

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 3, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

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 9:32 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 26, 2011.**

MOTION: Hudkins moved and Smoyer seconded approval of the minutes. Hudkins, Raybould, Heier and Smoyer voted aye. Schorr abstained. Motion carried 4-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, May 3, 2011.**

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

3) **NEW BUSINESS:**

A. **Reconsideration of a resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to the General Fund Juvenile Court Budget.**

MOTION: Schorr moved and Heier seconded approval to reconsider the resolution. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

B. **A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to the General Fund Juvenile Court Budget. The amount to be transferred is \$350,000. (R-11-0030)**

MOTION: Heier moved and Smoyer seconded approval of the resolution.

3) **NEW BUSINESS CONTINUED:**

Schorr said she would support the resolution since the funds are needed to pay attorneys who represent children in abuse and neglect cases. She felt changes in how legal services are provided should be evaluated.

Smoyer said he would support the resolution, but the Board should work with the Public Defender, the County Attorney and State Representatives to find a better way to monitor costs.

Raybould said she would like to see the Juvenile Court come up with a more proactive approach to costs and review the contract attorneys versus the court appointed attorneys.

Hudkins said he did not support the resolution last week because the funds were asked for so late in the year. He stated he would support the motion this time, but he would like to see a written plan of action and a per unit cost.

Heier said the Board was warned midyear that Juvenile Court would exceed their budget. He noted the increase in abuse and neglect cases and the multiple attorneys involved in each case. Heier stated he did not like the added cost, but he felt it needed to be paid.

ROLL CALL: Smoyer, Heier, Hudkins and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

- C. **A contract between Cather & Son's Construction, Inc., the City of Lincoln and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal, agreeing to the full proposal of \$262,500. Term of the contract is June 1, 2011, to May 31, 2012. (C-11-0231)**

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

- D. **A contract between Constructors, Inc., the City of Lincoln and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal, agreeing to the full proposal of \$230,000. Term of the contract is June 1, 2011, to May 31, 2012. (C-11-0232)**

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

- E. **A contract between Pavers, Inc., the City of Lincoln and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal, agreeing to the full proposal of \$281,000. Term of the contract is June 1, 2011, to May 31, 2012. (C-11-0233)**

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

3) **NEW BUSINESS CONTINUED:**

- F. **An amendment to County Contract No. C-10-0292 with Wesco Distribution, Inc., for annual requirements of electrical supplies. The amendment renews the agreement for an additional one-year term from April 1, 2011, to March 31, 2012. (C-11-0234)**

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

- G. **A change order supplemental agreement to County Contract No. C-11-0144 with Constructors, Inc., for an increase of \$17,382.05 for asphaltic concrete paving and resurfacing on Canongate Road in Waverly, Nebraska; Project No. 11-28. (C-11-0235)**

MOTION: Smoyer moved and Raybould seconded approval of the change order supplemental agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- H. **An appraisal contract with Johnson Appraisal, LLC, in the amount of \$6,500, for a pre-acquisition project report on Havelock Avenue from N. 162nd Street to 176th Street; Project No. C55-J-403(2). (C-11-0236)**

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

- I. **An agreement between Mark Hosking and Lancaster County, on behalf of the Lancaster County Emergency Management Department, to provide backup coverage and to carry out the duties of the Lancaster County Emergency Management Director when the director is unavailable or out of the area. The County shall pay \$6,133 for the services. Term of the contract is July 1, 2010, to June 30, 2011. (C-11-0237)**

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

- J. **A grant contract with Community Services of Nebraska to provide funds in the amount of \$10,000 to support capacity building. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-11-0238)**

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

- K. **A contract between the City of Lincoln, Lancaster County, the Public Works and Utilities Department, the District Energy Corporation and Unite Private Networks, LLC, for the installation, operation and maintenance of conduit and fibers within public right-of-way. The County will pay \$40,916.23 for the products and services. Term of the agreement is 20 years from the date of execution. (C-11-0242)**

3) **NEW BUSINESS CONTINUED:**

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

L. **A political subdivision tort claim filed against Lancaster County Corrections by Gabriel D. Majok for lost property in an undisclosed amount.**

MOTION: Heier moved and Smoyer seconded denial of the tort claim based on the department director's recommendation. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

4) **CONSENT ITEMS:** *These are routine business items that 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. **A leasehold contract between the County Engineer and Wayne Halling, in the amount of \$10, located at N. 70th Street and Davey Road; Project No. CP-B-299. (C-11-0239)**
- B. **A right-of-way contract between the County Engineer and Vera Halling, in the amount of \$127, located at N. 70th Street and Davey Road; Project No. CP-B-299. (C-11-0240)**
- C. **A right-of-entry contract between the County Engineer and Tecumseh Poultry, LLC, in the amount of \$2,155, located at I-80 and N. 134th Street. (C-11-0241)**

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

5) **PUBLIC COMMENT:**

Jane Svoboda discussed the County's contribution to Lancaster County hospitals. Schorr clarified that the County does not contribute funds to the local hospitals.

Kim Kaspar, President of the American Federation of State, County and Municipal Employees (AFSCME) Local 2468, distributed and read a letter from Joy Shiffermiller, Attorney for AFSCME, regarding AFSCME's contract with the County (Exhibit A). She said the union contract would not be open for negotiation, as deadlines were not met by the County; however, addendums could be added to the current contract.

Kaspar questioned if Kerry Eagan, Chief Administrative Office, had contacted each Commissioner regarding the placement of AFSCME's contract on the agenda. Schorr said she was contacted, but normally agenda items are at the request of a Commissioner or Department Director and labor negotiations are done in executive session. The other Commissioners agreed they had been contacted by Eagan. Hudkins noted the County Attorney's Office recommended not scheduling the item at this time.

5) **PUBLIC COMMENT CONTINUED:**

Schorr said the County would like the opportunity to negotiate the contract. Kaspar stated Article 40 of the contract says the agreement shall automatically be renewed from year to year thereafter unless either party shall notify the other in writing no later than April 1; she said the notification was received late. Raybould said the letter was postmarked March 31 so it should be considered legitimate. Kaspar noted the Labor Management Committee would meet this afternoon.

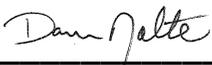
Melvin Moore discussed the timeliness of the letter sent by the Board to AFSCME and AFSCME's efforts to help save the County money.

6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 5, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 10, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**
- C. **The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday at 1:30 and 6:30 p.m. and on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**
- D. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

7) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:04 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 3, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: 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 10:04 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 26, 2011.**

MOTION: Raybould moved and Hudkins seconded approval of the minutes. Hudkins, Raybould, Heier and Smoyer voted aye. Schorr abstained. Motion carried 4-0 with one abstention.

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

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

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

Catholic Bishop of Lincoln
Mt. Zion Baptist Church
Praise Temple Church

MOTION: Raybould moved and Smoyer seconded approval of the motor vehicle tax exemptions. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **NOTICE OF TAXABLE STATUS:**

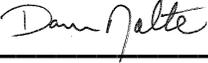
City of Lincoln

4) **NOTICE OF TAXABLE STATUS CONTINUED:**

Scott Gaines, Deputy County Assessor/Register of Deeds, asked that the item be held for further review by his office.

5) **ADJOURNMENT**

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



Dan Nolte
Lancaster County Clerk





SHIFFERMILLER LAW OFFICE, P.C., L.L.O.

JOY SHIFFERMILLER
Attorney at Law

ABBY OSBORN
Associate Attorney

1002 G Street
Lincoln, NE 68508
(402) 484-7700 – Phone
(402) 484-7714 – Fax

May 3, 2011

Lancaster County Board of Commissioners
555 S. 10th Street, Suite 110
Lincoln, Nebraska 68508

Ladies and Gentlemen:

Please recall my office represents Local 2468 of The American Federation of State County and Municipal Employees.

We appeared at your public comment section of your board meeting March 15th and let you know it was the intent of the union to not negotiate the contract, and leave it in place for the next year. While it appears there were two (2) county board meetings after that date as well as three (3) separate staff meetings, no action was taken relative to the contract you currently have with the union, which states at Article 40, this agreement shall be automatically renewed from year to year thereafter “unless either party shall notify the other, in writing, no later than April 1, 2009. (sic), that it desires to modify this agreement in any part thereof.”

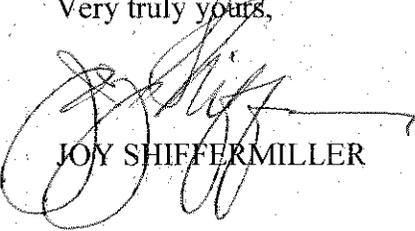
Notwithstanding our clear notice that the union did not wish to enter into negotiations, we heard nothing until Saturday, the 2nd day of April. Kim Kaspar received a letter dated March 30th, post-marked, March 31 and mailed to her address in Hickman, authored by John Cripe.

The undersigned thereafter drafted a letter to Mr. Cripe and hand delivered it to his office on April 7, copy of which is attached, indicating that the notice which he gave was untimely and also questioning the authority since no action was taken by the county board to enter negotiations.

We have once again received no response to that letter however, on April 25, Kim Kaspar received a letter, dated April 21, postmarked April 22, proposing a schedule for negotiations. It is our position that the contract by its terms is renewed for next year since no effective notice was given and negotiations shall not commence.

These are important issues, however we are once again making our comments in the public comment section, as we have not been placed on the agenda. I did ask for time on the agenda by contacting the County Clerk, who routed me to Mr. Egan to get placed on the agenda. I left Mr. Egan a phone message, and later called and spoke to him via phone. He told me he was checking with each commissioner individually about whether we should be placed on the agenda. I received Mr. Egan's letter addressing being placed on the agenda on Friday via mail, after having been told that the deadline to be placed on the agenda was Thursday. We would ask that the commissioners consider a resolution that negotiations not take place due to the fact no action was taken to give notice of intent to negotiate the contract, and no effective notice was given of the County's intent to negotiate the AFSCME Contract.

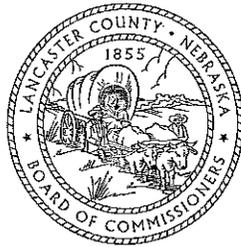
Very truly yours,



JOY SHIFFERMILLER

JS/cl

cc: Kim Kaspar
Tom Fox



LANCASTER COUNTY BOARD OF COMMISSIONERS

Bernie Heier Larry Hudkins Deb Schorr Brent Smoyer Jane Raybould
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Administrative Officer*

April 28, 2011

Joy Shiffermiller
Attorney for AFSCME Local 468
Joy Shiffermiller Law Office
1002 G Street
Lincoln NE 68508

Dear Joy:

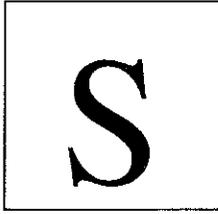
On Thursday, April 28, 2011 I received a voice mail message from you on my telephone requesting that I schedule an item on the agenda for the Lancaster County Board of Commissioners meeting on Tuesday, May 2, 2011 regarding an unspecified matter involving AFSCME and Lancaster County. Please be advised I am unable to honor your request at this time. Pursuant to advice from legal council and after speaking with the members of the County Board, it has been determined it would be more appropriate for you to submit your request in writing directly to the Lancaster County Board specifying the topic you wish to address at the Tuesday County Board meeting. Thank you for your cooperation on this matter.

Sincerely,

Kerry P. Eagan
Chief Administrative Officer

cc: Lancaster County Board
Mike Thew, Chief Deputy County Attorney
Tom Fox, Deputy County Attorney
Mark Koller, Personnel Director

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SHIFFERMILLER LAW OFFICE, P.C., L.L.O.

JOY SHIFFERMILLER
Attorney at Law

ABBY OSBORN
Associate Attorney

1002 G Street
Lincoln, NE 68508
(402) 484-7700 – Phone
(402) 484-7714 – Fax

March 14, 2011

Lancaster County Commissioners
555 South 10th Street
Lincoln, Nebraska 68508

**Re: Proposal for Contract Freeze Local 2468 of the American Federation of State,
County, and Municipal Employees, AFL-CIO**

Commissioners:

Please be advised our office represents the Union Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO. In light of the fact that the contract is due for renegotiation, I am enclosing a proposal that we freeze the current contract wages, salaries and benefits for one contract year. Any addendums will be from the date of signing for one year.

The Union remains committed to the representation of the members in the best interest of the members and the county. We are confident if we work together we can find cost saving solutions to labor in both management and labor positions.

Very truly yours,

JOY SHIFFERMILLER

Tom Fox
JS/cl
Enc:

PROPOSAL

The current contract between Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO and Lancaster County is set to expire the beginning of the first pay period in September, this year, 2011.

In light of current economic conditions, Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO Union would propose a freeze of the current contract with no wage, salary or benefit increases. The Union shall offer addendum's and entertain negotiation on specific monetary items, such as furloughs, early retirements, and would consider and discuss other labor cost saving measures. AFSCME offers these potential cost saving proposals knowing they are non-comprable under the current contract and within the array.

Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO offers, if agreed upon, this freeze to be effective immediately and ending April 1, 2012, or from date of signing, prior to the next contract negotiation.

Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO is interested in working with the County to discuss cost savings across all facets of employment, both labor and management.



Lincoln-Lancaster County 555 South 10th Street
Personnel Department Room 302
Mark A. Koller, Director Lincoln, Nebraska 68508

402-441-7597
fax: 402-441-8748



MAYOR CHRIS BEUTLER

lincoln.ne.gov

March 30, 2011

Kim Kasper
President, AFSCME Local 2468
9301 Hickman Rd.
Hickman, NE 68372

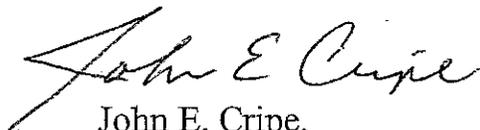
Dear Kim:

This letter shall serve as notice of the County's desire to modify the agreement which expires the first pay period of September 2011.

It is our intention to begin negotiations at the beginning of May 2011, so we will need to work out a date and time to exchange proposals for 2011-2012.

Please give me a call and we can discuss what's next.

Sincerely,


John E. Cripe,
Compensation Manager

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Rec'd 4-2-11



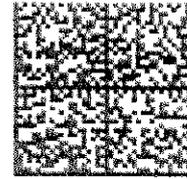
CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Lincoln-Lancaster County
Personnel Department
555 South 10th Street
Rooms 302
Lincoln, NE 68508

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



Hasler

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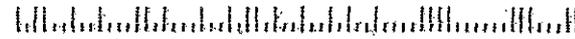
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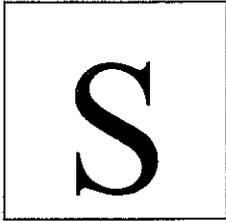
Mailed From 68508

US POSTAGE

Kim Kasper
President, AFSCME Local 2468
9301 Hickman Rd.
Hickman, NE 68372

ABBWS11 68372





SHIFFERMILLER LAW OFFICE, P.C., L.L.O.

JOY SHIFFERMILLER
Attorney at Law

ABBY OSBORN
Associate Attorney

1002 G Street
Lincoln, NE 68508
(402) 484-7700 – Phone
(402) 484-7714 – Fax

April 7, 2011

John E Cripe
Room 302
555 South 10th Street
Lincoln, Nebraska 68508

Re: Contract Negotiations Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO

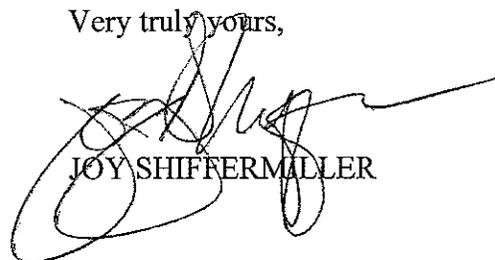
Mr. Cripe:

Please be advised our office represents the Union Local 2468 of the American Federation of State, County, and Municipal Employees, AFL-CIO. Ms. Kaspar indicates she received a letter from you, dated March 30th, postmarked March 31st, delivered to her on April 2, indicating the county's desire to modify the contract.

As I am sure you are aware, we approached the commissioners March 15th during the public comment section of their public meeting and indicated that we were agreeable to a freeze of the contract. We are therefore surprised that no response or discussion was presented with respect to modification until your letter. We have also reviewed the minutes and do not see where there was any formal action taken to give this notice.

As you are also aware, the contract provide it continues unless written notice is given on or before the first of April, which it appears was not done in this instance. This letter serves to place you on notice that we may maintain your notice is untimely. Please contact the undersigned to schedule further meetings.

Very truly yours,



JOY SHIFFERMILLER

Cc Kim Kaspar
Tom Fox
JS/cl
Enc:



Lincoln-Lancaster County 555 South 10th Street
Personnel Department Room 302
Mark A. Koller, Director Lincoln, Nebraska 68508

402-441-7597
fax: 402-441-8748



MAYOR CHRIS BEUTLER

lincoln.ne.gov

April 21, 2011

Kim Kasper
President AFSCME Local 2468
9301 Hickman Road
Hickman, NE 68372

Dear Kim,

Time is getting closer for us to begin the negotiations for fiscal year 2011-2012. Accordingly, the County would like to set a time in the next couple of weeks to exchange proposals.

I propose we exchange the afternoon of April 29th and we begin the first negotiation session on Thursday May 5th from 1400 to 1600 hours in the Personnel Conference Room. We can then schedule the remaining Thursday afternoons for May and June with the "Last Best Offer" date of June 30th, 2011.

Please let me know as soon as possible so we can get things moving.

Sincerely,

John E. Cripe
Compensation Manager

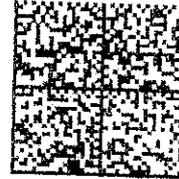
Rec'd
4/25/11



Lincoln-Lancaster County
Personnel Department
555 South 10th Street
Rooms 302
Lincoln, NE 68508

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



Haster

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04/22/2011
Mailed From 68508
US POSTAGE

Kim Kasper
President AFSCME Local 2468
9301 Hickman Road
Hickman, NE 68372

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