

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 26, 2013
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
10:30 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on February 22, 2013.

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould

Commissioners absent: Deb Schorr

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 10:32 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 19, 2013.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, February 26, 2013.**

MOTION: Raybould moved and Smoyer seconded approval of the claims. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

3) **SPECIAL PRESENTATIONS:**

- A. **Grant from the Lancaster County Visitors Improvement Fund to the Lancaster County Agricultural Society totaling \$2,124,790 covering five phases through 2016 for improvements to the Lancaster Event Center – Ron Snover, Lancaster Event Center Managing Director; Julie Burton, Lancaster Event Center Assistant Managing Director; Alan Wood, Attorney for the Lancaster County Agricultural Society; and Jeff Maul, Convention & Visitors Bureau Executive Director. (See 5A for correlating item.)**

Alan Wood thanked the Board and asked for their approval of the grant contract.

SPECIAL PRESENTATIONS CONTINUED:

Julie Burton gave an overview of the five phases.

- In 2012, fencing and paving will be added in the Muhlbach Motorsports area, wireless communication will be setup in Pavilion 3, a permanent concession stand will be added to the Exhibit Hall and parking lot resurfacing will be done in the main lot.
- In 2013, additional parking will be added in the Muhlbach Motorsports Complex.
- In 2014, aisles will be concreted in Pavilion 2, fencing will be added to the grounds and more parking lot paving will be done.
- In 2015, more parking lot work will be done.
- In 2016, parking lot lighting will be added, some resurfacing will be done on the parking lot and landscaping will be added.

Hudkins asked if the camping grounds were being expanded at the Lancaster Event Center. Burton said additional stalls would be added in Phase 3.

Ron Snover discussed the current events at the Lancaster Event Center and the progress made with the upgrades.

4) OLD BUSINESS:

- A. **Resolution in the matter of adopting federal aid funding requirements, adopting the Lancaster County Title VI plan, agreeing to the assurances contained in the Lancaster County Title VI plan and designating a Title VI coordinator and Title VI specialist. (R-13-0010)**

Brittany Behrens, Deputy County Attorney, explained that the resolution was held last week so some typographical errors could be corrected.

MOTION: Raybould moved and Amundson seconded approval of the resolution. Smoyer, Raybould, Amundson and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

- B. **Agreement between TR Hepburn, Inc., d/b/a O.U.R. Homes, and Lancaster County, on behalf of the Community Mental Health Center, to transition individuals with severe mental illness from inpatient hospitalization to community living. The County will provide direct and indirect staff. O.U.R. Homes will provide 15 bedroom units and night staff. The County will pay reimbursement at a rate of \$15 per hour, up to 65 hours per week for night staff. Term of the agreement is July 1, 2012, to June 30, 2013. (C-13-0081)**

Brittany Behrens said the original agreement has always stated "up to 65 hours per week" for night staff. The agreement was amended by the contractor to read "up to 56 hours per week" since 56 hours has never been exceeded.

MOTION: Amundson moved and Smoyer seconded approval of the agreement with the amendment of "56 hours per week". Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

5) **NEW BUSINESS:**

- A. **Lancaster County Visitors Improvement Fund grant contract with Lancaster County (sponsor) and the Lancaster County Agricultural Society (grantee) for improvements to the Lancaster Event Center. Total amount of the grant is \$2,124,790 and shall be completed in five phases with the last phase completed December 31, 2016. (C-13-0084)**

MOTION: Raybould moved and Amundson seconded approval of the contract. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

Kerry Eagan, Chief Administrative Officer, said a provision was included to allow the Board to pay for portions of projects as costs are incurred. He recommended the Board approve payment of costs already submitted for the wireless and lighting projects.

MOTION: Amundson moved and Raybould seconded approval of the wireless and lighting payments. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

- B. **Amendment to County Contract C-09-0160 with Whitehead Oil Company for the annual requirements of fuel (point of sale). The amendment renews the agreement for an additional one-year term from April 1, 2013, to March 31, 2014. (C-13-0085)**

Item was held per the request of Purchasing.

- C. **Request for a refund of 2010-2011 personal property tax from Lutz & Company for KC Concrete Placement, Inc.**

Scott Gaines, Deputy County Assessor/Register of Deeds, said some errors were corrected on the cost basis and recovery periods. He recommended approval of the refund request of 2010 and 2011 personal property tax. The original letter requested 2009 and 2012; however, 2009 is past the time limit and 2012 has been corrected prior to payment.

MOTION: Smoyer moved and Raybould seconded approval of the refund request for 2010 and 2011. Smoyer, Raybould, Amundson and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

- D. **Legislative discussion on LB 246 (inmate insurance copayment), LB 577 (expanded Medicaid) and LB 600 (inheritance tax rates).**

Kerry Eagan said LB 246 was introduced by Senator Larson regarding a copayment for medical services requested by inmates. Eagan addressed concerns raised by Mike Thurber, Corrections Director, in that constitutional issues could arise regarding the required care of inmates. Currently in Lancaster County, an inmate must cover 100% of the cost if seeking outside treatment that could be provided at the jail. If a copayment is introduced, it could interfere with that existing policy. Raybould questioned the intent of LB 246. Smoyer said Senator Larson's intention was to receive some type of reimbursement for expenses incurred since not all counties follow the same outside treatment policy as Lancaster County. Eagan felt it would not be to the County's advantage to become involved at this point.

NEW BUSINESS CONTINUED:

Eagan said LB 577, which was introduced by Senator Campbell, would be heard on Thursday. He thought a letter should be written in support of the bill and given to Larry Dix, Nebraska Association of County Officials Executive Director, or Mary Ann Borgeson, Douglas County Commissioner, to introduce. He explained that General Assistance currently covers childless adults that are 100% above of the poverty level but below 150%. As the bill is written, most all of those people would be covered under Medicaid. This would save around \$2,100,000, in addition to around \$600,000 to \$700,000 absorbed by the Community Mental Health Center. Thus, expanding Medicaid results in a budget impact of around \$2,800,000.

MOTION: Raybould moved and Amundson seconded to submit a letter of support for presentation at Thursday's legislative hearing by Larry Dix or Mary Ann Borgeson.

Smoyer questioned the future impact of the extra costs absorbed by the State. Eagan said the first year would be covered 100% by the Federal government and then reduced to 90%. (Raybould clarified that 100% is reimbursed by the Federal Government for the first three years and reduced to 90% after that time.) Eagan thought Senator Campbell was seeing the long-term savings to the State. He felt the bill was in the County's best interest at this time.

ROLL CALL: Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

Eagan distributed a draft for testimony on LB 600 (Exhibit A). He updated the numbers listed for probate actions from 761 to 714 and for inheritance tax returns from 563 to 518. He read a rewrite of the final paragraph, "Finally, a major criticism of the inheritance tax is that it creates a financial barrier to parents who wish to pass along the family farm, ranch or business to their children. This problem is simply not involved with inheritance tax paid by distant relatives or nonrelatives". Eagan said Commissioner Hudkins has been asked to testify on behalf of the County in support of LB 600.

MOTION: Amundson moved and Raybould seconded to deliver the letter with the modifications noted. Amundson, Smoyer, Raybould and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

E. Pending litigation (executive session).

The Chair announced the item would be held until the end of the meeting.

6) **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. Right-of-way contracts between the County Engineer and the following:

1. **Larry and Lesa Lucke, 13101 Ashland Road, in the amount of \$919. (C-13-0086)**
2. **Todd and Linda Papke, Firth Road and S. 54th Street, in the amount of \$1,567. (C-13-0087)**

MOTION: Amundson moved and Smoyer seconded approval of the consent items. Smoyer, Raybould, Amundson and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

- 7) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, February 28, 2013, 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, March 5, 2013, at 10:30 a.m., in Room 112 on the first floor of the County-City Building with the Board of Equalization immediately following.
- C. Public hearings will be held on Tuesday, March 5, at 10:30 a.m., in Room 112 on the first floor of the County-City Building, regarding the following:
 - 1. Amendment of the Lancaster County General Assistance Guidelines.
 - 2. Amusement license application from Dan Warren to hold an event on April 5 and April 6, 2013, at 2601 Saltillo Road.
- D. The Mid-Year Budget Retreat originally scheduled for Thursday, February 21, 2013, has been rescheduled for Thursday, March 7, 2013, at 8:30 a.m., at a location to be determined.
- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- F. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov. Click on 5 City-TV Video on Demand.

The Chair recessed the meeting at 11:13 a.m.

The Chair reconvened the meeting at 11:15 a.m.

RETURNING TO ITEM 5E:

MOTION: Smoyer moved and Raybould seconded to enter executive session for the purpose of pending litigation and to protect the public interest at 11:15 a.m.

The Chair restated the motion for the record.

ROLL CALL: Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

Smoyer exited the meeting.

ITEM 5E CONTINUED:

MOTION: Raybould moved and Amundson seconded to exit executive session at 11:32 a.m. Amundson, Raybould and Hudkins voted aye. Schorr and Smoyer were absent. Motion carried 3-0.

9) **ADJOURNMENT**

MOTION: Amundson moved and Raybould seconded to adjourn the Board of Commissioners meeting at 11:32 a.m. Raybould, Amundson and Hudkins voted aye. Schorr and Smoyer were absent. Motion carried 3-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 26, 2013
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould

Commissioners absent: Deb Schorr

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 11:13 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 19, 2013.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS (See attached additions and deductions)**

MOTION: Smoyer moved and Raybould seconded approval of the additions and deductions. Raybould, Amundson, Smoyer and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

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

Cornhusker Place of Lincoln-Lancaster County
First Lutheran Church
LUX Center for the Arts
NET Foundation for Television
Sacred Heart Church

MOTION: Raybould moved and Smoyer seconded approval of the motor vehicle tax exemption applications. Amundson, Smoyer, Raybould and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

4) **ADJOURNMENT**

MOTION: Raybould moved and Smoyer seconded to adjourn the Board of Equalization meeting at 11:15 a.m. Smoyer, Raybould, Amundson and Hudkins voted aye. Schorr was absent. Motion carried 4-0.

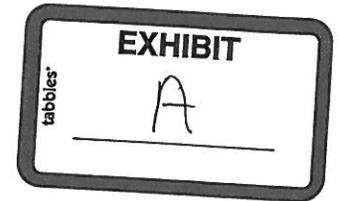
Dan Nolte

Dan Nolte
Lancaster County Clerk



DRAFT

**LB 600
REVENUE COMMITTEE
TESTIMONY OF LARRY HUDKINS, CHAIR
LANCASTER COUNTY BOARD OF COMMISSIONERS
February 27, 2013**



Good afternoon Senator Hadley and members of the Revenue Committee. My name is Larry Hudkins, spelled L-A-R-R-Y H-U-D-K-I-N-S. I am appearing before the Committee in my capacity as Chair of the Lancaster County Board of Commissioners. I am here to express the County's strong opposition to LB 600.

Please consider the following important points:

- In Lancaster County the inheritance tax plays a key role in balancing our budget and keeping property taxes as low as possible. All inheritance tax revenue is deposited into the County's general fund to help cover operating expenses, thereby providing direct property tax relief.
- While the Legislature has created numerous mandated responsibilities for counties, our revenue tools are very limited. It makes no sense to reduce one of the few revenue sources available to counties.
- If the inheritance tax is decreased, there is no guarantee the additional money received by the beneficiaries will stay in our community, or for that matter, in the State of Nebraska. On the other hand, every cent of inheritance tax collected will be invested in our community.

- Reducing the inheritance tax paid by distant relatives and non relatives will result in a tax shift to the average property tax payer. Of the 761 probate actions processed by the Lancaster County Court in 2011, only 563 cases resulted in an inheritance transaction with the County; and since most transfers are made to close relatives, even fewer transactions affected distant relatives and non relatives. However, the revenue from even a few of these inheritance tax returns can be substantial; and replacing these funds with a property tax increase will come right out of the pocket of every hard working real property owner in the County.
- Finally, inheritance tax paid by distant relatives and non relatives has no effect on whether the next generation will be able to keep the family farm, ranch, or business.

Thank you for the opportunity to testify. I would be happy to answer any questions about my testimony.