

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, OCTOBER 20, 2011
8:30 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
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:35 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE TUESDAY, OCTOBER 13, 2011 STAFF MEETING

MOTION: Hudkins moved and Smoyer seconded approval of the minutes of the October 13, 2011 Staff Meeting. Hudkins, Smoyer, Heier and Schorr voted aye. Raybould abstained from voting. Motion carried 4-0.

2 ADDITIONS TO THE AGENDA

- A. Comprehensive Plan
- B. Planning Commission Appointments
- C. Invitation to Attend the "Transcending the Flames" Program - Lessons Learned from the Lincoln Public Schools (LPS) District Office Fire (October 25th at the Cornhusker Grand Ballroom)

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

3 DISTRICT COURT REPORTERS - Troy Hawk, Court Administrator,
Lancaster County District Court

Item was dropped from the agenda.

ADMINISTRATIVE OFFICER REPORT

A. Community Mental Health Center (CMHC) Planning Committee
Listening Tour

The Board reviewed the schedule of Listening Tour and Focus Group Meetings and agreed to attend the following sessions:

- Heier will attend the session with service providers on November 1st in the Orientation Room, Bryan LGH Medical Center West (2300 South 16th Street) from 12:00-1:30 p.m.
- Hudkins will attend the session with advocacy groups - Mental Health Association (MHA)/National Alliance on Mental Illness (NAMI) on November 1st in Classroom 1, Bryan LGH Medical Center West (2300 South 16th Street) from 7:00-8:30 p.m.
- Raybould will attend the session with CMHC staff on November 2nd in Room 24, CMHC (2200 St. Mary's Avenue) from 12:00-1:30 p.m.
- Schorr and Smoyer will attend the session with service providers on November 8th in Classroom 3, Bryan LGH Medical Center West (2300 South 16th Street) from 12:00-1:30 p.m.

B. Community Mental Health Center (CMHC) Director

NOTE: Dean Settle, Community Mental Health Center (CMHC) Director, submitted his letter of resignation noting his intent to retire the end of December, 2011 (see October 13, 2011 Staff Meeting minutes).

MOTION: Hudkins moved and Raybould seconded to: 1) Offer Travis Parker, Community Mental Health Center (CMHC) Deputy Director, the position of CMHC Director; and 2) Ask the Personnel Department to make a salary recommendation.

There was consensus to not appoint a new deputy director at this time.

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

C. Use of Coast2Coast Prescription Discount Card Proceeds

Gwen Thorpe, Deputy Chief Administrative Officer, said it was her understanding that the Board had always intended to use the proceeds for human services, although nothing specific was determined.

Schorr said she shared that information with the Joint Budget Committee (JBC) and said they will apprise the Board of any health care related initiatives that might be suitable for funding.

Raybould suggested that consideration also be given to using the funds for General Assistance (GA) prescription costs.

Board consensus was to continue to hold the proceeds in a separate business unit and reassess allocation in six months.

4 FEEDLOT APPLICATION - Brittany Behrens, Deputy County Attorney

Brittany Behrens, Deputy County Attorney, said she spoke to Mark Henning, Program Specialist, Nebraska Department of Environmental Quality (NDEQ), but he could not provide specific advisement regarding what NDEQ is seeking in the way of comments on an animal feeding operation at 1500 West Saltillo Road (see October 13, 2011 Staff Meeting minutes). She said there are no changes to the operation but there are waste control issues.

Board consensus was to not comment on the feedlot application.

ACTION ITEMS

- A. Designation of County Authorized Representatives for Prudential Retirement (006371) and Deferred Compensation (006372) Plans

MOTION: Heier moved and Raybould seconded to appoint Kerry Eagan and Doug Cyr, members of the Pension Review Committee (PRC), to serve as authorized representatives for the County's retirement and deferred compensation plans through Prudential. Heier, Raybould, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

ADMINISTRATIVE OFFICER REPORT

- D. Release of County Attorney Opinion (Procedure for Amending Zoning Resolution)

Kerry Eagan, Chief Administrative Officer, said Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission, has requested a copy of the legal opinion.

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

- E. Board of Public Roads Classifications and Standards Meeting (October 21, 2011 at 9:00 a.m. in the City Council/County Commissioners Hearing Room)

Informational only.

- F. Claim for Review: Payment Voucher (PV) No. PV330377 from Community Mental Health Center (CMHC) for \$12.24 (Claim is Beyond the 90-Day Time Period)

MOTION: Heier moved and Hudkins seconded to handle the claim through the regular claims process. Heier, Raybould, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- G. Agenda Items for the November 3, 2011 City-County Common Meeting

The Board did not have any agenda items and recommended that the meeting be cancelled unless items are brought forward by the City Council.

- H. Juvenile Detention Alternatives Initiative (JDAI)

NOTE: The Juvenile Detention Alternatives Initiative (JDAI), a project of the Annie E. Casey Foundation, is intended to demonstrate that jurisdictions can safely reduce reliance on secure detention and generally strengthen their juvenile justice systems through a series of inter-related reform strategies.

Heier said he and Schorr met with the County Attorney, Public Defender, and Judges to discuss the JDAI. He noted Lancaster County implemented alternatives to incarceration and diversion programs when it built the Youth Services Center (YSC) and said he and Schorr recommend that the Board wait at least 18 months and gauge

whether implementation in Omaha and Sarpy County is successful and to assess the cost, staff time and benefits.

Raybould concurred with their recommendation noting funding has not been made available for a coordinator who can provide oversight.

MOTION: Heier moved and Hudkins seconded to notify all interested parties that the County Board has decided to put implementation of the Juvenile Detention Alternatives Initiative (JDAI) on hold for 18-24 months to allow time to review what other cities and counties have done. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

I. Request for a Street Name Change (Avon Lane/East Avon Lane)

Board consensus was to forward the request to the Planning Department and ask them to convene the Street Name Committee to review the request and make recommendation.

J. Correspondence Regarding Sunrise Estates

The Board reviewed an email from Tammy Ingwerson, 1101 Linwood Lane, (see agenda packet) which indicated traffic issues in Sunrise Estates related to the Waterford Estates development have not been resolved and asked that consideration be given to taking the following measures:

1. Installation of permanent or temporary speed bumps on Linwood Lane
2. Monitor speeds on Linwood Lane with radar equipment 24 hours a day/7 days a week
3. Place flags on the speed limit signs
4. Install additional speed limit signs
5. Place a stop sign on Eastview Lane at the Linwood Lane intersection
6. Install walking trails on the common grounds when the Sunrise Estates is annexed by the City

Board consensus was to ask Don Thomas, County Engineer, to proceed with Numbers 1, 4 and 5 and ask Terry Wagner, County Sheriff, to proceed with Number 2 out of their existing budgets. Schorr noted Thomas has indicated in the past that flags on speed limit signs are not very effective. Smoyer said he will talk to Doug Emery, City Councilman, about Number 6.

ADDITIONS TO THE AGENDA

- C. Invitation to Attend the "Transcending the Flames" Program - Lessons Learned from the Lincoln Public Schools (LPS) District Office Fire (October 25th at the Cornhusker Grand Ballroom)

Thorpe will represent the County Board at the event.

B. Planning Commission Appointments

Schorr said three individuals have expressed interest in serving on the Planning Commission. There was consensus to schedule interviews with those individuals on October 25th, prior to the County Board of Commissioners Meeting. Board members will meet with the candidates individually or in groups of two and their resumes will be distributed to Board members prior to the interviews.

A. Comprehensive Plan

Heier said it is his understanding that the Board must submit language to amend the County's "20-acre rule" to the Planning Department by October 27 in order to maintain the proposed schedule for conducting the public process on the Board's three proposed amendments (see October 13, 2011 Staff Meeting minutes).

A copy of the language that Heier had requested at the September 20, 2011 Staff Meeting to be deleted from the Comprehensive Plan was distributed (Exhibit A).

Sara Hartzell, Planner, appeared and said the Planning Department is operating under the understanding that Amendments 5B and 6B contain the intended language (the County Board gave this direction to the Planning Department at the October 11, 2011 Staff Meeting). She said language was added that limited build-through standards and the "20-acre rule" to Lincoln's jurisdiction only and that language effectively removes the County. Hartzell clarified that the public hearing on October 18, 2011 did not include proposed Amendments 5B, 6B and 7, which were proposed by the Board, although there was testimony on those amendments.

Heier noted the following language remains in the draft Comprehensive Plan: *Consider all proposals for new acreage development in undesignated areas at one time as part of the Comprehensive Plan Annual Review.* **NOTE:** That language was struck during the 2009 annual update of the Plan but was inadvertently carried forward in the draft. Hartzell said it will be removed (Amendment 4).

Heier inquired about language related to other highly productive agricultural land. Hartzell said that will also be removed (Amendment 3).

Schorr asked Hartzell to provide a list of available options for splitting off 20 acres.

Hudkins said he has asked the Planning Department for suggestions on ways to create smaller lots and enhance the bonuses for clustered development.

Discussion also took place regarding a proposal to designate the area between 148th Street and 162nd Street and between Hooper Road and Highway 2, commonly known as the Bennet corner, as commercial/industrial. Hartzell said the Planning Department is not sure how to color that area on the map to reflect the change. She said commercial is shown as red and industrial is shown as purple. An industrial designation in the County allows commercial uses as well (inclusive zoning). Board members indicated they envisioned light industrial uses. Hartzell suggested addition of a bullet under Strategies for Lancaster County, Outside of Lincoln to indicate the intention to allow light industrial and agricultural industrial at the Bennet corner site (see Exhibit B).

Schorr encouraged Board members to attend the Bennet Planning Commission Meeting on November 30th and the Bennet Village Board Meeting on December 12th and to listen to their concerns.

5 PURCHASE OF REAL PROPERTY (EXECUTIVE SESSION) - Don Killeen, County Property Manager

MOTION: Smoyer moved and Hudkins seconded to enter Executive Session at 9:03 a.m. for the purpose of protecting the public interest with regards to the purchase of real property.

The Chair restated the motion for the record.

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

MOTION: Smoyer moved and Heier seconded to exit Executive Session at 9:23 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

6 COUNTY BOARD REDISTRICTING

Maps showing Redistricting Options A, B, C, D, D2 and E were distributed (Exhibit C).

NOTE: Option D1 has been discarded.

Hudkins indicated a preference for Option C, adding he hasn't had a chance to study Options D2 and E.

Smoyer indicated a preference for Option D2, his proposal.

Raybould asked Smoyer to explain what led to his plan. Smoyer said he used standards set by the Legislature, which include a 5% population variation. He said his plan resembles a hub cab with spokes going around it. Raybould's district would be in the middle and include the City of Lincoln and all four City Council districts. The other districts would also include a town of substantial size. The two southern districts are projected to have the most growth so have a slightly lower proportion of population to account for that growth. Smoyer said he believes his plan offers fair representation across the board.

Raybould asked whether he included voter registration data in his research. Smoyer said he did not, because that would be held as invalid by the courts. He added that the Legislature has said it would not break things down by voter registration, even in the interest of neutrality. Raybould asked Smoyer whether he was aware that she will now have 30 precincts in her district. She distributed copies of Redistricting Summary Sheet (Exhibit D) and said voter registration records and voter results from the 2006 and 2010 elections indicate those precincts have a majority of registered Democrats or are likely to vote for Democrats. She said the other four districts are likely to vote for Republicans. Smoyer felt these were arbitrary numbers.

Raybould distributed copies of the May, 2010 edition of Legal Line, a feature of the Nebraska Association of County Officials' (NACO's) CountyLine publication (Exhibit E). The document indicates proposed guidelines for redistricting include: 1) Follow county lines whenever practical; 2) Give no favor to political party or affiliations of registered voters; and 3) Retain the voting strength of any minority population. She asked Smoyer whether he considered in crafting his proposal that potential candidates would be eliminated. Smoyer said he heard of two possible candidates (one Republican and one Democrat) that may be interested in running for Commissioner Heier's district, should he decide not to run, and said he made sure they were included in his district even though case law states you do not have to let potential opponents stay in a district. Raybould said she feels strongly that her district should include a rural component and said she has requested a legal opinion on whether the two proposals submitted by Smoyer violate state or federal law with respect to the creation and alteration of voting districts (Exhibit F).

Raybould presented Option E which addresses some of the concerns previously expressed (Exhibit G): 1) It provides each Commissioner with an incorporated town; 2) Hudkins' district would retain the Capital Beach, Highlands and Fallbrook areas and the 27th Street boundary; 3) Schorr's district would retain the Southwest High School area; and 4) Raybould's district would retain a rural component. Raybould said the imbalance in population numbers could be adjusted by shifting a precinct from Heier's district to Schorr's district.

Smoyer felt Raybould had violated her own rules regarding partisanship.

Schorr suggested the Board narrow the options to two.

MOTION: Heier moved and Smoyer seconded to direct the County Attorney's Office to prepare a resolution to approve Option D2 at a County Board of Commissioners Meeting when all five (5) commissioners are present.

Raybould said she would also like to see two options advanced for further study. She also stated it is her understanding the Board must hold a public hearing on the matter and that all commissioners must be present for the public hearing and a vote on the matter.

Eagan said he is not aware of a public hearing requirement but said Nebraska Revised Statute 23-151 states: *The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.* He said §32-553 requires the Board to have new district boundaries drawn within six months after the passage and approval of the legislative bill providing for reestablishing legislative districts. Smoyer said he believes the bill was passed on May 27th, which would make November 27th the deadline.

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

Raybould said she believes the Board should delay action until it receives the legal opinion.

Schorr said the Board could re-draw the boundaries if necessary.

Eagan explained that an opinion is not a ruling, rather an expression of the likelihood that the action would hold up in court.

Raybould said she may have conflicts and will likely not attend the Board meetings until receipt of the legal opinion.

Schorr asked that staff notify the County Attorney that the Board would appreciate a prompt response to Raybould's legal opinion request.

Raybould exited the meeting at 10:35 a.m.

7 ACTION ITEMS

- A. Designation of County Authorized Representatives for Prudential Retirement (006371) and Deferred Compensation (006372) Plans

Item was moved forward on the agenda.

8 CONSENT ITEMS

There were no consent items.

9 ADMINISTRATIVE OFFICER REPORT

- A. Community Mental Health Center (CMHC) Planning Committee Listening Tour
- B. Community Mental Health Center (CMHC) Director
- C. Use of Coast2Coast Prescription Discount Card Proceeds
- D. Release of County Attorney Opinion (Procedure for Amending Zoning Resolution)
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- G. Agenda Items for the November 3, 2011 City-County Common Meeting
- H. Juvenile Detention Alternatives Initiative (JDAI)
- I. Request for a Street Name Change (Avon Lane/East Avon Lane)
- J. Correspondence Regarding Sunrise Estates

Items A-J were moved forward on the agenda.

10 PENDING ITEMS

There were no pending items.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Nebraska Association of County Officials (NACO) Legislative Conference - Heier, Raybould

Heier said discussion focused on NACO's legislative priorities and plans to bury a pipeline through the Nebraska Sandhills. He said the NACO Board of Directors also met and approved the budget and agreed to pay expenses for Board members attending conferences and conventions.

B. Information Services Policy Committee (ISPC) - Smoyer

Smoyer said they discussed the Voice over Internet Protocol (VoIP) and the possibility of "piggybacking" on another entity's mainframe service.

C. Parks & Recreation Advisory Board - Raybould

No report.

D. Human Services Joint Budget Committee (JBC) - Schorr, Raybould

Schorr said they ratified the Keno Human Services Prevention Fund recommendations and discussed whether the JBC can require Board training for agencies to receive funding.

E. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Smoyer

Smoyer said they discussed fire trucks, redistricting efforts and budgets. He also reported that LIBA plans to back the County's legislative proposal to reduce the retirement match for new employees.

F. District Energy Corporation (DEC) - Hudkins, Heier

Hudkins said the DEC will have to install a new cooler to cool water before discharge into Salt Creek.

RETURNING TO ITEM 2A

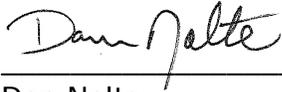
Hudkins reported that he and Heier met with local realtors and asked them for input regarding the "20-acre rule". He said the realtors suggested that three acres would be a more appropriate size.

12 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

13 ADJOURNMENT

MOTION: Heier moved and Smoyer seconded to adjourn the meeting at 10:47 a.m. Heier, Smoyer, Hudkins and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

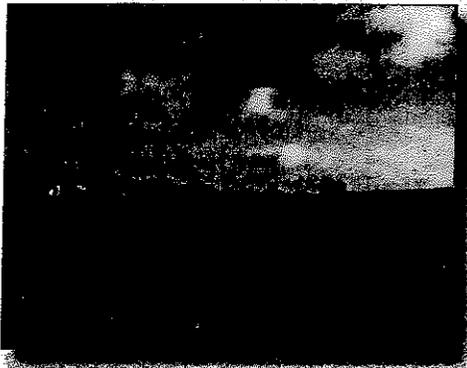


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RURAL AREAS

LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition

development is not entitled to extra buffering protection and that waives the right to protest the creation of lawful assessment districts for sewer, water and paving in the future.



from predominantly agricultural uses to a mix that includes more residential uses. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue.

All proposals for acreages, whether designated on the future land use map for low density residential or not, should be evaluated based on factors such as paved roads, adequate water quality and quantity, soil conditions for on-site wastewater management, availability of emergency services, agricultural productivity, land parcelization, the pattern of existing acreages, and plans for future urban development. Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity. If information becomes available that land already designated in the Plan for acreages is not suitable for acreage development, that designation should be reconsidered as part of the annual review.

New acreage development is not encouraged in the "Map 1.3: Growth Tiers with Priority Areas" for Lincoln's three-mile extra territorial jurisdiction, except for areas already platted, zoned, or designated for low density residential development.

Development in these tiers should only be permitted under the ^{3 mile jurisdiction} "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs). For areas outside

Areas not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). 64 & 16

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of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider adopting and applying "build-through" standards. The build-through model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:

Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service. Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas. A considerable supply of acreage lots has been platted in recent years in this manner. The County also should continue to pursue state enabling legislation to enable clustering lots by "transfer of development rights" between non-contiguous parcels of land. It is important to note that the value of this tool, by which property owners "buy" and transfer rights to develop additional lots, will

- A preliminary plan lot layout that

The build-through model includes provisions that are intended to facilitate a later transition to urban densities when city services are excluded.

accommodates first phase subdivisions on a portion of the land area with rural water and sewer systems, and shows how future urban infrastructure will be built through the land to permit further subdivision and annexation when appropriate.

- A development agreement that runs with the land and acknowledges that the acreage

be negated if the owners simply are "given" those additional lots through rezoning.

Private nonprofit land trusts are operating successfully to preserve farmland in other rural areas experiencing pressure for development. They accept donations, and in some cases have funds to pay in part for land to be conserved, including land that is cropped or pastured as well as land that is held for its natural value such as prairie, wetland, or woodland. The donations of these easements qualify as charitable deductions to federal income tax. Some other states protecting farming close to cities also have adopted tax credit programs to help encourage the donation of agricultural easements. City and county officials should encourage the expansion of an existing private trust or formation of a new one to encourage more of these donations.

Many families are not well-informed of all the implications of rural living before they make that lifestyle choice. This includes an understanding of the state's "Right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and an understanding of the difference between urban and rural public services (e.g. road maintenance, emergency medical, fire protection, and police). Objective information on the pros and cons of rural living should be provided to the public through continuing education efforts by the County's extension service, handouts available to county departments and local realtors, and potentially, documents filed of record with new platted lots for disclosure to prospective buyers.

STRATEGIES FOR RURAL AREAS

- Continue to use GIS data and other sources, along with adopted county zoning criteria, to help determine which lands are most suitable for acreage development.
- Require applicants seeking plan designation or rezoning for acreages to provide information on water quality and quantity if planning to use on-site wells.

- Consider all proposals for new acreage development in undesignated areas at one time as part of the Comprehensive Plan Annual Review.
- Pursue state legislation to enable the County to establish a transfer of development rights program that helps encourage acreage development in more suitable locations while protecting environmental resources and highly productive farmland, while also respecting property rights by compensating owners who agree to the transfers.
- Encourage an existing private land trust or a new one to pursue the donation of agricultural easements on prime farmland in the county.
- Expand education for prospective home buyers on the implications of rural living.



STRATEGIES FOR LANCASTER COUNTY, OUTSIDE OF LINCOLN

- Locate all new commercial and industrial development within Lincoln or the incorporated communities.
- Continue the County's support for road improvements that accommodate commercial and other development within the towns.
- Continue to encourage and permit accessory home businesses, and locate businesses within the commercial areas of incorporated towns as they expand beyond the definition of home occupation.
- Continue efforts to preserve the viability of the county's agriculture industry through zoning, easements, and other means.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

The City and County have experienced significant increases in commercial and industrial development over the last several decades. Numerous new shopping centers, office complexes, and industrial facilities have been built – representing valuable economic resources for the community.

Lincoln remains the County's dominant home to both the commercial and industrial sectors of the local economy. Virtually all of the recent growth in commercial space – that is, retail, office, and service uses – has occurred within the city limits of Lincoln. Most manufacturing expansion has also taken place in Lincoln with a few industries locating in the City of Waverly. This clustering of commercial and industrial activity in the City of Lincoln has been completed in accordance with the goals of previous comprehensive plans.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT STRATEGIES

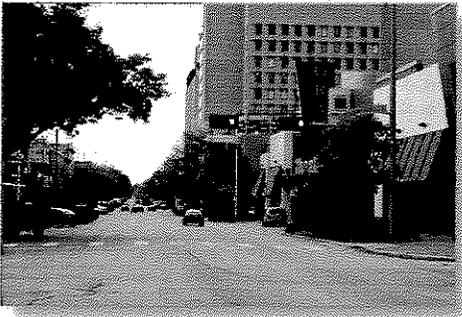
- It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term.
- In sites supported by adequate road capacity — commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.
- Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
- Explore additional opportunities for streamlining the permitting process.



STRATEGIES FOR DOWNTOWN

- The City should preserve and enhance Downtown's role as:
 - The major office and service employment center
 - The center of all levels of government
 - The principal cultural, entertainment, and tourism center
 - The center for hotels and conventions
 - The financial center
 - The hub of higher education
 - A regional retail center geared toward employees, area residents, visitors, and UNL students and staff
 - A major focus for new residential reuse, infill, and redevelopment
- Retain the City's government center in Downtown and wherever possible locate local, state, and federal offices Downtown when expansions and relocations are considered



or new facilities are located.

- Maintain and reinforce Lincoln's successful Theater Policy; encourage new entertainment attractions to locate in the Downtown.
- Support compatible and pedestrian-oriented development and implementation of the Antelope Valley project and West Haymarket redevelopment, making use of the Lincoln Downtown Design Standards.
- Maintain the urban environment, including a mix of land uses and residential types.

- Encourage higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures.

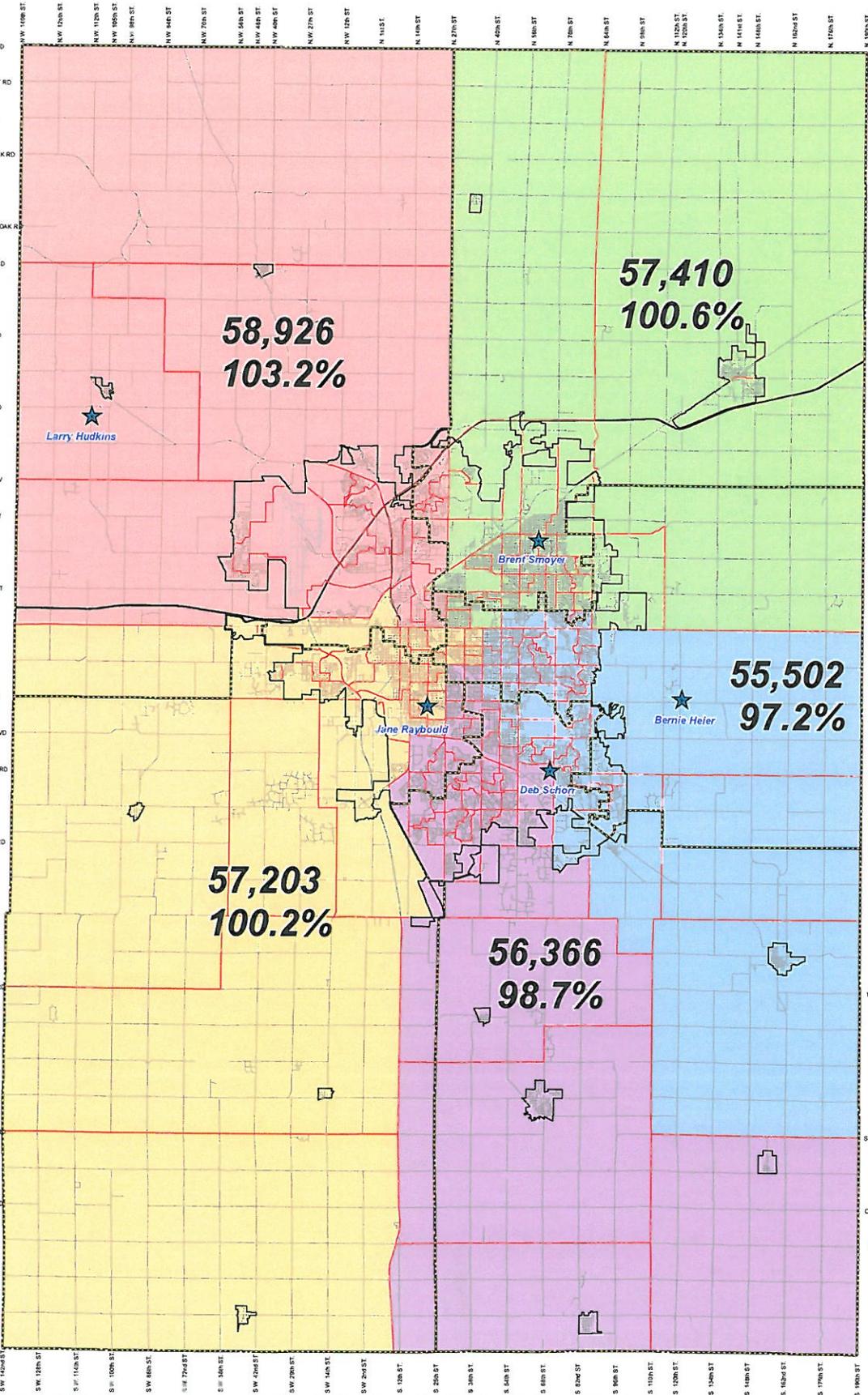
LANCASTER COUNTY, OUTSIDE OF LINCOLN

The majority of new development takes place in the urban area of Lincoln. However, it is important to strengthen existing commercial areas and support new development within the incorporated communities of Lancaster County. Commercial development in towns also provides opportunities for businesses that support rural residents within the county.

Farms are an important part of the history and economy of the region. While agriculture is no longer the primary occupation or major source of income in the County, agricultural production is still important to the community. It provides opportunities for produce to be sold at the local level and for large scale operations with sales worldwide. Farmers, while working year round, often support their families with accessory home occupations.

Agriculture is the dominant land use in Lancaster County, accounting for over 78% of all land. While this land is largely considered "undeveloped," it is still an important economic factor in the county's future. Agriculture's impact on the local economy goes beyond the sale at the end of production. Farms of all sizes make purchases of goods and services in the city and county throughout the year, which contribute to the local tax base and sustain growth for other businesses in the agriculture industry.

Development within the incorporated towns and their one mile zoning jurisdiction will be determined by the communities themselves. However, LPlan 2040 supports these communities and their efforts to maintain and improve their commercial and industrial base.



COUNTY BOARD DISTRICTS: OPTION A

- Old District Boundary
- Voting Precincts

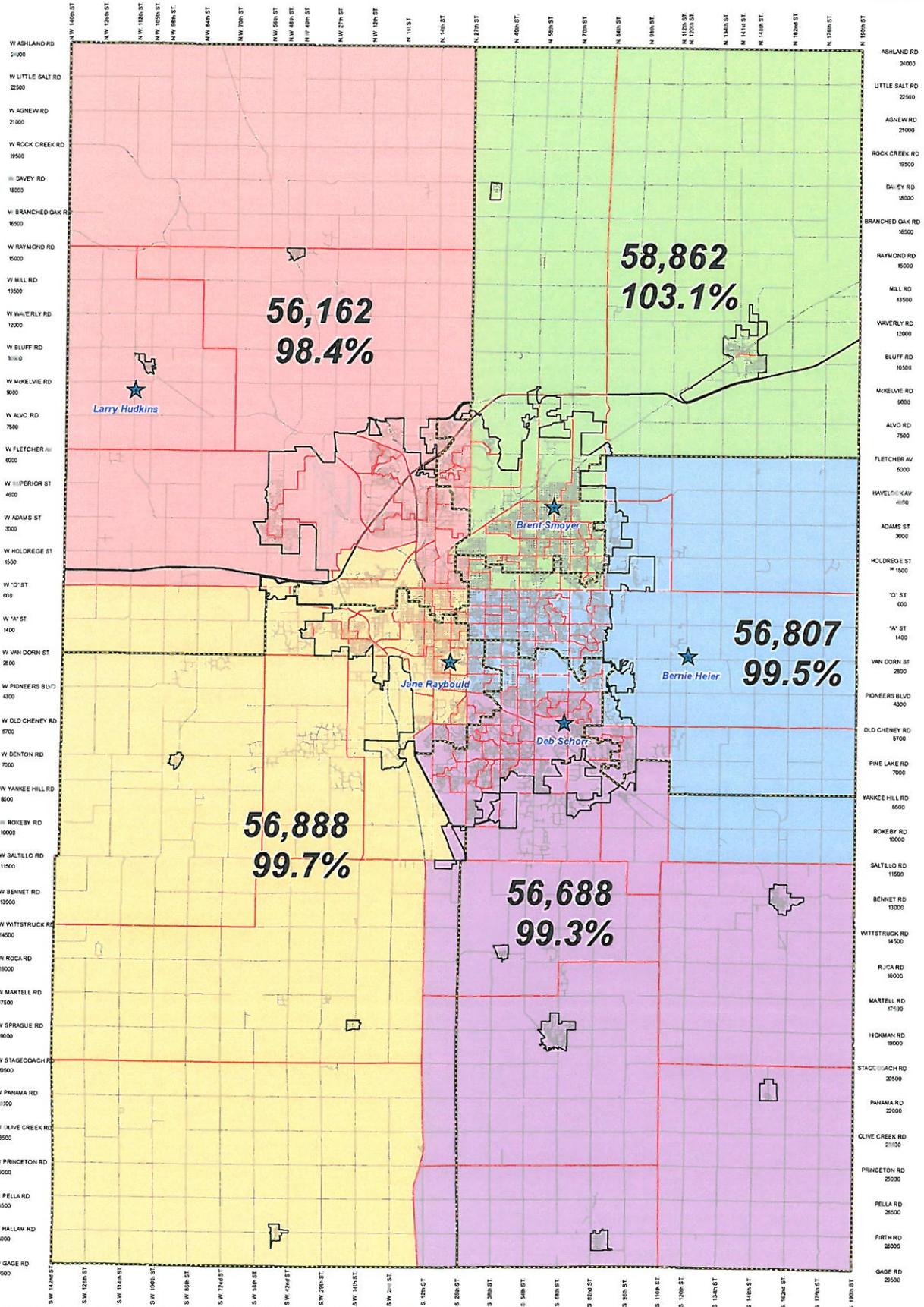
County Population = 285,407
 Target Population = 57,081

EXHIBIT

tabbles



LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
 ITS
 105 South 10th Street
 Lincoln, Nebraska 68508
 PH: 402.441.5400 FAX: 402.441.5477



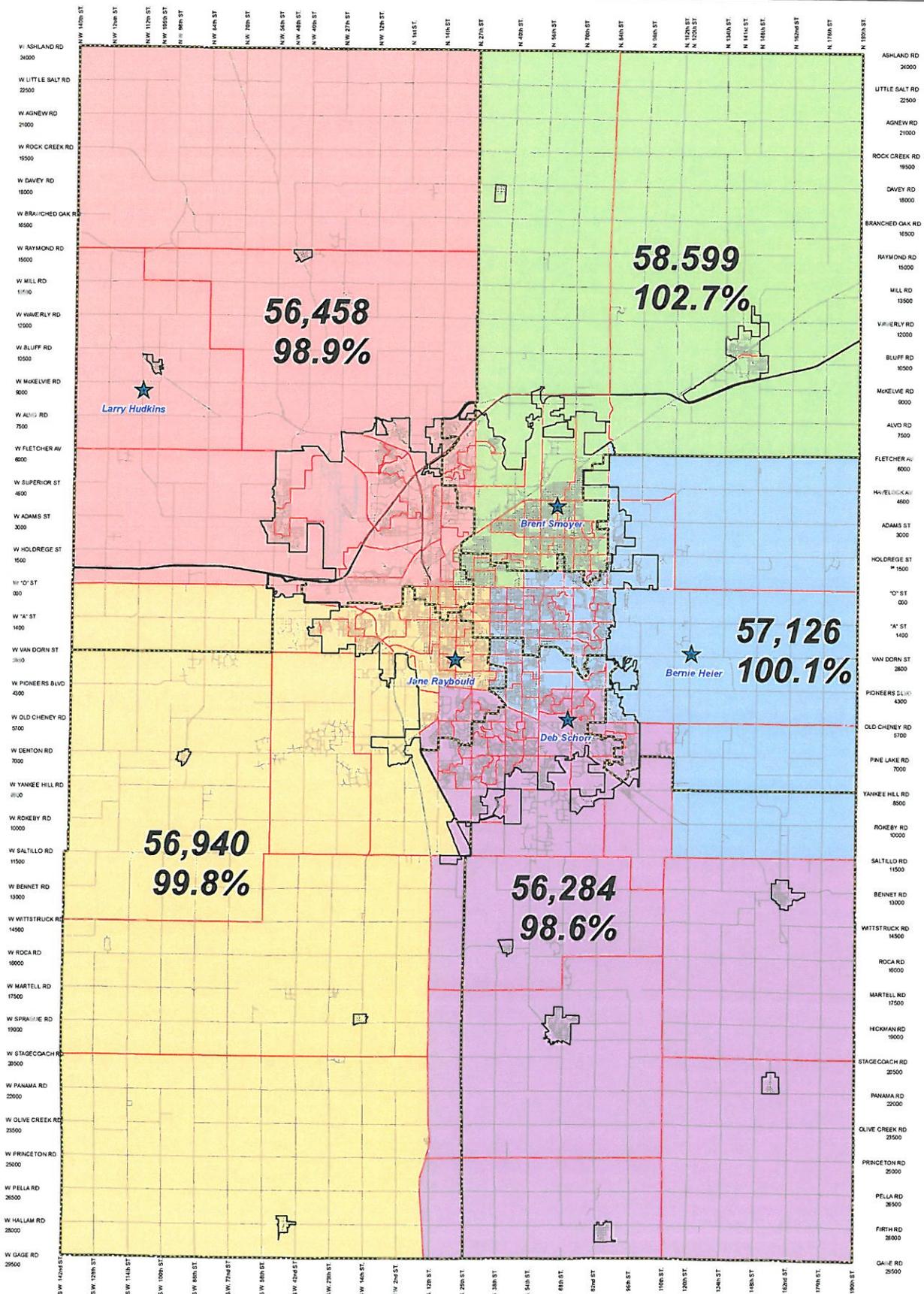
COUNTY BOARD DISTRICTS: OPTION B

- Old District Boundary
- Voting Precincts

County Population = 285,407
 Target Population = 57,081



LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT
ITS
 800 South 9th Street
 Lincoln, Nebraska 68508
 PH: 402.441.1400 FAX: 402.441.1407

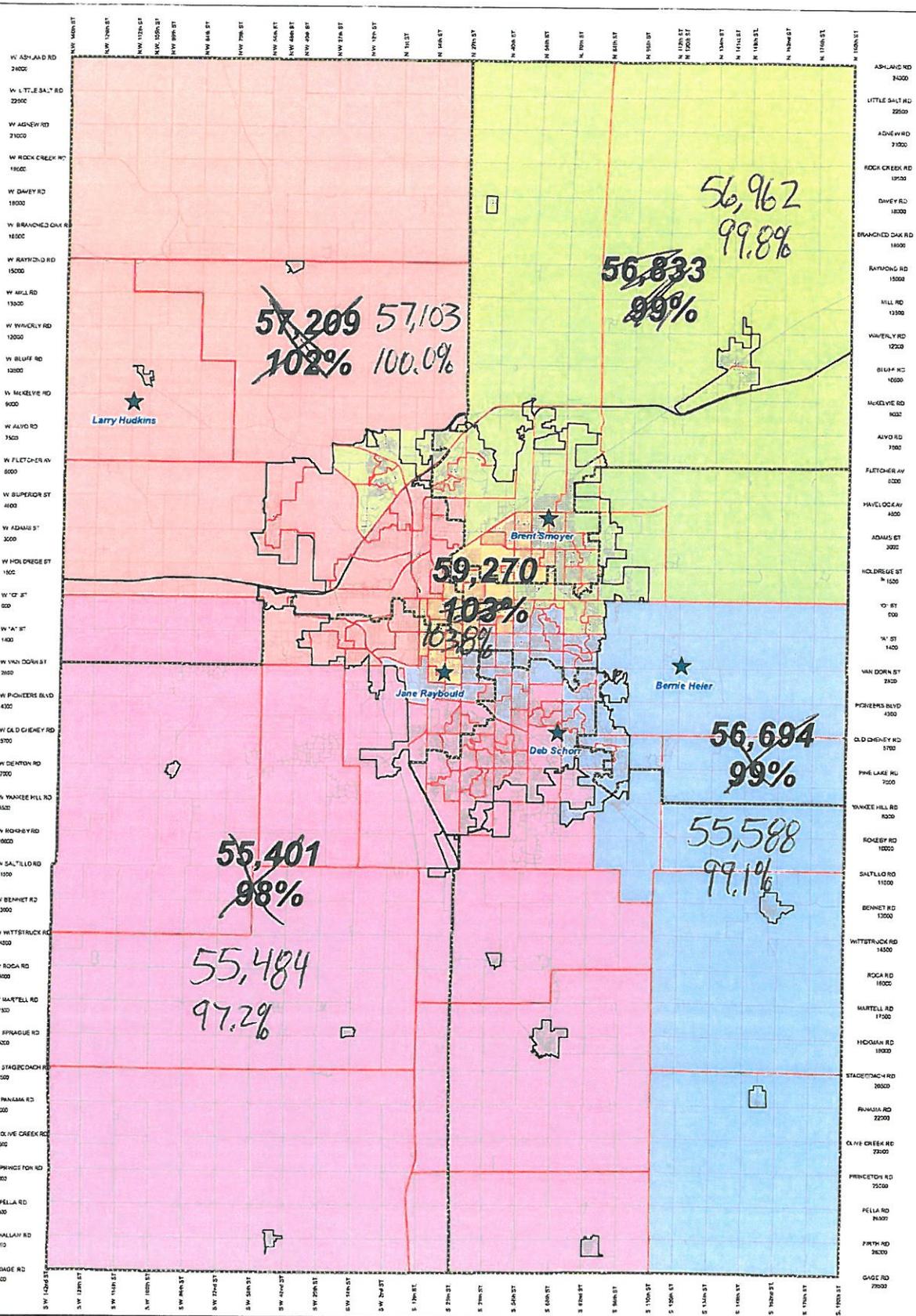


COUNTY BOARD DISTRICTS: OPTION C

- Old District Boundary
- Voting Precincts

County Population = 285,407
 Target Population = 57,081





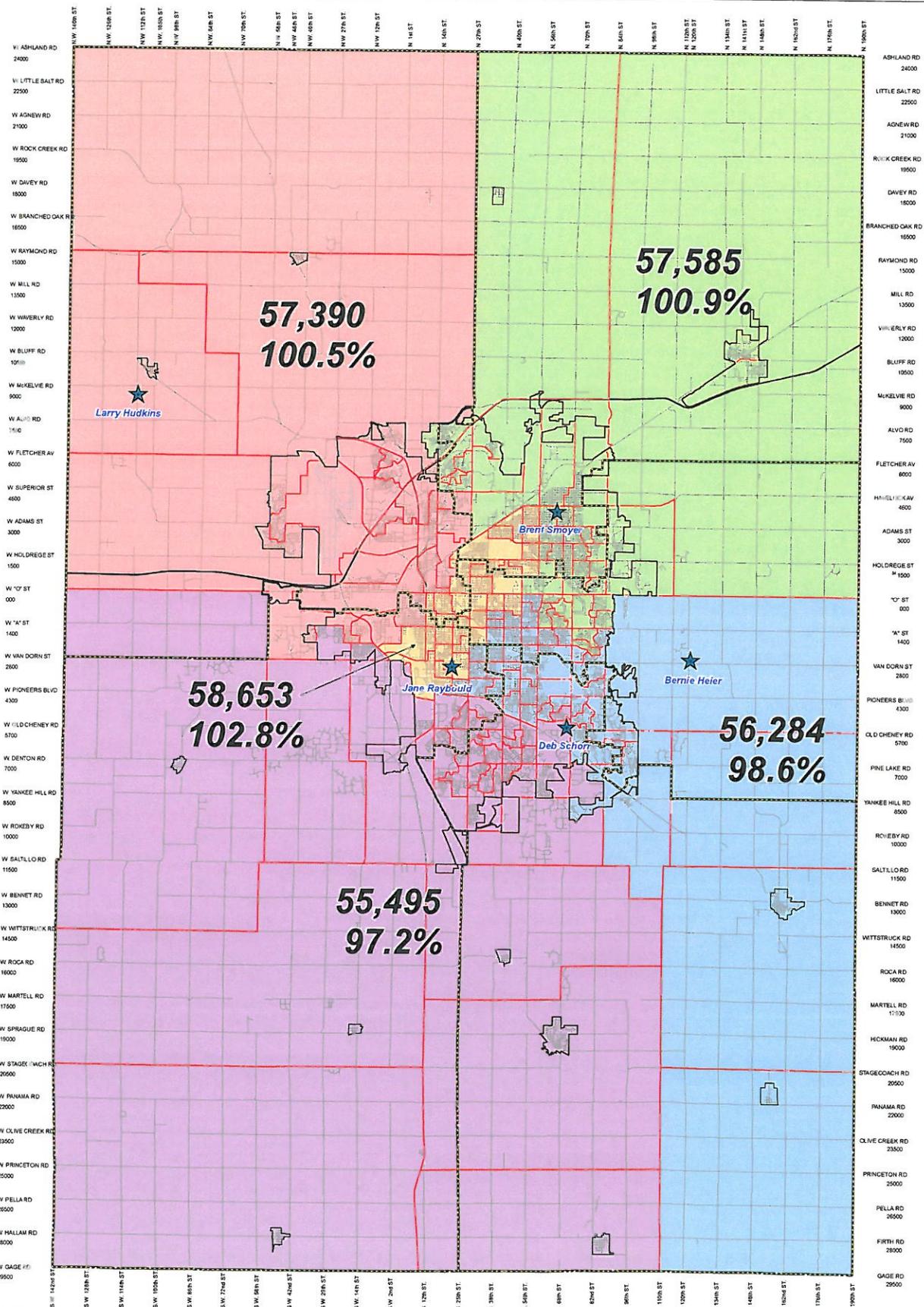
COUNTY BOARD DISTRICTS: OPTION D

- Old District Boundary
- Voting Precincts

County Population = 285,407
 Target Population = 57,081



LINCOLN-LANCASTER COUNTY
 PLANNING DEPARTMENT
ITS
 901 N. 10th Street
 Lincoln, Nebraska 68502
 PH: 402.476.2100 FAX: 402.476.2101



Larry Hudkins

Brent Smoyer

Jane Raybould

Bernie Heier

Deb Schorr

COUNTY BOARD DISTRICTS: OPTION D2

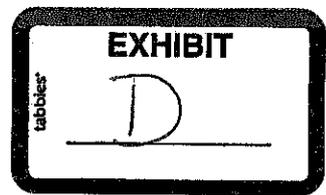
- Old District Boundary
- Voting Precincts

County Population = 285,407
Target Population = 57,081



LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
ITS
Lincoln, Nebraska 68505
PH: 402.477.7676 FAX: 402.477.8377

REDISTRICTING SUMMARY SHEET		D/R	Precinct that has majority registered democrat but likely votes republican			
18-Oct-11		R/E	Precinct that has majority registered republicans but splits between voting democrat and republican evenly			
		Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
CURRENT 2010 POP	94.80%	98.90%	108.30%	96.60%	101.40%	
Population	54,106	56,426	61,847	55,138	57,890	
Precinct Voting	<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	
Dem likely	18	12	3	13	17	
Rep likely	19	17 (3D/R)	46	31 (1D/R)	21	
Even	1	0	0	0	1 (1R/E)	
Total	38	29	49	44	39	
SMOYER						
		Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
OPTION D	103%	100.00%	97.20%	99.10%	99.80%	
Population	59,270	57,209	55,401	56,694	56,833	
Precinct Voting	<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	
Dem likely	30	10	2	10	9	
Rep likely	1	17 (3D/R)	44	37 (1D/R)	34	
Even	1	1	1	0	1 (1R/E)	
Total	32	28	47	47	44	
SMOYER						
		Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
OPTION D2	102.80%	100.50%	97.20%	98.60%	100.90%	
Population	58,653	57,390	55,495	56,284	57,585	
Precinct Voting	<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	
Dem likely	30	10	2	9	12	
Rep likely	0	21 (3D/R)	44	39 (1D/R)	34	
Even	0		2	0	1 (1R/E)	
Total	30	21	48	48	47	
PLANNING						
		Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
OPTION A	100.20%	103.20%	98.70%	97.20%	100.60%	
Population	57,203	58,926	56,366	55,502	57,410	
Precinct Voting	<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	
Dem likely	25	7	7	3	23	
Rep likely	13	22 (3D/R)	37	43 (1D/R)	18	
Even	1	0	1	0	2 (1R/E)	
Total	39	29	45	46	43	
PLANNING						
		Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
OPTION C	99.80%	98.90%	98.60%	100.10%	102.70%	
Population	56,940	56,458	56,284	57,126	58,599	
Precinct Voting	<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	
Dem likely	23	6	1	9	22	
Rep likely	14	24 (3D/R)	43	36 (1D/R)	15	
Even	1	0	1	0	1 (1R/E)	
Total	38	30	45	45	38	



RAYBOULD	Jane Raybould	Larry Hudkins	Deb Schorr	Bernie Heier	Brent Smoyer
OPTION E	99.80%	102.20%	96.80%	100.10%	101.20%
Population	56,940	58,349	55,247	57,131	57,740
Precinct Voting	District 1	District 2	District 3	District 4	District 5
Dem likely	24	10	1	11	18
Rep likely	13	19 (3D/R)	42	35 (1D/R)	24
Even	1	0	1	0	1 (1R/E)
Total	38	29	44	46	43
D/R	Precinct that has majority registered democrat but likely votes republican				
R/E	Precinct that has majority registered republicans but splits between voting democrat and republican evenly				

Legal Line: Nebraska Supreme Court Decides Case On Budget Dispute

Editor's Note: Legal Line is a feature that will periodically appear in CountyLine. Prepared by members of the NACO legal staff, Legal Line is not intended to serve as legal advice. Rather, it is published to alert readers to court decisions and legal or advisory matters important to county government. For a specific opinion on how the information contained in this article or that which will be discussed in future issues relates to your county, consult your county attorney or your personal counsel.

By Elaine Menzel
NACO Assistant Legal Counsel

In *Wetovick v. County of Nance*, 279 Neb. 773, - N.W. 2d - (2010), the court concluded that the case was not moot at the time of judgment. The court found that in provisions of Neb. Rev. Stat. § 23-1111, the County Board lacked authority to disapprove the county attorney's reasonable salary request absent a finding that the request was "arbitrary, capricious, or unreasonable." The basis for this conclusion was determined from the court's reasoning that disputes over a county officer's employment decisions are controlled by Neb. Rev. Stat. § 23-1111 rather than the county's general budgeting authority found in Neb. Rev. Stat. § 23-908.

Additional details of this court case have been provided in NACO's E-news and will be provided the July edition of NACO's CountyLine magazine. To read the actual case go to the Nebraska Supreme Court's website. The case is found at: <http://court.nol.org/opinions/2010/april/apr29/s08-1302.pdf>.

Redistricting

The decennial U.S. Census is currently underway and the Nebraska Legislature is doing preliminary work that will enable it to draw new district boundaries for itself, the U.S. House of Representatives, the State Board of Education, the Nebraska Board of Regents, the Public Service Commission, and the Nebraska Supreme Court during the 2011 legislative session. County boards will also be creating new district boundaries in the counties that elect its governing boards by district.

The redistricting laws that govern counties are found in Chapters 23 and 32 of the Nebraska Revised Statutes. Prior to providing an overview of the redistricting laws that govern the redrawing of county board districts, a review of the structure of the governing boards of Nebraska counties is appropriate.

Nebraska's 93 counties operate under organized county governments. Sixty-six counties are commissioner counties and are governed by a board of commissioners. Counties with township government are governed by a board of supervisors. The 27 counties with supervisors are Adams, Antelope, Boyd, Buffalo, Burt, Butler, Clay, Cuming, Custer, Dixon, Dodge, Fillmore, Franklin, Gage, Hall, Harlan, Holt, Kearney, Knox, Merrick, Nance, Phelps, Platte, Saunders, Thurston, Valley and Washington.

The county boards under each system have similar powers and tenure. The boards of commissioners have three, five or seven members

and are elected to four-year terms. The boards of supervisors have seven members and are also elected to four-year terms. Phelps County will become a commissioner county in 2011. Harlan County will be voting on whether to discontinue the township form of government in 2010.

Currently, there are 27 supervisor counties and 66 commissioner counties with:

- 51 3-seat boards of commissioners;
- 14 5-seat boards of commissioners;
- 1 7-seat board of commissioners; and
- 27 7-seat boards of supervisors;

Section 23-151 of the Nebraska statutes provides that each county under commissioner organization having not more than 300,000 inhabitants shall be divided into three districts, five districts or seven districts. Each county having more than 300,000 inhabitants is divided into seven districts.

The districts are required to consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines are not subject to alteration more than once every ten years unless the county has a change in population requiring it to be redistricted when it reaches a population of 300,000 or unless there is a vote to change from three to five districts. The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session. The redistricting provisions for county supervisor districts are found in section 23-269. The supervisor districts may be changed after each federal census if their populations have become unequal.

Redistricting statutes for political subdivisions in general, including counties, are found in sections 32-553 to 32-555 of the Nebraska statutes.

When a county nominates or elects members of the county board by district, the districts must be substantially equal in population as determined by the most recent federal decennial census. Any county that has districts in place on April 1, 2011, (the date census figures used in drawing district boundaries for the Nebraska Legislature are required to be submitted to the state by the U.S. Census Bureau) shall, if necessary to maintain substantial population equality as noted above, draw new district boundaries within six months after the passage and approval by the Governor of the legislative bill providing for reestablishing legislative districts. (Section 32-553.)

If a county with a population of less than 300,000 that nominates or elects board members by district or ward fails to draw district boundaries within six months after the state legislative redistricting plan is passed and approved, the county attorney must file an action in the district court for the purpose of ordering the board to draw district boundaries. If within six months after the receipt of that order the board fails to comply, the members of the board are subject to removal and the court must order the Secretary of State to draw district boundaries in accordance with the most recent federal decennial

(Continued on page 10)

Nebraska Supreme Court Decides Case On Budget Dispute (Continued from page 9)

census. Vacancies resulting from removals from office are filled as provided by law. (Section 32-555.)

If the county attorney fails to file the action, he or she is subject to removal from office. Any citizen within the jurisdiction of the governing board may file the action. The court shall order the board to pay any costs and attorney's fees involved in such action. (Section 32-555.)

There are also provisions that specifically apply to counties with populations greater than 300,000. See section 32-555.

County boards are responsible for drawing their own district boundaries. In doing so, the board "shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census, except that the election commissioner of any county in which a Class IV or V school district is located shall draw district boundaries for such school district as provided in this section and section 32-552." (Section 32-553.)

Key 2010 Census Dates

March 2010

United States Postal Service (USPS) delivers census questionnaires.

April 1, 2010

Census Day. This is the day on which the U.S. Census Bureau takes a "snapshot" of the American population by attempting to determine where each person is. Any citizen alive on that date is subject to be counted.

May 2010 - July 2010

Census takers follow up with households that did not return questionnaires.

December 31, 2010

U.S. Census Bureau delivers population counts to the President, who will forward them on to Congress so that seats in the U.S. House of Representatives can be apportioned among the states.

April 1, 2011

Redistricting population counts must be submitted by the U.S. Census Bureau to state legislatures on or before this date. Following delivery of the population counts, the redistricting process will begin.

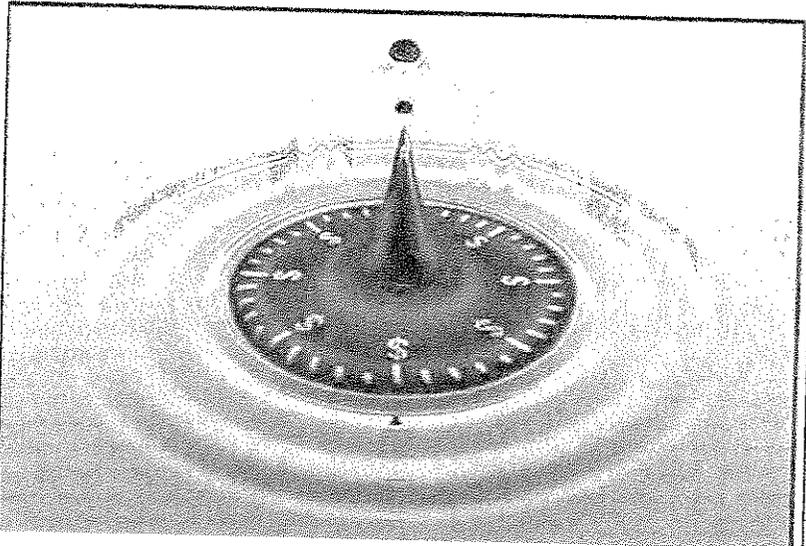
In 2001, the Nebraska Legislature passed LB 852, the bill that contained redrawn boundaries for the 49 districts represented in the Nebraska Legislature, on May 31. The Governor signed the bill into law that same day.

November 6, 2011

Deadline for having a state legislative redistricting plan in place (based on the Nebraska Constitution's requirement that anyone elected to the Legislature must have lived in the district from which he/she is elected for at least one year prior to election).

Cynthia Johnson, Director of the Nebraska Legislature's Research, contributed to this article and

(Continued on page 11)



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NACO Announces 2010 Scholarship Award Recipients

The NACO Scholarship Committee met in April to review applications for scholarships from 31 high school students from all areas of the state whose applications qualified for scholarships. 12 students were chosen to receive \$1,000.00 scholarships to assist with college expenses for the 2010 fall term. In order to be eligible for a scholarship, students must be a child or stepchild of a Nebraska county official or employee and must plan to attend a post-high school educational institution within the state of Nebraska.

NACO Scholarship Award recipients for 2010 are Dillon Barta, Knox County; Kate Brown, Nuckolls County; Rosanne Goerl, Hall County; Allison Gray, Phelps County;

Matthew Johnson, Clay County; Jamie Meister, Cuming County; Brandy Newbanks, Kimball County; Kelsey O'Dea, Red Willow County; Grace Pfingston, Dodge County; Keaton Schweitzer, Seward County; Triniti Smith, Furnas County; Kelsey Wetovick, Nance County.

The scholarships are tentative based on acceptance from scholarship winners.

Photos and profiles of award recipients will be featured in the July, 2010 issue of CountyLine Magazine. In addition, essays entitled "The Importance Of County Government In Nebraska," written by scholarship winners, will be published in a future issue of CountyLine Magazine.

Legal Line:

Nebraska Supreme Court Decides Case On Budget Dispute (Continued from page 10)

provided the "Key 2010 Census Dates."

The Nebraska Legislature's Research Office is writing a series of newsletters with respect to the 2011 redistricting process. The newsletters are designed to provide interested parties with information about the history of redistricting and some of the principal legal issues pertaining to redistricting. If you would like to view the newsletters, you may access them at the Nebraska Legislature's website: www.nebraskalegislature.gov.

Accountability and Disclosure Commission Adopts Advisory Opinion #199 About Conflicts of Interest and the Use of Public Resources

A question recently asked of the Accountability and Disclosure Commission was "Can the [City's] Firefighters engage in a campaign to raise funds for [a private non-profit charitable] Association during on-duty time paid for with taxpayer funds and/or using City-owned uniforms and equipment?" After reviewing various cases, statutes and former opinions, the Commission determined that the answer was no.

To address the question, the Accountability and Disclosure Commission reviewed applicable provisions of the Nebraska Political Accountability and Disclosure Act, including Section 49-14,101.01(2) that states:

A public official or public employee shall not use or authorize the use of personnel, resources, property or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory and regulatory procedures...

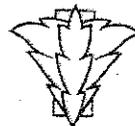
The Accountability and Disclosure Commission (NADC) has previously been asked whether the use of public funds, including use of public

resources and personnel, are made for a public or private purpose. Such decisions have been published in advisory opinions. Generally, the NADC has refused to approve the use of public funds for private purposes.

As stated by the Commission, "Firefighters may not, under the terms of Section 49,101.01(2), use on duty time, paid for with taxpayer funds, to engage in a campaign to raise funds for an association, which is a private, charitable corporation."

To view the full contents of this opinion and others cited in the opinion, you may do so by going to the Commission's website at: <http://nadc.nol.org/opinions.html>.

Fillmore County Courthouse
Geneva, Nebraska



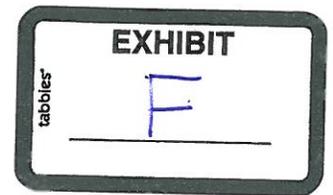
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Redistricting committee hears comments on guidelines, Lincoln Journal-Star, Mar. 17, 2011

- Most of the attention Wednesday on guidelines for drawing new boundaries for congressional, legislative and other districts centered around how much over or under the ideal population each should be allowed.
 - For the time being, the guidelines allow the Legislature's Redistricting Committee to go 5 percent up or down when working out the new boundaries.
 - That was the guideline used 10 years ago when boundaries were redrawn. Ten years before that, the leeway was 2 percent.
 - Other proposed guidelines include these.
 - Follow county lines whenever practical.
 - Give no favor to political party or affiliations of registered voters.
 - Retain the voting strength of any minority population.
- The committee has tentatively set public hearings on redistricting plans for the week of May 9.



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*

October 19, 2011

Joe Kelly
Lancaster County Attorney
Law and Justice Center
575 S. 10th Street
Lincoln NE 68508

Re: Legality of County Board Redistricting Proposals

Dear Joe:

In accordance with the provisions of Neb. Rev. Stat. §32-553 (Reissue 2008), the Lancaster County Board of Commissioners is now in the process of redistricting commissioner voting districts. I am including with this letter two redistricting proposals which have been designated as Option's D and D2. I have the following concerns regarding these two proposals.

Both proposals drastically alter the current district lines. All representation of rural constituents is eliminated for District 1, thus denying this district any constituency base outside the City of Lincoln's 3-mile zoning jurisdiction. Moreover, these two proposals create an unfair political advantage for Republicans in four of the districts, and an unfair political advantage for Democrats in one district.

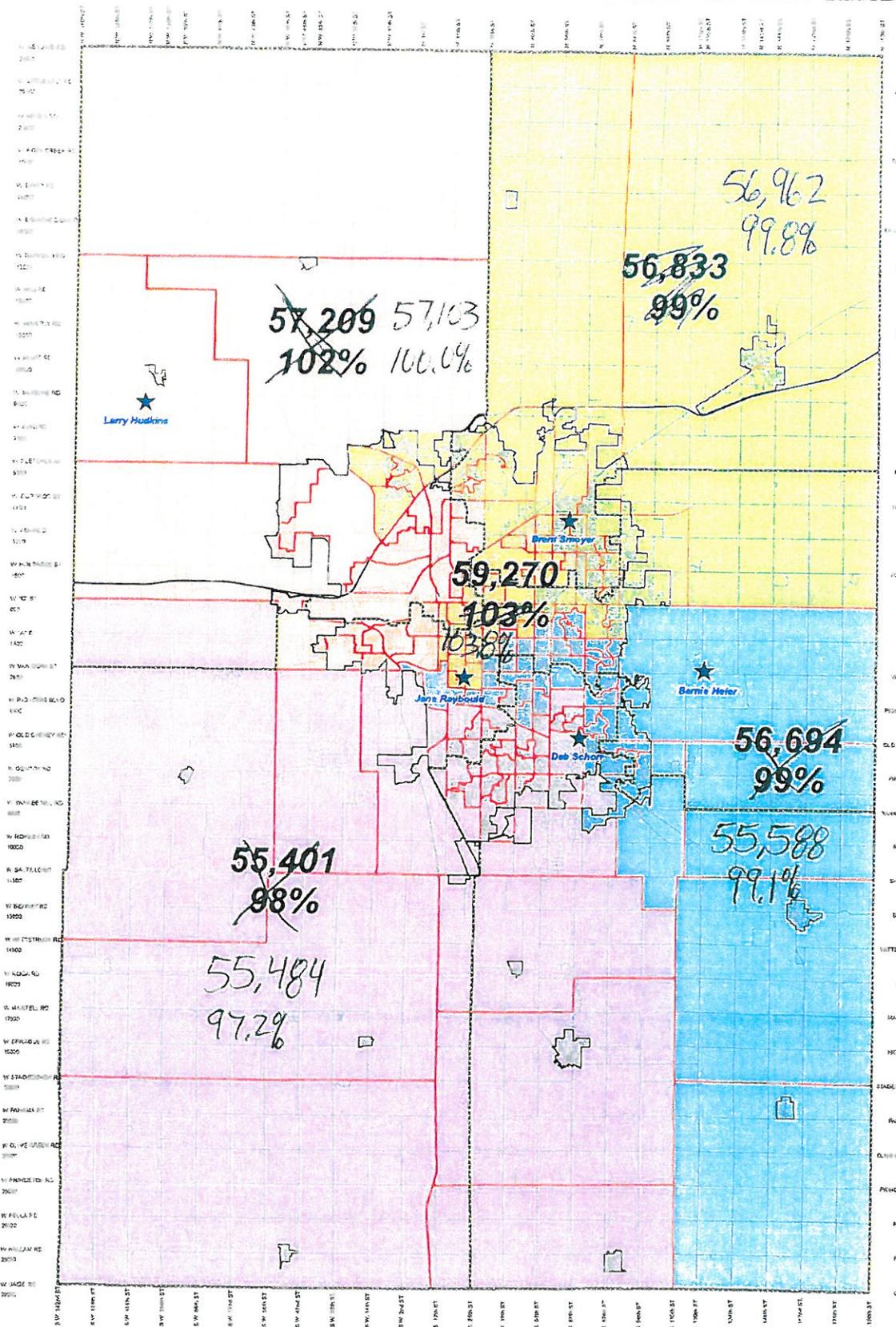
Based on these concerns, please provide a legal opinion as to whether redistricting proposals D and D2 violate State or federal law with respect to the creation and alteration of voting districts. Please do not hesitate to contact me if you have any questions regarding this request or need additional information.

Thank you for your assistance.

Sincerely,

Jane Raybould
Lancaster County Commissioner

cc: Lancaster County Board



★
Larry Hustkins

★
Brent Smoyer

★
Jane Raybould

★
Bernie Meyer

★
Deb Schorn

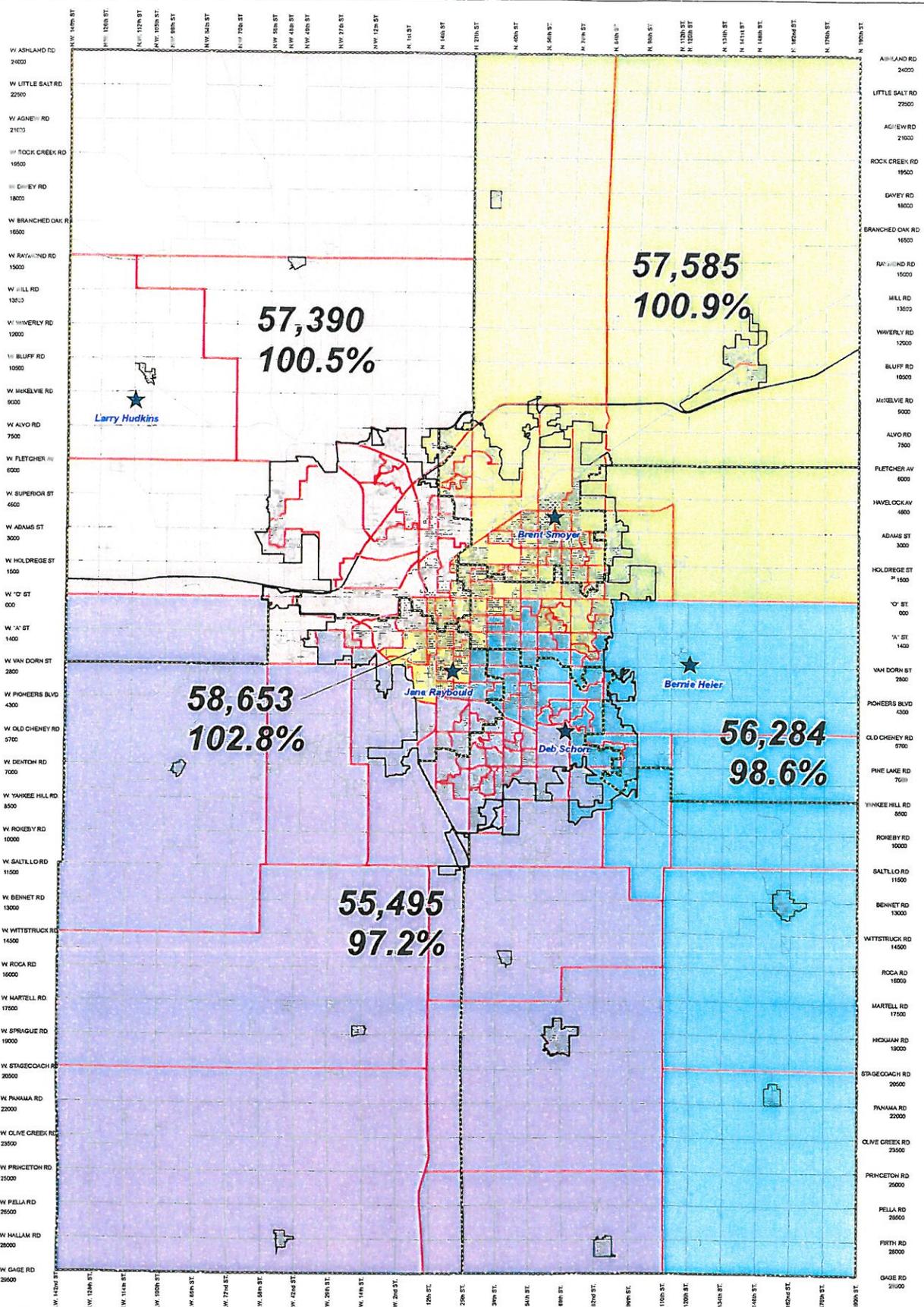
COUNTY BOARD DISTRICTS: OPTION D

- Old District Boundary
- ▭ Voting Precincts

County Population = 285,407
Target Population = 57,081



LINCOLN - LANGASTER COUNTY
PLANNING DEPARTMENT
RTS



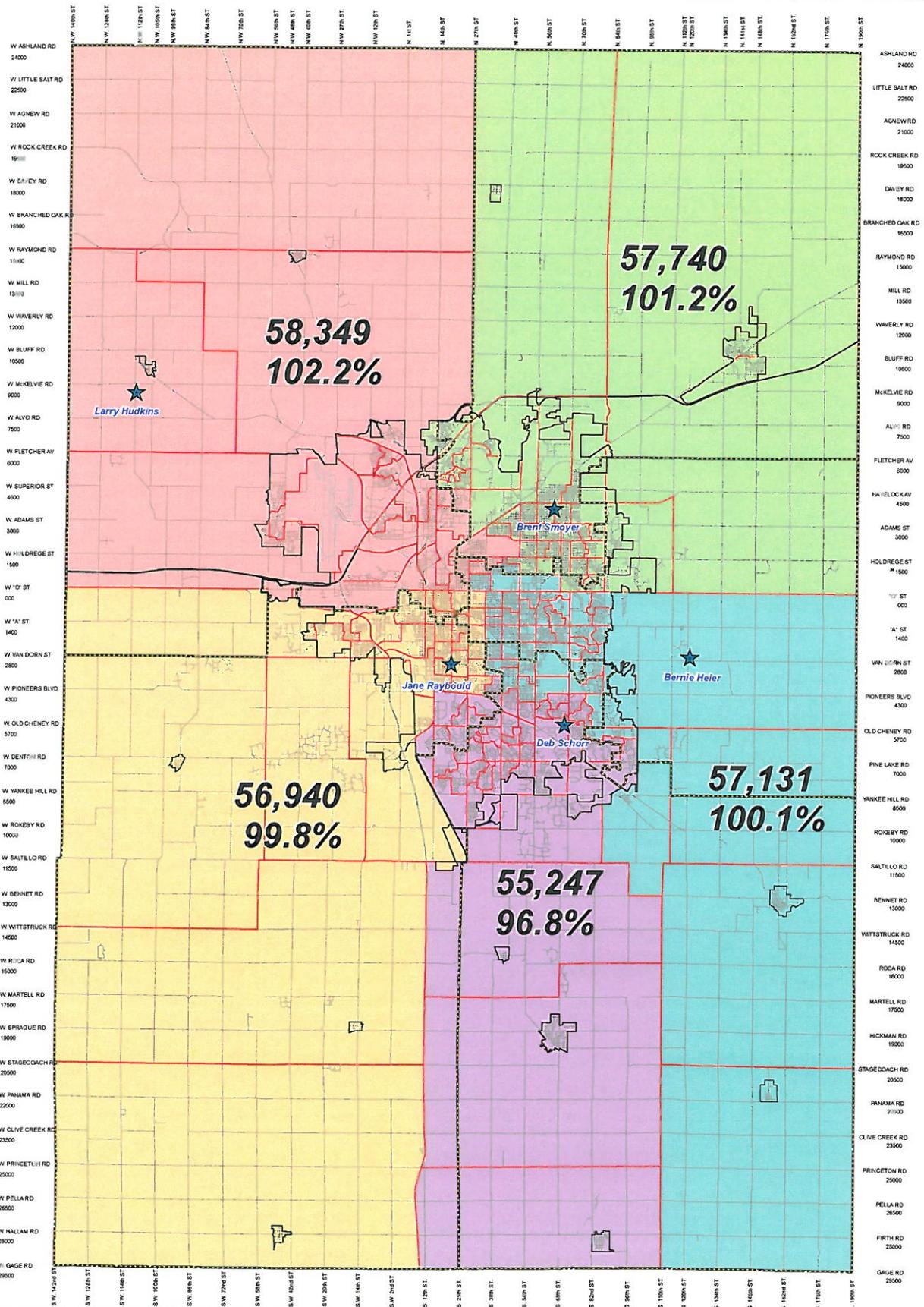
COUNTY BOARD DISTRICTS: OPTION D2

- Old District Boundary
- Voting Precincts

County Population = 285,407
 Target Population = 57,081



LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT
 J. Brennan "Jackie" S. ...
 300 S. ...
 ...



Larry Hudkins

Brent Smoyer

Jane Raybould

Bernie Heier

Deb Schorr

COUNTY BOARD DISTRICTS: OPTION E

- Old District Boundary
- Voting Precincts

County Population = 285,407
Target Population = 57,081

tabbles

EXHIBIT

G

Lincoln - Lancaster County Planning Department

ITS

Lincoln, Nebraska 68508

October 2011