancaster County taxpayers to grant the concession.

Schorr noted that the sale has been discussed for several weeks in Executive Session.

Workman said the Board can either “kill the deal” and accept the \$250,000 penalty or move the penalty to the new closing deadline and continue with the sale of Lancaster Manor.

4 FURLOUGH POLICY - Tom Fox, Deputy County Attorney; Mark Koller, Personnel Director

Tom Fox, Deputy County Attorney, discussed a proposed policy for employee furloughs (see agenda packet). He said the policy will need to go before the Personnel Policy Board and recommended that the Board hold off on doing so until there are discussions with the bargaining units.

Schorr suggested that it be submitted to the Personnel Policy Board for comment, rather than action.

Mark Koller, Personnel Director, said he does not see a problem with asking the Personnel Policy Board to review it, but agreed that action is not appropriate at this time. He said the bargaining units were notified that the County intends to either include it in coming negotiations or reopen the contracts.

Fox noted the proposed policy addresses both mandatory and voluntary furloughs and said further direction is needed on whether scheduling of furloughs will be at the discretion of the department head or at direction of the Board and whether it will include 24 hour operations.

Schorr said it is the Board’s intent to apply the policy to everyone and to give department heads latitude in implementing the policy within their department.

Koller noted the County may incur overtime costs by including 24 hour operations.

Fox said there is also a consideration with the Fair Labor Standards Act regarding exempt employees.

Bill Jarrett, Chief Deputy Sheriff, appeared and expressed concern regarding the number of furlough days that may be imposed.

Schorr said the intent is to only impose the absolute minimum number of days needed to help balance the budget.

Hudkins added that the Board does not intend to solve all of the County’s budget shortfall with furloughs.

Board consensus was to forward the proposed policy to the Personnel Policy Board for input and to schedule the item on the June 10th Management Team Meeting agenda for discussion.

5 SPECIAL EVENT PERMITS - Cori Beattie, Deputy County Clerk; Tom Fox, Deputy County Attorney

Cori Beattie, Deputy County Clerk, said her office has received a request to close a portion of a county road for a wedding. She said it appears the best way to address the request is through a special events permit (see Exhibit B).

Tom Fox, Deputy County Attorney, said parking will be on the applicant's property, rather than the road, so public safety is not a concern. He said the applicant is merely seeking to control the dust and noise.

Workman inquired about the amount of traffic on the road.

Don Thomas, County Engineer, appeared and estimated the traffic count at 60 to 70 vehicles per day.

Bill Jarrett, Chief Deputy Sheriff, appeared and expressed concern regarding access for emergency vehicles.

Fox said the applicant will likely not meet the County's insurance requirements so the Board will need to decide whether to waive the requirement. He said the applicant has signed a hold harmless agreement.

It was noted the special event permit application will be forwarded to a future Tuesday County Board of Commissioners Meeting for action.

6 REGION V ADMINISTRATIVE CHARGE TO LANCASTER COUNTY - C. J. Johnson, Region V Systems Administrator

C. J. Johnson, Region V Systems Administrator, discussed how funding levels for the counties that make up Region V were determined. He said Lancaster County currently contributes \$300,000 more than the match requirement but said those funds are put back into the Crisis Center. He noted the following:

- Lancaster County constitutes approximately 64% of Region V's population;
- 76% of new admissions are Lancaster County residents; and
- 90.8% of all of Region V's service dollars are going to agencies in Lancaster County

Johnson also pointed out that Region V has assumed funding of The Heather (a community transition program) and continues to “fight” the State on moving to fee-for-service at the Crisis Center.

Schorr noted it has been suggested that the Joint Budget Committee (JBC) should not be funding behavioral health and said Region V may be picking up more of that funding.

Hudkins asked Johnson what impact there would be if the County had to “freeze” or reduce its contribution.

Johnson said the rural counties would likely demand equal distribution of the service dollars, which could mean a \$3,000,000 reduction for Lancaster County.

Schorr asked whether the other counties pay more than the match requirement.

Johnson said no, but said the rural counties help pull-down more state and federal funding because of the funding formula. He added that Lancaster County is receiving approximately \$20,000,000 for its investment, once housing and prevention dollars and Medicaid match are figured in.

Johnson said he would also like to have a discussion in the future about the possibility of pooling General Assistance (GA) to save on administration costs.

**7 SALE OF COUNTY PROPERTY & LABOR NEGOTIATIONS
(EXECUTIVE SESSION) - Abbie Widger, Johnson, Flodman, Guenzel &
Widger Law Firm; Mike Thew, Chief Deputy County Attorney, Tom Fox,
Deputy County Attorney**

NOTE: Discussion of labor negotiations was dropped from the agenda.

MOTION: Workman moved and Hudkins seconded to enter Executive Session at 9:32 a.m. for the purpose of protecting the public interest with regards to the sale of County property. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

MOTION: Workman moved and Hudkins seconded to exit Executive Session at 9:52 a.m. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

ACTION ITEMS

- A. Consideration of Amendment to the Asset Purchase Agreement Between Lancaster County, Nebraska, Lancaster Manor Real Estate, L.L.C., and Lancaster Manor Rehabilitation Center, L.L.C., Found at County Contract No. C-09-0629, for the Purchase and Transfer of Real Property, Assets and Personal Property of the Skilled Nursing Home Located at 1001 South Street, Lincoln, Nebraska, Commonly Known as Lancaster Manor

The clerk read the agenda item into the record.

Schorr gave an overview of the amendment provisions, which include a new closing date of October 15, 2010.

MOTION: Workman moved and Hudkins seconded approval of the amendment.

Hudkins reiterated his belief that the concessions are not in the best interest of Lancaster County.

Workman disagreed, stating the new closing date will give the buyer time to secure other financing.

Hudkins said Rothner had indicated when negotiations were taking place that he could finance the purchase on his own and agreed to the terms.

Workman explained there will be additional Medicaid reimbursement if it is financed.

Schorr said the Board is taking action on the agreements today because the lease agreement will expire on May 31st. She added that she spoke to Commissioners Heier and Stevens, who are absent, and said they are both supportive of the amendments.

ROLL CALL: Workman and Schorr voted aye. Hudkins voted nay. Motion carried 2-1.

- B. Consideration of Amendment to the Lease Agreement Between Lancaster County, Nebraska and Lancaster Manor Real Estate, L.L.C., Found at County Contract No. C-09-0631, to Lease the Property of the Skilled Nursing Home Located at 1001 South Street, Lincoln, Nebraska, Commonly Known as Lancaster Manor

The clerk read the agenda item into the record.

Schorr gave an overview of the amendment provisions.

MOTION: Workman moved and Hudkins seconded approval.

Hudkins said he does not believe the rental rate is in the best interest of Lancaster County.

Workman disagreed, noting there is a 75% increase in the monthly rental rate (from \$10,000 to \$17,000). He added an audit by the State Auditor confirmed that the County was losing \$100,000 a month when it was operating the Manor.

Hudkins said he believes this matter should be handled at a regular County Board of Commissioners Meeting, not a Staff Meeting, with all five commissioners present.

ROLL CALL: Workman and Schorr voted aye. Hudkins voted nay. Motion carried 2-1.

8 BUS TURN-OUT FOR NEW JAIL - Greg Newport, The Clark Enersen Partners

Schorr noted the Board received a memo from Trish Owen, Deputy Chief of Staff, Mayor's Office, regarding the issue of bus turnouts for the new jail facility (see agenda packet).

Greg Newport, The Clark Enersen Partners, said there is an error in the memo. He said the Nebraska Department of Roads (NDOR) does not have any plans to put the road improvement project out for bid until 2012. Newport added that there is no indication the project has been approved for funding. He said Mike Thurber, Corrections Director, is out of town and would like an opportunity to review the matter with the City and NDOR before a decision is made on this issue.

In response to a question from Schorr, Newport said he still believes the bus turnouts should be located on Southwest 38th Street. He said the issues are timing and the State's requirement that the bus turnouts be relocated should a traffic signal be installed at the Southwest 40th and "O" Street intersection.

9 ACTION ITEMS

- A. Consideration of Amendment to the Asset Purchase Agreement Between Lancaster County, Nebraska, Lancaster Manor Real Estate, L.L.C., and Lancaster Manor Rehabilitation Center, L.L.C., Found at County Contract No. C-09-0629, for the Purchase and Transfer of Real Property, Assets and Personal Property of the Skilled Nursing Home Located at 1001 South Street, Lincoln, Nebraska, Commonly Known as Lancaster Manor

- B. Consideration of Amendment to the Lease Agreement Between Lancaster County, Nebraska and Lancaster Manor Real Estate, L.L.C., Found at County Contract No. C-09-0631, to Lease the Property of the Skilled Nursing Home Located at 1001 South Street, Lincoln, Nebraska, Commonly Known as Lancaster Manor

Items A and B were moved forward on the agenda.

- C. Consideration of Amendment to the Operations Transfer Agreement Between Lancaster County, Nebraska and Lancaster Manor Rehabilitation Center, L.L.C., Found at County Contract No. C-09-0630, for the Transfer of Operations of the Skilled Nursing Home Located at 1001 South Street, Lincoln, Nebraska, Commonly Known as Lancaster Manor

Item was dropped from the agenda.

10 ADMINISTRATIVE OFFICER REPORT

- A. Meeting with Villages

Board consensus was to discuss this item with the Planning Department when they give the Board a briefing on the Comprehensive Plan.

- B. County Change of Zone No. 147

Eagan said there is a provision in the County Zoning Resolution (Section 22.019) that says applications which have been placed on pending shall automatically expire and become null and void one year after, with thirty days notice to the applicant prior to the expiration. He said he does not believe the applicant in this matter received proper notice and recommended the Board proceed with the notification.

C. City-County Common Meeting (June 8, 2010)

Minette Genuchi, Administrative Assistant to the County Board, appeared and said the only item scheduled is discussion of extension of bar hours.

Board consensus was to suggest the item be deferred and the meeting cancelled unless the City Council has additional items it would like to discuss.

D. Saltdogs Baseball Game (June 8, 2010)

Informational only.

E. Distribution of Invesco Funds Settlement to Retirement Plan Participants (\$6,237.03)

MOTION: Workman moved and Hudkins seconded to direct that proceeds from the Invesco Funds settlement be distributed, on a pro-rated basis, to those employees who had invested funds with them. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

11 PENDING

There were no pending items.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Workman

Workman reported discussion of budget matters.

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

Schorr said the Safety Committee reported they are looking at building access, particularly after hours. She said the PBC also discussed the issue of space heaters.

Hudkins said an energy audit was requested to assess the cost of their usage. He said they are also looking at how to balance the temperature in the County-City Building. Hudkins also reported the PBC approved the remodel of space on the first floor of the County-City Building for Human Services and City Finance but decided not to move forward with a remodel project for the County Assessor and County Clerk.

13 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

14 ADJOURNMENT

MOTION: Workman moved and Hudkins seconded to adjourn the meeting at 10:20 a.m. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

Dan Nolte
Lancaster County Clerk