

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, SEPTEMBER 27, 2012  
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Ann Taylor, County Clerk's Office

*Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on September 26, 2012.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, SEPTEMBER 13, 2012**

**MOTION:** Hudkins moved and Raybould seconded approval of the minutes of the September 13, 2012 Staff Meeting. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

**2 ADDITIONS TO THE AGENDA**

- A. Microcomputer Request from Juvenile Court (Exhibit A)
- B. Microcomputer Request from Community Mental Health Center (CMHC)
- C. Letters from Mayor Beutler Regarding the Railroad Transportation Safety District (RTSD) and Jail Booking Fees (Exhibits B and C)

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

- 3 COUNTY HEALTH RESOLUTION AMENDMENTS (FEE INCREASES):**
- A) BODY ART AND PIERCING ESTABLISHMENTS (03-007)**
  - B) ON-SITE WASTE WATER TREATMENT SYSTEMS (02-30, SECTION XIII)**
  - C) INSPECTION PROCEDURES PRIOR TO SALE, TRANSFER OR CONVEYANCE FOR ON-SITE WATER SUPPLY AND WASTE WATER TREATMENT SYSTEMS (06-0005)**
  - D) AIR POLLUTION CONTROL (5069, SECTION 13)**
  - E) AIR POLLUTION REGULATIONS AND STANDARDS (ARTICLE 1, SECTION 6)** - Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department

Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department, gave an overview of the proposed fee increases. He said the increases are mostly in the 3% range.

**MOTION:** Raybould moved and Hudkins seconded to schedule action on the October 2, 2012 County Board of Commissioners Meeting agenda. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

**4 PENDING LITIGATION** - Brittany Behrens, Deputy County Attorney

**MOTION:** Smoyer moved and Heier seconded to enter Executive Session at 8:38 a.m. for the purpose of protecting the public interest with regards to pending litigation.

The Chair restated the motion for the record.

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

**MOTION:** Heier moved and Raybould seconded to exit Executive Session at 8:43 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

## 5 ACTION ITEMS

- A. Microcomputer Request No. 86672, \$592.97 for a PC for the Human Services Department (Grant Funded)

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

### ADDITIONS TO THE AGENDA

- A. Microcomputer Request from Juvenile Court (Exhibit A)

Kerry Eagan, Chief Administrative Officer, gave an overview of the request for computer hardware and software totaling \$888.62.

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

- B. Microcomputer Request from Community Mental Health Center (CMHC)

Raybould said Ron Sorensen, CMHC Executive Director, has indicated that some of CMHC's computers are not compatible with new software. CMHC could also use a color printer. Eagan said CMHC did not include the equipment in their budget request and will need to get price quotes. Gwen Thorpe, Deputy Chief Administrative Officer, suggested that Sorensen consult Judi Tannahill, Administrative Services Officer, CMHC, because she prepares their budget.

- C. Letters from Mayor Beutler Regarding the Railroad Transportation Safety District (RTSD) and Jail Booking Fees (Exhibits B and C)

Heier said the Mayor's letter regarding the RTSD states that several County Board members indicated the transfer of 1.6 cents from the RTSD levy to the County levy was a one-time shift of resources. Heier asked the Chair and Vice Chair to inform the Mayor that this is an issue for the County Board to decide on annually. Schorr noted the Mayor is proposing legislation to take that authority away from the County. Heier said he would also like to see the RTSD's mill levy moved outside of the County's lid.

Heier said the Mayor's second letter states any attempt to charge a booking fee would violate the agreements between the City and County concerning the City's responsibility for jail operations expense while the City is assisting the County to finance the new jail construction. Eagan said he believes the shift of the taxing

authority should cover all their costs but that is not stated in the contract. Heier suggested the Board seek a legal opinion. Eagan noted Doug Cyr, Chief Administrative Deputy County Attorney, has offered an informal opinion that the County needs legislative authority to charge booking fees.

Schorr asked whether offenders could be booked and released on-site, or at a satellite location, rather than transporting them to the new Lancaster County Adult Detention Facility (LCADF). Eagan said that has been discussed, as well as having Community Corrections involved in that process.

Board consensus was to schedule further discussion with Kim Etherton, Community Corrections Director, and Mike Thurber, Corrections Director.

Heier noted that the letter also stated voters rejected a jail bond in May of 2008. He said that is not correct, the issue on the ballot was related to financing.

## **6 CONSENT ITEMS**

There were no consent items.

## **7 ADMINISTRATIVE OFFICER REPORT**

- A. General Assistance (GA) Monitoring Committee Appointment (John Turner)

The Board scheduled the appointment on the October 2, 2012 County Board of Commissioners Meeting agenda.

- B. Combined Charities Campaign Kick-Off Luncheon (October 2, 2012 at 11:30 a.m., Auld Recreation Center)

All of the Commissioners indicated plans to attend the event.

- C. Management Team Meeting Agenda Items (October 11, 2012)

The following items were suggested: 1) Office inventory; and 2) Roundtable discussion.

- D. Letter to Governor Heineman Regarding Inheritance Tax

Smoyer suggested the Board send a letter to the Governor stating the Board disagrees with the Douglas County Board's decision to pledge \$5,000,000 (\$500,000 a year for

10 years) from Douglas County's inheritance tax revenue to help finance a new cancer center for the University of Nebraska Medical Center and believes inheritance tax revenue should be used for property tax relief. Raybould noted that other counties use inheritance tax revenue for capital improvement projects. She added she believes the Douglas County Board views it as an economic development project. Smoyer said he disagrees with that position and believes the Board should distance themselves from Douglas County right now. Heier said he isn't clear what the Nebraska Association of County Officials' (NACO's) position is on the inheritance tax issue and plans to talk to other County Commissioners about possible alternatives at NACO's Legislative Conference on October 11<sup>th</sup>. Hudkins felt Douglas County's action caused some out-state senators to believe that counties haven't done enough to tighten their budgets. Eagan said he believes what Douglas County did is unconstitutional because it is a donation to a charitable organization. He added that counties have limited authority to fund economic development projects.

Raybould asked for clarification on the County's authority regarding economic development initiatives. Eagan explained the County uses Community Development Block Grant (CDBG) funds for economic development which is administered by the Southeast Nebraska Development District (SENDDD). He added use of those funds is tightly controlled.

**MOTION:** Raybould moved and Smoyer seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter to Governor Heineman, with copies to Larry Dix, Nebraska Association of County Officials (NACO) Executive Director; State Senators; and the Lincoln Journal Star and Omaha World Herald Newspapers, describing the importance of the inheritance tax revenue to Lancaster County.

Heier requested the County Clerk's Office email a copy of the letter to all County Clerks in Nebraska asking them to share it with their County Boards.

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

## **8 PENDING**

There were no pending items.

## **9 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Information Services Policy Committee (ISPC) - Schorr

Meeting was cancelled.

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

Raybould said they discussed the public art exhibition in the County-City Building.

C. Parks and Recreation Advisory Board - Raybould

Raybould said they discussed participation on a task force that will evaluate the golf courses.

D. Lancaster County Fairgrounds Joint Public Agency (JPA) - Hudkins, Smoyer

Hudkins said the JPA approved the bond payments and an audit for the coming year.

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

Smoyer said they discussed the future of the Railroad Transportation Safety District (RTSD) and city pensions.

F. Planning Meeting - Schorr, Hudkins

Schorr indicated the meeting will be held later in the day.

G. Emergency Medical System Oversight Agency (EMSOA) - Schorr

Schorr said they discussed statistics and response times for Lincoln Fire and Rescue (LFR). She said she will step down as the Chair after the November meeting but would like to continue to serve on EMSOA for one more year.

H. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins

Hudkins said the focus of discussion was on the pre-engineered steel warehouse building for the new Lancaster County Adult Detention Facility (LCADF) and why the facility will not be opened as quickly as originally anticipated. He said they also discussed the Lancaster Event Center and noted there was support for a governance board.

I. Lancaster County Correctional Facility Joint Public Agency (JPA) - Schorr, Hudkins

Schorr said the JPA approved claims totaling \$512,747.89 from Wells Fargo for bank fees, Sampson Construction Company, the Construction Manager at-Risk, and The Clark Enersen Partners, architect for the project. She said they also awarded the bid for a pre-engineered steel warehouse building for the new LCADF to Becker Construction, Inc.

J. Community Mental Health Center (CMHC) Invitation to Negotiate (ITN) Committee - Raybould, Smoyer

Smoyer said they discussed the ITN document, the timeline for the INT process and the future of the ITN Committee. He said he believes the ITN should have been a more generic document and the details worked out in negotiations. Raybould said the draft of the ITN document will come before the Board at their next Staff Meeting. It will then go to providers, consumers, stakeholders and CMHC staff for their input. She said it is anticipated that the ITN process will be completed by June, 2013, with the bid awarded in July, 2013. The transition to a new provider(s) should be completed by March, 2014. Smoyer felt the transition process could be accelerated.

K. Community Mental Health Center (CMHC) Advisory Committee - Raybould

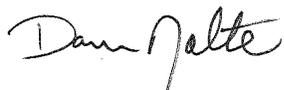
Raybould said they had a lengthy discussion regarding the importance of addressing the transportation component in the ITN document.

**10 EMERGENCY ITEMS AND OTHER BUSINESS**

There were no emergency items or other business.

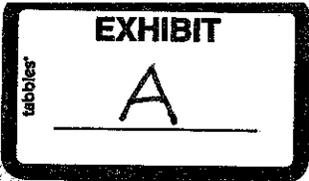
**11 ADJOURNMENT**

**MOTION:** Smoyer moved and Heier seconded to adjourn the meeting at 9:38 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk





**From:** Craig A. Gifford  
**To:** PCRequest  
**Subject:** FW: Internet Explorer 9.0  
**Date:** Wednesday, September 26, 2012 3:45:38 PM

Please create a Cost Estimate for the new Quad Core and 19 in. monitor. This be to replace Theresa's computer and add a second monitor. The County Board will have to approve this.

Please create a Purchase Request for the memory upgrades as approved in the County Micro Fund Budget ...

623 Juvenile Court \$ 150.00  
Additional gig memory for 3 computers | Attorney Works billing software

**From:** Theresa L. Emmert  
**Sent:** Wednesday, September 26, 2012 3:27 PM  
**To:** Craig A. Gifford  
**Cc:** Reggie L. Ryder  
**Subject:** FW: Internet Explorer 9.0

Craig,

I was able to talk with the judges today and we decided that the smartest option is to go with a new computer for me to avoid the upgrade compatibility issues that you and I discussed yesterday. We will keep my old computer and use it within our office to replace an even older unit. Please order a quad core unit and a 19" monitor for Juvenile Court and let me know if you need any additional information.

Also, we requested and were approved for 3 memory upgrades through the microcomputer fund and we would like to have you order those modules. I will identify those 3 computers for your IS folks when the modules arrive.

Theresa Emmert  
Court Administrator  
Lancaster County Juvenile Court  
575 S. 10th Street  
Lincoln NE 68508  
Ph: (402) 441-5646  
Fax: (402) 441-6930

**From:** Craig A. Gifford

**Sent:** Tuesday, September 25, 2012 9:59 AM  
**To:** Theresa L. Emmert  
**Subject:** IE 9.0 Browser

Hi Theresa, I have a meeting at 10, and you were not available when I just tried you, so I will visit with you today if possible, but in the mean time I wanted to share with you that a requirement for IE 9.0 (Internet Explorer 9.0) requires that you have Windows 7 for the operating system. The Work Order for your requirement for IE 9.0 states that you have a Windows XP machine with IE 8.0. The best solution would be to handle this with a new PC with Windows 7. Installing Windows 7 on an old machine is not high on my list of recommendations, but we will work with you to handle this need. I wanted to give you some food for thought. Thanks – Craig

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**From:** Theresa L. Emmert  
**Sent:** Monday, August 27, 2012 10:12 AM  
**To:** Sandy K. Ries  
**Subject:** FW: Internet Explorer 9.0

Sandy,

See the following email I received from IS folks at State of NE Probation. I use the PSCMIS system for Family Drug Court and it appears I will need to upgrade to Internet Explorer 9 in order to keep using it. I currently have IE8 and Windows XP. What problems will this cause for me?

Theresa Emmert  
Court Administrator  
Lancaster County Juvenile Court  
575 S. 10th Street  
Lincoln NE 68508  
Ph: (402) 441-5646  
Fax: (402) 441-6930

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**From:** Bunch, Kimberly [<mailto:kimberly.bunch@nebraska.gov>]  
**Sent:** Friday, August 24, 2012 3:37 PM  
**To:** Jared D. Gavin; [pyakel@dc4dc.com](mailto:pyakel@dc4dc.com); Connie Hultine ([connieh@hallcountyne.gov](mailto:connieh@hallcountyne.gov)); Theresa L. Emmert  
**Cc:** Carlson, Scott  
**Subject:** Internet Explorer 9.0

Folks:

We are going to be doing some enhancements to NPACS, PSCMIS and Service Provider System this fall. With that in mind, please have your Internet Explorer upgraded to version 9.0 if you have not already done so. If you have any questions or concerns, please let me know.

Thanks!

Kim

Kimberly J. Bunch, MS  
Nebraska Supreme Court/Probation Administration  
P.O. Box 98910  
Lincoln, NE 68509  
402.471.3155 (Direct)  
402.471.4488 (HelpDesk)  
402.471.4136 (Fax)  
402.326.4946 (Cell)  
<http://supremecourt.ne.gov/probation/>

Microcomputer Estimate

09/27/2012

Juvenile Court	
Control #	87113

Funding Source		
Acronym:	JJC	Juvenile Court
Special Funding Source:		

Hardware	PART #	Purchase Price	Qty	Disposal Fee	Total
HP 6005 Pro AMD Phenom II X4 B95 (3.0/HT3.0/2ML2/8Mtotal), 4Gb, 160Gb, DVD+/-RW LSDL, Win 7, MT	AT493AV	\$672.01	1	\$10.00	\$682.01
HP LA1951g 19" LCD Monitor	EM890AA#ABA	\$150.00	1	\$3.50	\$153.50
<b>Total Hardware Cost</b>		<b>\$822.01</b>			<b>\$835.51</b>

Software	PART #	Purchase Cost	Qty	Total
Microsoft Server 2008 Device CAL	R18-02830	\$18.97	1	\$18.97
Symantec Endpoint Protection v.12.1 license w/ 1yr Basic Maint 1 user Level A(5-249)	0E7IOZF0-BI1GA	\$34.14	1	\$34.14
<b>Total Software Cost:</b>		<b>\$53.11</b>		<b>\$53.11</b>

<b>Total Hardware/Software Cost</b>	<b>\$888.62</b>
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<b>Estimated Installation Costs:</b>	<b>\$0.00</b>
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<b>Total System Cost:</b>	<b>\$888.62</b>
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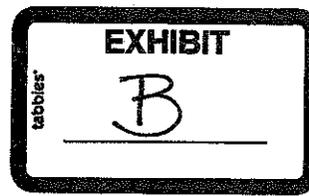
**CITY OF LINCOLN  
NEBRASKA**

**MAYOR CHRIS BEUTLER**

lincoln.ne.gov

Office of the Mayor  
555 South 10th Street  
Suite 301  
Lincoln, Nebraska 68508  
402-441-7511  
fax: 402-441-7120  
mayor@lincoln.ne.gov

September 24, 2012



**RECEIVED**

SEP 25 2012

LANCASTER COUNTY  
BOARD

Lancaster County Board of Commissioners  
555 S. 10<sup>th</sup> St., Ste. 110  
Lincoln, NE 68508

RE: Railroad Transportation Safety District Legislation

Dear County Board Members:

As I expressed during our last City-County Commons meeting, I was very disappointed with the Board's decision to shift 1.6 cents from the Railroad Transportation Safety District (RTSD) levy to the county levy.

For more than forty years, the RTSD has proven to be a productive partnership. Together, we have completed a number of safety-related projects both within and outside Lincoln's city limits. This partnership has also allowed us to take advantage of other funding streams, including the Train Mile Tax and Federal Railroad Safety Hazard Elimination dollars.

I certainly understand the pressure the Board faced in balancing their 2012-13 budget. We at the City have faced similar challenges in preparing each and every one of my budgets as Mayor. It is not easy to find more cuts after years of "belt-tightening."

I do hope that what several of you mentioned at the meeting remains true: that this was a one-time shift of resources away from the RTSD. If that is indeed your intent as a Board, I ask that you join me in exploring options that would restore this partnership to its original form, when neither party enjoyed the unilateral authority to control the RTSD's levy.

My monthly meeting with your Chair and Vice Chair is scheduled for October 9<sup>th</sup>. At that time, I plan to discuss a couple of legislative options relating to the RTSD. I hope that together, we can find a solution that meets both the City's and the County's needs.

I look forward to further conversation on this issue and welcome your suggestions as well.

Sincerely,

Chris Beutler  
Mayor of Lincoln

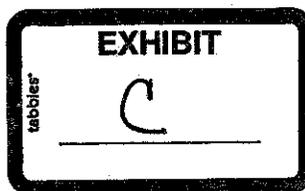
Cc: Councilwoman DiAnna Schimek  
Councilman Doug Emery  
Councilman Adam Hornung  
Roger Figard  
Rod Confer  
Rick Hoppe  
Denise Pearce



**CITY OF LINCOLN**  
**NEBRASKA**

**MAYOR CHRIS BEUTLER**  
lincoln.ne.gov

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September 24, 2012

**RECEIVED**

SEP 25 2012

**LANCASTER COUNTY BOARD**

Lancaster County Board of Commissioners  
555 S. 10<sup>th</sup> St., Ste. 110  
Lincoln, NE 68508

RE: Booking Fee Legislation

Dear County Board Members:

During a prior meeting with your Chair and Vice Chair, I was advised that the County may be pursuing statutory authority to charge booking fees at the county jail. I strongly urge you to reconsider. Any attempt to charge a booking fee would violate the agreements between the City and the County concerning the City's responsibility for jail operations expense while the City is assisting the County to finance the new jail construction.

After voters rejected a jail bond in May of 2008, then-City Councilman Dan Marvin offered the County a new funding strategy: the County and City would form a Joint Public Agency that would borrow the money/issue the bonds needed to build the new jail. Although the responsibility for providing jail facilities is solely a county responsibility, the terms of this agreement provided that the City would lend its levy authority to pay off a portion of the JPA's debt service for constructing and equipping the correctional facility (in an amount not to exceed \$3.5 million), and the County would do the same (in an amount equal to \$2 million). Both the City and County ultimately agreed to the creation of this JPA, and I have served on the JPA Board for the past four years. This arrangement has obviously been of mutual benefit to the City, the County, and local taxpayers. I understand that because of this partnership, the jail bonds had the best possible credit rating (a AAA rating), resulting in the lowest possible interest rate.

Before the JPA was formed, the City had been paying the County approximately \$1.4 million per year for its share of jail operational costs. That amount was calculated based on a formula set forth in an interlocal agreement between the City and County. This formula was based primarily on the number of City offenders housed at the facility. After the jail bond was rejected by the voters, the County agreed that if the JPA could use the City's levy authority in accordance with the terms outlined above, the City would no longer pay these annual jail operational costs. Instead, City taxpayers would be funding their "share" of the operations expenses by helping to fund the construction of the new jail via the JPA levy. After the bonds for

construction of the jail are paid off, that facility becomes the sole property of Lancaster County.

The agreement between the City and the County is that the City of Lincoln will not be charged for any additional jail operational expenses over the course of the JPA's existence, and will not be charged on the basis of the number of City prisoners incarcerated in the jail while it is repaying its share of financing the County's new jail construction. Thus, we were certainly surprised and disappointed to learn about this proposed "booking fee" you are now considering.

The current interlocal agreement among the City, County and JPA addresses operations of the correctional facility and implements the agreement that the City and County adopted to finance the County's new facility. Point 5 of that agreement, which was executed in late 2008, sets forth the City's financial responsibility. That provision limits the City's financial obligation to the levy authority "not to exceed \$3,500,000." There is no mention of any other fees or operational expenses that the City agrees to pay. Point 13 of the agreement notes that the document "contains all the terms between the parties and may be amended only in writing signed by both parties."

The County Board's public discussion before adopting the interlocal agreement also supports our position. Minutes from the Board's October 28, 2008, meeting indicate that the following exchange took place:

Stevens commented that the agreement is a joint agreement between the County and City for the financing of the new correctional facility. He stated bonds will be issued and the County and the City will be paying for the bonds over a 20-year period. **During that time, he said, the City will not reimburse the County for any charges for incarceration of City prisoners.**

Heier commented that prior to the current status of the economy, it was estimated that approximately \$65,000 per year could be saved through the use of the joint public agency.

In response to a question asked by Hudkins, Stevens stated it is his understanding that at the end of the 20-year period the agreement would be renegotiated between the City Council and the County Board.

Hudkins stated that was his understanding as well.

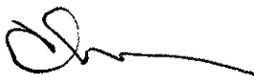
Minutes of County Board, 10.28.08 (emphasis added).

Finally, I note that the terms of the interlocal agreement that preceded the JPA also support our position. Under this agreement, approved in the spring of 2005, the formula for calculating the City's annual payment referred to "time in custody." According to the agreement "time in custody" meant "**the time in which the book-in process begins until** the time in which the offender is released or their status as a City offender ends." (Emphasis added.) This language makes it clear that the City was paying for costs associated with the booking process before the JPA was formed, and that such costs were part of the operational costs that the City is no longer obligated to pay pursuant to the new partnership.

For these reasons, I respectfully submit that the proposed booking fee would violate the jail funding agreement we reached four years ago. I therefore ask that you not pursue legislation on this issue.

I look forward to discussing this agreement further during the next scheduled meeting with the Board's Chair and Vice Chair.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Beutler', with a long horizontal flourish extending to the right.

Chris Beutler  
Mayor of Lincoln

Cc: Rod Confer  
Steve Hubka  
Rick Hoppe  
Trish Owen  
Denise Pearce