

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
NEW LANCASTER COUNTY ADULT DETENTION FACILITY (LCADF)
3801 WEST "O" STREET
THURSDAY, MAY 2, 2013
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Deb Schorr
Jane Raybould
Roma Amundson

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

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 May 1, 2013

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, APRIL 25, 2013

MOTION: Smoyer moved and Raybould seconded approval of the minutes of the April 25, 2013 Staff Meeting. Smoyer, Raybould, Amundson and Hudkins voted aye. Schorr abstained from voting. Motion carried 4-0, with one abstention.

2 ADDITIONS TO THE AGENDA

- A. Legislative Update
- B. Extra Territorial Jurisdiction Issue (See Item 5)

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

3 BOARD OF EQUALIZATION (BOE) PROCEDURES AND SCHEDULE

- Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Melissa Virgil, BOE Specialist; Tom Kubert, Tom Kubert, Great Plains Appraisal Company (Referee Coordinator)

Tom Kubert, Great Plains Appraisal Company (Referee Coordinator), noted there were 6,281 referee hearings on property valuation protests last year, which was a re-evaluation year. He said there are typically 1,000 to 1,500 referee hearings the year following a re-evaluation year, but the County Assessor made some changes that will likely increase the number of filings, i.e. adjustments to agricultural land values and elimination of discounts on all vacant land parcels. Kubert projected there will be 2,000 to 2,500 referee hearings this year.

Kubert discussed options for the Board of Equalization (BOE), noting last year the Board decided to limit the number of referee hearings and to have no testimony before the BOE. Commercial and Multi-family (larger than four units) property classes were limited to written testimony. He said, everyone will be entitled to a "face to face" hearing next year, due to a change in law. Larger counties are allowed to use the referee process to meet that requirement. County Assessors will be required to publish values earlier in the year and give property owners a chance to meet with them informally to discuss their value. Kubert recommended that all property owners be given the opportunity to meet with a referee this year, based on the anticipated volume of protests. He said it will be up to the Board whether to allow testimony before the BOE, noting it is not a statutory requirement. Kubert pointed out that approximately 10% of property owners will want to go before the BOE, if given that opportunity.

Kubert reminded the Board there are approximately 400 cases from last year that are still before the Tax Equalization and Review Commission (TERC) (property owners who appealed the BOE's final decision). Hudkins asked what percentage of cases before TERC are decided in favor of the taxpayer. Cori Beattie, Deputy County Clerk, said the County Clerk's Office tracks that data and can prepare a report showing any adjustments. Melissa Virgil, BOE Specialist, added their records indicate there are 740 cases from last year remaining. Kubert said the County Assessor's is still holding onto a number of them and that accounts for the difference. Beattie noted letters will be sent to property owners that have undecided cases reminding them that they will need to file another protest this year.

Hudkins said he has had constituents complain that they had TERC find in their favor and the County Assessor placed the old value back on the property for the following year. Kubert said that has occurred and said part of the problem is that some properties don't fit their system and revert to the old value if an override is not in place.

Amundson asked whether elimination of discounts on all vacant land parcels will slow down development. Kubert said it shouldn't adversely affect overall development but said developers will likely adjust their business models and plat less lots. That will hold raw land values down. Schorr suggested informational meetings with homebuilders and realtors to apprise them of the change.

There was consensus to only make one copy of the written appeals to the BOE for the Commissioners' office. Board members will notify Kubert if they have specific questions. Kubert will review each one and provide a synopsis to the BOE at the time of final action. The Board decided to schedule final action on July 25th. The final day for referee hearings will tentatively be July 15th. **NOTE:** The Board passed a resolution that provides the ability to move the final action date to August 10th, if necessary.

MOTION: Schorr moved and Amundson seconded to allow referee hearings for all property classes and to limit appeals to the Board of Equalization (BOE) to written form. Schorr, Smoyer, Amundson, Raybould and Hudkins voted aye. Motion carried 5-0.

4 POTENTIAL LITIGATION - Brittany Behrens, Deputy County Attorney

MOTION: Smoyer moved and Raybould seconded to enter Executive Session at 9:03 a.m. for the purpose of protecting the public interest with regards to potential litigation.

The Chair restated the motion for the record.

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

MOTION: Smoyer moved and Amundson seconded to exit Executive Session at 9:29 a.m. Amundson, Raybould, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

ADMINISTRATIVE OFFICER REPORT

A. Lincoln-Lancaster County Consolidation Task Force Facilitator

Kerry Eagan, Chief Administrative Officer, said the Lincoln-Lancaster County Consolidation Task Force has requested the services of a professional facilitator and has asked that a member of the County Board and City Council come to the next meeting to discuss the expectations of the respective bodies. He said he interviewed two facilitators and said he was impressed with both. The first, Suzanne Tyrrell, has done a lot of consolidations, mostly in the human services area. Her fee is \$100 per

hour. The second, Karen Amen, who facilitated the design of the new World Trade Center and the committee that studied a possible merger of the City of Omaha and Douglas County in 2003. Her fee is \$50 per hour. Eagan said Amen suggested her first meeting with the group be a "meet and greet" session and to set the ground rules. The next meeting would be a facilitation session.

Hudkins indicated he is willing to represent the Board if the Task Force wants to hear from a County Board member.

Eagan noted the Task Force was asked to explore and make recommendations on possible merger or additional cooperative efforts between the following departments:

- City Public Works & Utilities and the Lancaster County Engineer's Office
- Lincoln Police Department (LPD) and the Lancaster County Sheriff's Office
- City Clerk's Office and County Clerk's Office
- City Attorney's Misdemeanor Prosecution Division and the Lancaster County Attorney's Office

Eagan said they also received information on what tools currently exist for consolidation and cooperation, i.e., Interlocal Cooperation Act, Joint Public Agency Act, Municipal County Act.

Ann Post, Lincoln-Lancaster County Consolidation Task Force Chair, appeared and said the Task Force has received information from those departments and has a greater understanding of their functions and is looking to focus in on areas that would be supported should they recommend consolidation.

MOTION: Schorr moved and Raybould seconded to direct staff to develop a contract with Karen Amen to facilitate a portion of the Lincoln-Lancaster County Consolidation Task Force's process and ask the City to share equally in the cost of her services. Raybould, Amundson, Schorr, Smoyer and Hudkins voted aye. Motion carried 5-0.

B. Pension Education Presentations

Eagan said Mike Misegadis, Retirement Counselor, Prudential Retirement, will provide the first of a series of pension education seminars in early June.

C. Management Team Agenda Items (May 9, 2013)

Active shooter training and a roundtable discussion were suggested as agenda items.

D. Clerk of the District Court Applications

It was noted the Board has received applications from Julie Agena, Becky Bruckner, Troy Hawk, John Voyle Hodge, Chuck Salem, Robert Van Valkenburg and Darik Von Loh for the Clerk of the District Court position (Exhibit A). Consensus was to schedule interviews with the applicants on Tuesday, May 7th.

ADDITIONS TO THE AGENDA

A. Legislative Update

Copies of the legislative update were disseminated (Exhibit B).

ACTION ITEMS

- A. Submit Juvenile Diversion Grant Application to United States Department of Labor (\$1,000,000)

MOTION: Schorr moved and Raybould seconded to approve submittal of the grant application, with signature by the Chair. Smoyer, Schorr, Amundson, Raybould and Hudkins voted aye. Motion carried 5-0..

- 5 MEETING WITH LANCASTER COUNTY VILLAGES**
 - A. RURAL BUSINESS ADDRESSES; MULTI-OCCUPANT PRIVATE DRIVES**
 - B. BURN PERMITS**

Separate minutes.

6 ACTION ITEMS

- A. Submit Juvenile Diversion Grant Application to United States Department of Labor (\$1,000,000)

Item was moved forward on the agenda.

7 CONSENT ITEMS

There were no consent items.

8 ADMINISTRATIVE OFFICER REPORT

- A. Lincoln-Lancaster County Consolidation Task Force Facilitator
- B. Pension Education Presentations
- C. Management Team Agenda Items (May 9, 2013)
- D. Clerk of the District Court Applications

Items A-D were moved forward on the agenda.

9 PENDING

There were no pending items.

10 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Smoyer
- B. Lancaster County Correctional Facility Joint Public Agency (JPA) - Hudkins, Smoyer
- C. Meeting with Marvin Krout, Planning Director, and Sara Hartzell, Planner
- D. Chamber Coffee - Smoyer, Amundson

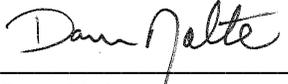
Items A-D were held.

11 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

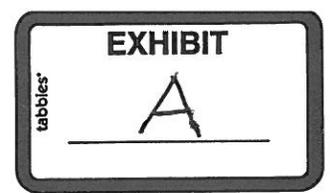
12 ADJOURNMENT

MOTION: Raybould moved and Amundson seconded to adjourn the meeting at 10:47 a.m. Amundson, Raybould, Schorr, Smoyer and Hudkins voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





April 23, 2013

Lancaster County Board of Commissioners
c/o Kerry Eagen
555 South 10th Street
Lincoln NE 68508

Dear Mr. Eagen and Commissioners:

I am sending you this letter and my resume to be considered for appointment to the position of Clerk of the Lancaster County District Court.

As you can see from my resume, I bring a variety of experience, both as an attorney and social worker, serving primarily for either government or non-profit employers. With my background in child welfare and my legal experience, I am uniquely qualified to be a valuable asset in the position as the Clerk of the Lancaster County District Court. My child welfare experience, as well as my legal career at both the county and state levels, has prepared me to meet the needs of the Lancaster County District Court.

After a rewarding career in the Iowa Child Welfare System, I returned to Nebraska, where I was born and raised, to attend law school at the University of Nebraska. Since graduation, I have worked in the Lancaster County Attorney's Office and the Lancaster County Juvenile Court as a Guardian Ad Litem. Currently, I work for the Nebraska Attorney General's Office in the Public Protection Bureau. My position allows me to work with up to 17 different health licensing boards, as well as licensees, in such fields as Medicine and Surgery, Mental Health, Alcohol and Drug Counseling, and Psychology. I prosecute disciplinary matters on behalf of the State of Nebraska, as well as defend licensing decisions on behalf of the Department of Health and Human Services.

I have provided a list of references who can address my specific abilities which make me uniquely qualified for this position. Please feel free to contact any of the individuals listed.

Thank you for your time and consideration. I look forward to speaking with the Board of Commissioners in greater detail regarding this position.

Sincerely,

Julie L. Agena

Julie L. Agena
1673 Cheyenne Street Lincoln, NE 68502
402.304.2655 jagena@mac.com

REFERENCES

Lynne Fritz
Bureau Chief, Public Protection Bureau
Office of the Nebraska Attorney General
2115 State Capitol
Lincoln NE 68509
402.471.1804

Lory Pasold
Deputy County Attorney
Lancaster County Attorney
575 South 10th Street
Lincoln, NE 68508
402.441.7321

Jay Conrad
Executive Director
Houses of Hope
1124 North Cotner Blvd
Lincoln NE 68505-1834
402.435.3165 X110

Lynhon Stout
Executive Director
Iowa Foster and Adoptive Parents Association
6864 NE 14th Street, Suite 5
Ankeny, IA 50023
800.277.8145
515.289.4567

Julie L. Agena

1673 Cheyenne Street Lincoln, NE 68502

402.304.2655

jagenam@mac.com

- Education:** University of Nebraska College of Law - Juris Doctor in May 2005
- Admitted to the Nebraska Bar in September 2005
 - Completed Mediation and Conflict Resolution Training through the Nebraska Office of Dispute Resolution, Administrative Office of the Nebraska Supreme Court and the University of Nebraska College of Law
 - Women's Law Caucus - President, Vice President, First Year Representative

University of Kansas - Bachelor of Arts, Psychology in May 1991

Experience: Nebraska Attorney General's Office

Attorney – Public Protection – July 2006 to Present

- Prosecute disciplinary actions against licensed health professionals
- Advise and collaborate with professional licensing boards appointed by the Board of Public Health
- Administrative hearings

Attorney – Criminal – March 2006 to July 2006

- Wrote appellate briefs for the Nebraska Court of Appeals and the Nebraska Supreme Court

Lancaster County Juvenile Court

Attorney – November 2005 to March 2006

- Court appointed Guardian Ad Litem

Lancaster County Attorney's Office

Law Clerk - June 2003 to June 2005

- Drafted legal memoranda on civil and criminal litigation issues
- Wrote legal briefs on civil, criminal and mental health law
- Researched legal issues related to civil and criminal law

Senior Certified Law Clerk - June 2004 to June 2005

- Orally argued before the Nebraska Supreme Court and the Nebraska Court of Appeals
- First Chair for criminal prosecution trial in Lancaster District Court
- Second Chair for criminal prosecution trial in Lancaster District Court
- Orally argued civil matters in Probate Court and the Lancaster District Court

Iowa Foster and Adoptive Parents Association

Training Coordinator - September 1999 to August 2002

- Supervised statewide trainers and arranged training for foster and adoptive parents in Iowa
- Provided adoption subsidy information and resources to parents in Iowa
- Developed new training curricula

Principal Financial Group

Pension Service Administrator - September 1998 to September 1999

- Managed pension accounts for small to medium sized corporations

Children and Families of Iowa

Child and Family Resource Specialist - March 1995 to September 1998

- Provided foster care and adoption casework for foster, adoptive and birth families
- Interviewed and assessed prospective families for foster and adoptive homestudies
- Advocacy for children and families

Iowa State University Extension Services

Trainer - October 1995 to September 1998

- Provided Preservice and Adoption Training to prospective foster and adoptive parents
- Provided Treatment Level Training for foster parents of special needs children

Iowa Foster and Adoptive Parents Association

Trainer - October 1996 to September 1998

- Provided *Preventative Practices: Strategies for Minimizing Risks of Child Abuse Allegations in Foster Homes* training

Lincoln General Hospital-Child and Adolescent Psychiatric Services

Psychiatric Technician - August 1991 to January 1995

- Provided therapeutic group leadership and group development
- Assisted with behavioral interventions
- Developed therapeutic activities for severe emotionally disturbed teenagers

April 22, 2013

Kerry Eagan
Chief Administrative Officer
Lancaster County Board
555 South 10th Street
Lincoln, NE 68508

Dear Kerry:

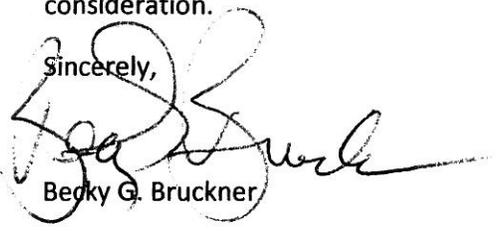
I am interested in the Clerk of District Court position. My resume is enclosed for your review. Given my related experience and excellent capabilities, I would appreciate your consideration for this position. My skills are an ideal match for this job opening.

I have demonstrated ability to successfully manage a caseload ranging from 56,000 to 70,000 new case filings per year, plus monitoring progression of pending cases. My work at Lancaster County Court has provided me the opportunity to establish positive working relationships with other agencies such as the county attorney, public defender, Administrative Office of the Courts, as well as the JUSTICE team.

Many of the positive changes at Lancaster County Court have been due to automation, but some of the changes can be directly contributed to hard work on my part and sheer determination to move the court forward to becoming more efficient.

I appreciate your taking time to review my qualifications and experience. Again, thank you for your consideration.

Sincerely,



Becky G. Bruckner

Becky G. Bruckner
632 W. Jennifer Drive
Lincoln, NE 68521
402/476-7295

OBJECTIVE

Secure employment that builds on past experience and knowledge while providing opportunity for continued growth and challenges.

CURRENT EMPLOYMENT

Lancaster County Court, Lincoln, NE (November 2003-present)

Judicial Administrator – Direct all non-judicial activities of the court. Plan, organize, staff and direct administrative activities of the court to include preparation and administration of the court's budget, coordination of the maintenance and improvement of record keeping systems. Monitor calendaring and management of cases and case flow to ensure the court's total caseload is expeditiously and efficiently processed to disposition. Supervise financial aspects of the court operations. Serve as liaison to other courts, government agencies, bar association, community groups and news media.

EDUCATION

B.S., Business Administration, Eastern Montana College, June 1981

MBA, East Texas State University, May 1990

Professional in Human Resources, December 1993

Leadership Lincoln XVI

BACKGROUND EXPERIENCE

Goodwill Industries Serving Southeast Nebraska, Inc., Lincoln, NE (1994-2003) Administrative Director - overall responsibility for directing all of the administrative functions of the Agency in accordance with industry standards, and where applicable, regulatory agencies, as appropriate for agency objectives and policies. Act in absence of CEO.

Technical Management, Inc., Lincoln, NE (1991-1994) Administrative Manager: manage day-to-day functions related to personnel maintenance, including hiring, records, benefits, and payroll administration.

Kelly Assisted Living, Lincoln, NE (1990-1991) Office Supervisor: recruit, evaluate, and verify certification of home health aides. Meet with clients desiring home health care service and assign employees to meet clients' needs.

Pinewood Hospital, Texarkana, Arkansas (1989-1990) Director of Employee Relations: coordinate and direct all personnel functions of the hospital.

Medical Arts Hospital, Texarkana, Texas (1987-1989) Administrative Secretary: provide secretarial support for Chief Operating Officer, Marketing Director, Personnel Director and Financial Analyst.

REFERENCES

Available upon request.

April 10, 2013

Mr. Troy L. Hawk
1821 St. Michaels Rd
Lincoln, Nebraska 68512

Mr. Kerry Eagan
Chief Administration Officer
Lancaster County Board
555 South 10th Street
Lincoln, Nebraska 68508

RECEIVED

APR 10 2013

LANCASTER COUNTY
BOARD

RE: Clerk of the District Court

Dear Mr. Eagan,

I am writing to inform you of my interest in the position of Clerk of the District Court for Lancaster County.

As you can see from my resume, I am uniquely suited to be Clerk of the District Court. I have a background that will enable me to step into this Office and be immediately effective. As you know, I have been on the District Court Judges' staff for over three years, and have an established relationship with them. I am an attorney and member of the Bar. As such, I understand the not only the Clerk's role within the Court, but also have an in-depth understanding of the judiciary system, legal processes, and statutory responsibilities of the Clerk. I also have an established relationship with many of the other Lancaster County elected officials as well as other members of the Lancaster County Government.

In addition to the work I currently do as Administrator of the District Court, I spent nearly thirteen years in the United States Air Force, primarily as a staff officer planning complex organizational issues, working with senior staff officers and civilian leadership, and preparing multi-year planning and programming plans. I have repeatedly proven my ability to lead people and manage complex issues; in my last posting in the Air Force, I led the largest office of its type in Pacific Air Forces, which was named the best in Pacific Air Forces twice in the three years I led it.

I believe my experiences and background make me ideal to serve as Clerk of the District Court.

I look forward to discussing this further with the County Board. In the meantime, if you would like any further information please contact me at either (402) 416-7796, or tlhawk@neb.rr.com. Thank you for your consideration.

Sincerely,



Troy L. Hawk, JD

Enc

TROY L. HAWK

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MILITARY EXPERIENCE, CONT.

Director, Competitive Sourcing Plans (Oct 98 - Aug 01)

Headquarters, Air Education and Training Command, Randolph AFB, TX

- Directed all planning for Office of Management and Budget Circular A-76 outsourcing studies in Air Education and Training Command, driving \$965 million of savings on \$2.4 billion of workload
- Of 175+ candidates worldwide, named 2000 Air Force Manpower Company Grade Officer of the Year

Manpower and Quality Management Officer (Jul 96 - Oct 98)

Air Force Center for Quality and Management Innovation, Randolph AFB, TX

- Designed Secretary of the Air Force's Unit Excellence Award process; implemented Air Force-wide
- Developed framework for Air Force's Performance Management program, wrote Air Force Instruction 90-1102, *Performance Management*

Intercontinental Ballistic Missile (ICBM) Combat Crew Commander/Instructor (Aug 92 - Jul 96)

447th Missile Squadron and 321st Operations Support Squadron, Grand Forks AFB, ND

- Held direct command and control of up to 150 ICBMs, directly responsible to Strategic Command and the National Command Authority for day-to-day launch readiness and nuclear weapons release
- Ranked #1 Missile Combat Crew Commander for Emergency War Order, codes, weapons system, and alert performance
- Developed instructional curriculum and coursework resulting in over 100 classroom hours to certify in-place senior leaders on nuclear weapon system. Recognized by senior staff as best-in-class

HONORS AND RECOGNITIONS

- *Juris Doctor* with Distinction, May 2009
- CALI Award in Construction Law, Fall Semester 2008
- United States Air Force 2002 Manpower Field Grade Officer of the Year
- United States Air Force 2000 Manpower Company Grade Officer of the Year
- Military Decorations: Meritorious Service Medal with Oak Leaf Cluster, Air Force Commendation Medal with Oak Leaf Cluster, Air Force Achievement Medal, Combat Readiness Medal, National Defense Service Medal with Bronze Star

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- Nebraska Bar Association
- Lincoln Bar Association
- National Association for Court Management

COMMUNITY INVOLVEMENT

- Lancaster County Indigent Defense Cost Study Advisory Committee Jun 11 - present
- Lancaster County Adult Reporting Center Advisory Committee Mar 10 - present
- Board of Directors, Rolling Hills South Homeowner's Association May 06 - Present
- Assistant Coach, YMCA Girls' Softball Summer 08
- Leadership Lincoln, Class XXI Aug 05 - Aug 06
- Coach, YMCA Girls' Micro-Soccer Spring 04

INTERESTS AND HOBBIES

Running, SCUBA Diving, Military History, Brewing Beer, Playing Guitar, Hiking with Family

TROY L. HAWK

1821 St Michaels Rd tlhawk@neb.rr.com
Lincoln, NE 68512 (402) 416-7796

EDUCATION

University of Nebraska College of Law

Juris Doctor, with distinction, conferred May 2009

- GPA: 6.79/9.0 Class Rank: 48/133

Central Michigan University

Master of Science in Administration conferred May 2001

- GPA: 3.84/4.0

University of Kansas

Bachelor of Music conferred December 1990

- GPA: 3.28/4

LEGAL EXPERIENCE

Court Administrator, Lancaster County District Court

Aug 09 - Present

575 South 10th Street, Lincoln, NE 68508

- Responsible for day-to-day administrative support and management of eight District Court Judges, one Child Support Referee, nine chamber sets and courtrooms, and 20 State- and County-employees
- Develop and improve methods, practices, and procedures for Court operations, IT, and infrastructure
- Prepare and administer Court's \$2.6 million annual budget; ID efficiencies and future requirements
- Court's principal liaison with Local, County, and State departments and agencies including: Lancaster County Board, State Judiciary, State and Local Bar Associations, and general public.
- Court's Public Information Officer and interface with local and national print, TV, and radio media

Law Clerk/Law Student Experience

Senior Certified Law Clerk, Lincoln Law, LLC

Aug 08 - May 09

P.O. Box 83857, Lincoln, NE 68501

- Conferred with lead attorney to develop legal theories, client claims, and theories for recovery
- Researched client claims, and prepared and filed pleadings in Nebraska County and District Courts
- Developed discovery in support of client claims; answered discovery served by opposing counsel

Law Clerk, Nebraska Attorney General's Office, Civil Litigation Division

Jan 08 - May 08

Lincoln, NE

- Researched and wrote legal briefs for hearings in the United States District Court of Nebraska
- Drafted pleadings and motions filed in the United States District Court of Nebraska in defense of Nebraska Department of Health and Human Services, primarily for U.S.C. § 1983 claims

Research Assistant

May 07 - Dec 07

University of Nebraska College of Law, Lincoln, NE

- Conducted research and analysis of Nebraska Supreme Court's constitutional jurisprudence over prior twelve years for Professor Rick Duncan, Sherman S. Welpton Jr. Professor of Law

MILITARY EXPERIENCE

Officer, United States Air Force

Mar 92 - Aug 04

Highest Rank Held: Major

Director, 18th Wing Manpower and Organization (Aug 01 - Aug 04)

18th Wing, Kadena Air Base, Okinawa, Japan

- Managed and directed all manpower resource allocation and organization issues in Air Force's largest combat wing with over 8,000 personnel flying and supporting 81 aircraft and \$6 billion in resources
- Led Pacific Air Force's largest Manpower Office; 16 officers, civilians, and enlisted personnel. Selected as Pacific Air Force's Manpower and Organization Office of the Year, 2001 and 2002
- Of over 100 candidates worldwide, named 2002 Air Force Manpower Field Grade Officer of the Year

JOHN VOYLE HODGE

4843 South 71st Street ▪ Lincoln, Nebraska 68516 ▪ (518) 491-0412 ▪ johnvhodge@gmail.com

April 15, 2013

Kerry Eagan
Chief Administrative Officer
Lancaster County Board of Commissioners
555 S. 10th Street
Lincoln, Nebraska 68508

Dear Mr. Eagan:

Please accept the enclosed resume for consideration for the position of Clerk of the District Court for Lancaster County. I am a recent graduate of Albany Law School located in Albany, New York, and have returned to Lincoln in hopes of starting a legal career. As my enclosed resume will highlight, I have extensive experience performing clerical duties and am proficient in the relevant duties including record-keeping and collection.

I attended Albany Law School, graduating Cum Laude in May 2012. During my time at Albany Law School I worked as a Law Clerk at the New York State Bar Association performing substantive updates to all of the association's legal publications and CLE material. My hard work in law school earned me the opportunity to be an editing member of the Journal of Science and Technology in my second year, a position at which I excelled. My performance with the Journal was regarded high enough to honor me with a position on the editorial board as a managing editor during my third year. As a managing editor I was in charge of organizing the subediting process and presenting a finalized product for approval and publication. These opportunities improved my communication skills among my peers as well as improved my organizational skills.

Since receiving my Juris Doctorate I have sat for, and passed, the New York State Bar Exam and have applied for admittance to practice law in New York. I am scheduled for admittance to practice in the New York on May 28, 2013 at which time I will be applying for admittance to practice in Nebraska. I have passed the Examination for Registration to Practice in Patent Cases before the United States Patent and Trademark Office and have been admitted, my registration number is 70654. I am currently a registered voter and resident of Lancaster County.

Throughout my life I have always exhibited punctuality, loyalty, dependability, and the willingness to go above and beyond what is expected of me. I believe that these qualities combined with my past experience and knowledge makes me a perfect candidate for the position of Clerk of the Distract Court for Lancaster County. Enclosed is a copy of my resume for your review and I am available at your convenience. Thank you for your consideration.

Sincerely,

John Voyle Hodge

Enclosure

JOHN VOYLE HODGE

4843 South 71st Street ▪ Lincoln, Nebraska 68516 ▪ (518) 491-0412 ▪ johnvhodge@gmail.com

BAR ADMISSIONS

U.S. Patent & Trademark Office, 2012
New York, 2013 (application pending)
Nebraska, 2013 (application pending)

EDUCATION

Albany Law School, Albany, NY

Juris Doctor, Cum Laude, May 2012

- GPA: 3.25
- *Dean's List*, 2012
- *Managing Articles Editor*, Albany Law School Journal of Science and Technology
- *Recipient*, Founders Scholarship, 2009 – 2012
- *Recipient*, Class of 1983 Scholarship, 2011 – 2012
- *Thesis*, "Use in Commerce": Trademark Law Applied to Internet Search Engines

Nebraska Wesleyan University, Lincoln, NE

Bachelor of Arts in Chemistry, May 2008

- *Dual minors*, Biology and Physics
- *Recipient*, Founders Scholarship, 2003 - 2008
- *Recipient*, Presidential Scholarship, 2003 – 2008
- *Senior Thesis*, Fischer-Tropsch Synthesis: Current Day Application of the Science that Kept Germany in WWII: Long-Chain Hydrocarbon Fuel Production Without Petroleum Starting Materials

PUBLICATIONS

Serving the Best Interest of the Child: Equality in International Adoption, International Law Studies, *available at* <http://internationallawstudies.blogspot.com> (2012)

EXPERIENCE

New York State Bar Association, Albany, NY

Law Clerk, May 2010 – May 2012

- Researched, drafted and edited all publications pertaining to Continuing Legal Education seminars
- Researched updates to statutes and case law for treatises and attorney reference books
- Researched and performed substantial edits and citation checks on all New York State Bar Journal publications
- Revised the annual New York State Bar Association Formbook and Deskbook

Nebraska Wesleyan University, Lincoln, NE

Chemistry Department Teaching Assistant, August 2004 – May 2006; January 2007 – May 2008

- Assisted with preparation of laboratory for student use
- Conducted laboratory experiments prior to student use to ensure proper operation
- Researched and developed procedure pertaining to organo-metallic laboratory experiment
- Performed mass distillation of all solvents

ASSOCIATIONS

American Bar Association, 2009 – present

American Intellectual Property Law Association, 2009 – present

New York State Bar Association – Intellectual Property Law Section, 2009 – present

Intellectual Property Law Society, Albany Law School Student Organization, *Treasurer* 2011 – 2012

American Chemistry Society, NWU Chapter: *President*, 2005 – 2007, *Vice President*, 2007 – 2008

April 25, 2013

Dear Lancaster County Board of Commissioners,

I am very interested in being considered for the appointment to the position of Clerk of the District Court for the balance of Sue Kirkland's term.

My most recent job experience as the Chief Deputy of the Clerk of the District Court gives me a strong operational knowledge of the office. That experience, coupled with my business acumen gained throughout my tenure as a small business owner, gives me the tools to successfully and professionally lead the office.

I hold an MBA from the University of Nebraska-Lincoln in which the major areas of study were Management, Accounting Procedures, and Finance — all vital for the operation of this office.

Previous to coming to this office as the Chief Deputy of the Clerk of the District Court two years ago, I was the sole owner and manager of a family wholesale business for 31 year which had almost 100 employees at times. Before that, I was the Personnel Officer of a U.S. Army battalion of 400 soldiers. I have been in leadership positions for most of my professional career. The skillset of a business owner lends itself well to this position. Personnel management, banking, and budget planning are what I have been doing for many years.

My current role as Chief Deputy of the Clerk of the District Court gives me a solid understanding of how this office operates and what it takes for it to be successful. I have a strong knowledge of the State Recordkeeping Database (JUSTICE), and understand the Lancaster County payroll and personnel systems. My relationship with the State Court Administrator's office, as well as that with the Lancaster County District Court personnel, will benefit the office.

During Sue's recovery from surgery, I have been called on to represent this office at many County Board meetings, NACO meetings, meetings for usage of the old jail building, Juvenile Court meetings, and Mental Health Board hearings. I have learned during that time how to be effective whether in a large meeting or one-on-one. I think I have demonstrated professionalism as I have worked with other County and State Departments and I believe that I have earned the respect of the staff in this office.

My deeper understanding of the office has already paid dividends for the County. In February, I initiated a review of our bank fees with Wells Fargo. This discussion resulted in reducing our monthly fees from \$1,400 to \$900.

If appointed to this position, I will do an excellent job for the Board and the residents of Lancaster County. I thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Salem".

Chuck Salem

CHARLES R. SALEM
2825 Stratford Avenue, Lincoln, NE
(H) 402-435-0434 (W) 402-441-8713

EDUCATION

UNIVERSITY OF NEBRASKA

- Master of Business Administration (M.B.A.)
- Bachelor of Science in Business (B.S.)

EXPERIENCE

Chief Deputy, Clerk of the District Court, 2011-Present

- Responsible for the management of this office in the absence of the Clerk
- Work with the Clerk on personnel, budget, and statutory requirement in keeping the records for the Lancaster District Court

Salem Oil Company

- Sole owner and manager of wholesale petroleum distribution company
- Managed 90+ employees
- National Vice-President, Amoco Marketers Association
- Board Chairman, Amoco Mortgage Acceptance Corporation
- Presided over and spoke at Amoco meetings of over 1000 attendees

U.S. Army

- U.S. Army Personnel Officer for a battalion of 400 officers and soldiers

COMMUNITY INVOLVEMENT

- Board President, Project Youth of Lincoln
- Vice President, Board of Directors, Country Club of Lincoln
- Board of Deacons, First Presbyterian Church
- Board Member, Woods Park Tennis Association
- YMCA Youth Softball and Flag Football Coach
- Member of Parks and Recreation Athletic Advisory Board

REFERENCES

- Judge Jeff Chevront, Lancaster District Court, Retired, 402-423-1609
- Rod Confer, Lincoln City Attorney, 402-441-7281
- Bernie Heier, Former Lancaster County Commissioner, 402-483-6070
- Dr. David P. Heiser, Nebraska Orthopaedic Medicine, 402-488-3322
- Joe Kelly, Lancaster County Attorney, 402-441-7321
- Steven Russell, Chairman, Swanson Russell Advertising, 402-432-2038
- L. Bruce Wright, Cline, Williams, Wright Law Firm, 402-474-6900

ROBERT J. VAN VALKENBURG

**7921 Reno Road
Lincoln, Nebraska 68505
Home Phone :402.486.0000
Mobile Phone: 402.489.8000
e-mail: rjvv@inebraska.com**

30 April 2013

SUBMITTED BY AN E-MAIL

Kerry P. Eagan, Chief Administrative Officer
Lancaster County Board of Commissioners
County-City Building
555 South 10th Street, Room 110
Lincoln, NE 68508

RE: Clerk of the District Court Vacancy

Dear Mr. Eagan:

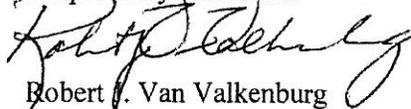
Please make this letter a part of my formal application for consideration as a candidate for selection by the County Board to fulfill the unexpired term of Sue Kirkland, Clerk of the District Court who has chosen to retire effective 31 May 2013. Attached is a copy of my Resume and two additional documents as part of my application. I am a registered voter and have been a resident of Lancaster County continuously since 1968.

I have successfully worked with numerous local trial attorneys as well as others having practices throughout Nebraska and other states, thus, I have a well developed working knowledge of court rules and all procedures associated therewith. References will be supplied if requested.

While I do not recall personally meeting with Ms. Kirkland's deputy, Chuck Salem, I have spoken to him and believe him to be the kind of person I could effectively work with. If I should be selected as Ms. Kirkland's replacement and if Chuck would be willing, I would ask him to continue as my deputy. If selected by the County Board to serve as clerk I would commit to being a candidate for election to the position next year.

Thanks to you and the Commissioners for considering my application and noting my willingness to serve.

Respectfully submitted.



Robert J. Van Valkenburg

ENCS.

BOB VAN VALKENBURG

Bob Van Valkenburg or "Van" as he prefers to be called, and his wife Elaine have been residents of Lincoln for 42 of the 54 years they have been married. Their four children - three daughters and one son - grew up and were educated in Nebraska's Capitol City. Van is a grandpa to five children ranging in ages from 27 to 13 years of age. Both the immediate and extended families have been active in church organizations, community affairs and volunteer services, sharing common interests in music, sports and outdoor activities.

Van, a native of Tulsa, Oklahoma, holds a Bachelor of Arts (B.A.) Degree from Oklahoma State University and a Master of Business Administration (M.B.A.) Degree from the University of Nebraska - Lincoln which was earned through the Executive program.

He is serving or has served as either an officer or member of the board of directors of numerous organization, associations and corporations at both local and national levels. He believes that all who do or who desire to succeed in life and in business have a duty to actively participate and serve in community, political, governmental and church activities.

Van has been both an employee and an employer in his fifty plus years in the business world. He has formed, bought and sold several corporate businesses subsequent to spending seven years in the employ of a Fortune 100 Company. He currently serves as president and principal owner of Van Valkenburg & Associates, Inc., a business and litigation consulting firm.

During the "Ag" crisis of the 1980's Van and his associates established a reputation of saving dozens of family farm and ranch operations from financial ruin. Working with attorneys all over Nebraska and in some surrounding states, he was able to re-organize and restructure agri-business operations and never had a client forced out of business or have their business liquidated. All of Van's clients were able to repay every dollar owed to their lenders, a fact of which he and they were very proud.

He is a Veteran who served in U.S. Army active duty and reserve positions for a total of slightly more than 31 years. Van began as a Private and retired as a Lieutenant Colonel after serving in a variety of unit and staff positions. As a result of becoming and serving as a Senior Army Aviator qualified in helicopters as well as in single and multi-engine aircraft with an instrument qualification he was able to obtain and holds a Commercial Pilot's license and is qualified in all of those categories.

Van believes you can not have a friend unless you are one and that you can never really succeed in any endeavor unless you are willing to help others to succeed. He has been a featured speaker before audiences all over the country and his favorite speaking subjects include "Less Government is Best Government", "Our Country Didn't Get This Way by Accident", "Leadership - an Art, a Science or Something Else" and "Tending to Your Own Business."

ROBERT J. VAN VALKENBURG

**7921 Reno Road
Lincoln, Nebraska 68505
Home Phone :402.486.0000
Mobile Phone: 402.489.8000
e-mail: rjvv@inebraska.com**

EDUCATION

Oklahoma State University, Stillwater, Oklahoma - BA (Chemistry, Communications)

University of Nebraska, Lincoln, Nebraska - MBA (Marketing, Finance)

DIGEST OF SENIOR EXECUTIVE EXPERIENCE

Governmental liaison - Executive and Legislative branches on behalf of numerous clients at local, state, regional and national levels.

Litigation consulting - Data reconstruction, acquisition, organization and analysis of evidentiary documents. Qualified as an "Expert Witness" in presenting testimony in both civil and criminal trials.

Extensive public speaking including seminars, classroom lectures, live and taped media appearances.

Organizational development, budgeting, design of administrative functions and human resource consulting.

Strategic operations and budget planning

Representation of domestic and foreign capital sources. Preparation presentations and placement of proposals for commercial clients desiring the acquisition of equity or debt financing.

Health Care delivery equipment sales and leasing; nursing home ownership and operation and specialized health care marketing.

EMPLOYMENT HISTORY

Business litigation and governmental affairs consultant (Self employed) specializing in corporate finance, organizational structure, specialized marketing, liaison with governmental regulatory bodies, capital acquisition and strategic planning. Negotiating "work out" and refinancing agreements, acquisitions and mergers. Extensive work with attorneys in discovery, acquisition and analysis of evidence, trial preparation and serving as an "Expert witness" in presenting trial testimony.

President, YENOM Corporation. Lincoln, Nebraska. Complete responsibility for all areas of operation. Financial planning and consulting for businesses, estates and individuals. Negotiate, write, implement and monitor "Work-out" agreements as well as reorganization plans under Bankruptcy Laws. Mediate disputes between businesses, groups and individuals as a neutral "third party." Representation of domestic and foreign capital sources. Preparation, presentation and placement of proposals for commercial clients desiring the acquisition of equity or debt financing. Franchise preparation, packaging, placements and acquisitions. Governmental liaison and representation of clients in many business areas. In 1984, formed the U.S. Agricultural Team, Inc. For the purpose of engaging in farm and ranch finance, management, operations, marketing and planning functions. Later the separate functions of the "U.S. A-Team" were merged into the YENOM Corporation.

President, The Magna Corporation, Lincoln, Nebraska. Managed, directly and indirectly, ten corporate subsidiaries through this holding company. Such subsidiaries were involved in health care sales, supply and care delivery, real estate development, specialized marketing, leasing and sales, insurance, consulting in the areas of business and site location, acquisition and zoning, financial packaging and loan placement, strategic planning, governmental affairs and contracting.

President, Medic-Aids of America, Inc. Lincoln, Nebraska. Formed, operated and expanded medical equipment supply business in multiple states. Responsibilities in addition to the management of the business operation, including selection and training of sales personnel, development of new markets and liaison with the health care industry professionals as well as with governmental regulating authorities. Served on the Board of Directors of the National Association of Durable Medical Equipment Manufacturers.

Vice-President and General Manager, ASKOM, Inc. , Lincoln, Nebraska. Administration and management of contracts, operations and corporate investments. Responsible for client contracts involving strategic, marketing and business planning, personnel selection (civilian and military) contract acquisitions and administration; public and governmental relations and business communications problem solving. Counseling and advising business owners and managers. Small business development and franchise acquisition.

PROFESSIONAL LICENSES CURRENTLY HELD

Licensed Insurance Agent: Life, Health, Property Casualty, Annuities plus a variety of other lines.

Commercial Pilot with Instrument Ratings in Single and Multi-Engine Aircraft as well as Helicopters.

MILITARY

A retired U.S. Army Veteran with 31 years of combined active duty and reserve service, holding ranks ranging from Private to Lieutenant Colonel. An honor graduate of the U.S. Army Command and General Staff College at Ft. Leavenworth, Kansas.

WHAT BUSINESS, PROFESSIONAL AND POLITICAL LEADERS HAVE SAID ABOUT BOB VAN VALKENBURG

"He is an excellent public speaker and has had substantial exposure to business leaders across a broad area of the Midwest. From the standpoint of interpersonal skills, success in consensus forming and knowledge of financial situations, I would consider his experience exceptional." - A Fortune 100 Senior Corporate Executive

"His integrity and reliability are beyond reproach. I can always depend on what he tells me to be unbiased and knowledgeable." - A State Senator

"He has the ability to meet all levels of government with dignity, with respect and a pleasing personality. His integrity is of the highest and his speaking ability is excellent. I have found him to be very cordial, very definitive and very honest in his presentations." - A State Senator

"On all occasions, Mr. Van Valkenburg has impressed me with his intelligence, his exceptional ability to communicate his thoughts both by word of mouth and in writing, and his personal dedication to public service based upon high principles. In my opinion, he has a very good reputation for integrity, good morals and good character." - A Governor

"Mr. Van Valkenburg meets the public exceptionally well. He is an excellent public speaker and he possesses the ability to make things happen. Mr. Van Valkenburg is a good organizer, a good manager, and he is unequivocally capable of good business management practices." - A U.S. Army Major General

"Mr. Van Valkenburg was well prepared, eloquent and respected by the (legislative) committee membership in all appearances." - A Legislative Committee Chief Counsel

"His organizational and communications skills, coupled with a talent for precision attention to detail in defining policies and directives, will effectively meet the approval of those to whom he is responsible as well as persons who may be subordinate to him." - A Senior Law Enforcement Officer

"He does conduct an effective meeting, shows good organizational skills, and is a very good public speaker." - A Bank Vice President

"I have known Mr. Van Valkenburg to be committed to excellence and he has put in many hours assisting in volunteer projects in the City of Lincoln. I can speak to the issue of his commitment to carrying a job to completion." - A City Equal Opportunity Officer

"I have found him to be effective in his conduct of meetings, assignment of responsibilities and he has evidenced considerable administrative skills." - A "Big 12" University Vice President

"Bob is a very aggressive, hard working, tenacious, and personable individual. He has had considerable experience in business and will contribute significantly to the organization. His leadership, interpersonal skills, and ability to deal with a variety of publics should stand him in good stead. He works very well with others in pursuit of common goals, and is recognized as an able and consistent team player. He has an eye for detail, and is persistent in ferreting out underlying issues relating to a subject that might affect the activity in which he is involved." - A "Big 12" University Vice Chancellor

"He is well-known in the Lincoln business community and has numerous contacts. He is quite knowledgeable about state government. He was a lobbyist with the Nebraska Legislature which gives him an understanding of legislative process." - A Member, United States House of Representatives

"Professionally, Mr. Van Valkenburg has outstanding credentials including impressive communications skills and an excellent ability to work with government officials at all levels. Personally, I know that Mr. Van Valkenburg is a highly motivated individual who will maintain and promote high standards. He is an active participant in civic affairs and is respected in the community." - A Member, United States House of Representatives

Hernandez Frantz, Von Loh

Attorneys at Law

601 Calvert Street, Suite A P.O. Box 82041
Lincoln, Nebraska 68501-2041 Tel: (402) 434-7188 Fax: (402) 434-7189

Sandra Hernandez Frantz
Darik J. Von Loh

April 11, 2013

RECEIVED

APR 16 2013

LANCASTER COUNTY
BOARD

Lancaster County Commissioners
555 S. 10th Street
Lincoln, NE 68508

Re: Clerk of the District Court Position

Dear Commissioners:

Please consider this letter and resume for appointment to the position of Clerk of the District Court. A native Nebraskan, I have lived in Lincoln for the past 20 years, and have practiced law here for the past 13 years. If appointed, I would bring a wealth of professional, educational, and technical experience to the position of Clerk of the District Court.

Through my legal practice, I am familiar with the statutory responsibilities of the District Court Clerk's office, as well as its important customer service functions. I possess formal educational training in implementation and maintenance of office filing systems, practical experience in budgetary maintenance of a large cost center, and hands-on management of personnel in customer service-oriented business settings. I would be able to step into the position with minimal training to provide a seamless transition for the office. If appointed, I would intend to run for election when the current term expires.

I look forward to meeting with you to discuss this opportunity.

Sincerely,



Darik J. Von Loh

DARIK J. VON LOH

601 Calvert Street, Suite A
P.O. Box 82041
Lincoln, NE 68501-2041

(402) 434-7188
(402) 853-6913

RELEVANT EXPERIENCE

7/00 - Present **Hernandez Frantz, Von Loh** **Partner**
Lincoln, Nebraska

Currently maintain a general legal practice serving over 1,235 clients concentrating 80 percent of practice in litigation with high client retention. Litigated over 268 cases to bench or jury trial. Practice areas in bankruptcy (25%), family law (23%), criminal law (23%), personal injury and tort (10%), estate planning/probate (10%), equity and administrative (5%), and pro bono (4%).

11/06 - 03/12 **Drac's Place** **Vice President of Sales and Marketing**
Lincoln, Nebraska

Vice President of Sales and Marketing for temporary Halloween and full-time internet costume retailer. Purchased costumes from numerous vendors for sale in brick and mortar store and internet website. Managed internet website and coordinated web based advertising and branding campaigns. Managed store sales staff.

8/99 - 7/00 **United States Bankruptcy Court** **Law Clerk**
Lincoln, Nebraska

Clerk to the Honorable John C. Minahan, Jr. Drafted court orders, attended and assisted judge at all trials and court appearances, and completed legal research and memoranda for judge and court staff.

8/93 - 8/99 **Sandra Hernandez Frantz,** **Legal Secretary/Paralegal**
Attorney at Law
Lincoln, Nebraska

Composed court documents, motions, and affidavits for filing in state and county courts with minimal direction from attorney; maintained office schedule; briefed and researched legal issues for attorney; managed secretarial/clerical functions of office.

2/89 - 10/91 **Heller, Ehrman, White & McAuliffe** **Legal Secretary**
San Francisco, California

Secretary to senior partner and senior associate; transcribed court documents from tape for filing in federal, state, and municipal courts; maintained correspondence and court files; commuted to Alaska for work on the Exxon Valdez oil spill litigation and other special assignments

2/86 - 2/89 **World Savings & Loan Association** **Corporate Security Assistant**
Oakland, California

Supervised department secretary and fingerprinter; managed department budgets totaling over \$1.5 M, including forecasting and variance justification; coordinated field office investigations and supervised field administrative personnel; formally reported recovery and loss information to president and chief executive officer.

PROFESSIONAL LICENSES

4/00 - Present **State of Nebraska**
4/00 - Present **United States District Court - District of Nebraska**
10/02 - Present **State of Minnesota**
3/03 - Present **United States District Court - District of Colorado**
10/03 - Present **Tenth Circuit Court of Appeals**

EDUCATION

8/97 - 12/99 **College of Law**
 University of Nebraska Lincoln
 Lincoln, Nebraska
 Juris Doctor

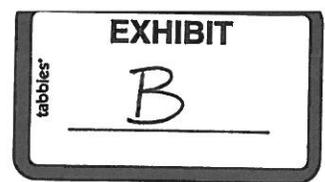
5/95 - 5/97 **Doane College-Lincoln**
 Lincoln, Nebraska
 Bachelor of Arts in **Professional Studies in Business/Marketing**
 Emphasis

10/85 - 4/87 **Barnes Business College**
 Denver, Colorado
 Received certificate **Information/Word Processing**

PROFESSIONAL REFERENCES

Sandra Hernandez Frantz
Attorney at Law
601 Calvert Street, Suite A
P.O. Box 82041
Lincoln, Nebraska 68501-2041
(402) 434-7188
shernandezfrantz@dracsplace.com

John Rallis
Rallis Construction
6601 Pheasant Run Lane
Lincoln, NE 68516
(402) 450-6838



KISSEL/E&S
ASSOCIATES

A Limited Liability Company Associated with Erickson and Sederstrom, P.C.

Joseph D. Kohout, *Partner*

Suite 400 Cornhusker Plaza / 301 S. 13th Street / Lincoln, NE 68508-2571
Telephone (402) 476-1188 / Facsimile (402) 476-6167
Email jkohout@kisseles.com / Website www.kisseles.com

MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Gordon Kissel
Joseph D. Kohout

DATE: May 2, 2013

RE: Weekly Update on the 2013 Legislature

Please accept this as the twelfth weekly report for the 2013 Legislative Session. Today is the seventy-first day of the 90-day session. We continue to see a tremendous amount of legislation move off of General and Select File which is non-controversial. Most significantly, the budget moved to General File in anticipation of a debate next week.

The Nebraska Economic Forecasting Advisory Board met Thursday of last week and increased General Fund revenue estimates for each of the three years of the current budget cycle. The Board estimated for the current fiscal year 2012-13 General Fund net receipts of \$4,000,000,000, which comes in two parts, a small baseline adjustment downward of \$3 million (which reduces an estimated transfer to the Cash Reserve Fund), but more significantly, a very large, one time increase to net personal income tax estimates of \$125 million. Starting in mid-April, in conjunction with final tax payments for calendar 2012, it became apparent there would be a huge influx of revenue, most likely in relation to capital gains liabilities incurred in 2012. Based on analysis, it appears many taxpayers took gains to lock in the lower tax rate for receipt of capital gains, rather than risk losing the tax advantage if Congress failed to act to extend the favorable tax treatment to 2013.

The impact of revenue adjustments for this current Fiscal Year are, by virtue of existing law, the potential for the higher revenue of \$123 million above prior estimates, to be diverted to the Cash Reserve (Rainy Day) fund, if this new forecast is exactly met by the end of the current fiscal year. The cumulative effect of this, and prior forecast revisions is the potential of \$235 million being transferred to the Cash Reserve Fund after the end of this current fiscal year. With necessary adjustments for prior Cash Reserve transfer estimates, and recalculation of the minimum reserve required by law, the net change to funds available is about \$51.4 million. This is in addition to what will be the bottom line funds above the minimum reserve that will be contained in the Appropriations Committee recommended budget. The

Appropriations Committee did move this additional \$51.4 Million into the Cash Reserve prior to advancing the mainline budget.

LANCASTER COUNTY PRIORITIES:

1. **Oppose Elimination of the inheritance tax.** As we have reported previously no bills were introduced to eliminate the inheritance tax. Senator Wightman's LB600 – the bill that would lower rates of taxation – was heard on Wednesday, February 27, 2013 before the Revenue Committee and Chairman Hudkins testified in opposition. The bill has not advanced and was not prioritized. We believe that there will be some component of review of the inheritance tax under the LB613 review.
2. **Support Expansion of Medicaid under the Affordable Care Act.** LB577 was debated on Monday and Tuesday of last week. The bill faced significant opposition on the floor of the Legislature. Concern about unintended cost and long term sustainability of the program were raised prior to and during debate. Ultimately, there were not the votes committed to invoking cloture over the opponent's filibuster. The proponents have identified key individuals in the body and are working on a strategy to try to move them to a position of support.
3. **Eliminate Responsibility of Counties to Pay HHS Rent.** LB632 was referred to the Government, Military and Veterans Affairs Committee and public hearing was held on Wednesday, March 6, 2013. Mr. Eagan appeared in support along with NACO. The Department appeared in opposition through Kerry Winterer. Senator Bolz is working with Senator Avery on a potential home for this bill.
4. **Modify Right to Court Appointed Attorney in Juvenile Court.** LB342 was referred to the Judiciary Committee and public hearing held on March 6, 2013. Liz Neely appeared on behalf of the county along with NACO. There was no opposition. We are pleased to report that the bill has been advanced by the Judiciary Committee. While the bill was not selected for consent calendar, Senator Coash has expressed a willingness to explore options for amending the bill onto another bill. Ideally, the bill would be amended onto LB561 during Select File consideration.
5. **Definition and Oversight for Staff Secure Juvenile Detention Facilities.** LB86 was referred to the Judiciary Committee and hearing held on March 7, 2013. Sheli Schindler appeared on behalf of the county along with NACO and Sarpy County. In the first amendment to LB561, the language from this bill was included. The amendment containing this language was adopted during General File debate and was advanced to Select File.

OTHER LEGISLATION:

1. **LB63 (Schilz) Change distribution of certain sales and use tax revenue.** *NO POSITION.* Brent Meyer recommends that we support this legislation because it will provide additional funding for aquatic invasive plants. It diverts ½ of the sales tax and registrations fees from motorboats to create a special fund. It was heard on

- March 14, 2013 before the Revenue Committee and there was a significant amount of support with no opposition. We do not expect this bill to advance.
2. **LB123 (Lautenbaugh) Change distribution of indigent defense fees.** *OPPOSE.* This hearing was held on January 25, 2013 before the Judiciary Committee. This bill was indefinitely postponed by the Judiciary Committee.
 3. **LB215 (Schilz) Change provisions relating to use of the County Visitors Promotion Fund.** *OPPOSE/NEUTRAL WITH AMENDMENT.* As previously reported, an amendment was offered to the committee during the hearing February 13, 2013 that addressed the concerns raised by Lancaster County. The bill has advanced with the amendment agreed to by Lancaster County. Please note that this bill was not prioritized and was not placed on the Consent Calendar. It will be very difficult for this bill to be considered this session.
 4. **LB284 (Conrad) Change provisions of the Political Subdivisions Tort Claims Act relating to actions and amounts recoverable.** *OPPOSE.* Referred to the Judiciary Committee, the hearing was on February 13, 2013. Lancaster County submitted a letter in opposition to the bill. We expect the bill to advance from that committee but have not yet. Please note that this bill was not prioritized.
 5. **LB317 (Price) Change a duty of county assessors relating to real property valuation.** *OPPOSE.* This bill was heard by the Revenue Committee on March 21, 2013 and both NACO and Douglas County appeared in opposition. Mr. Agena indicated during a previous meeting that he may need an additional 8 people and \$700,000 to comply with this legislation. This bill was not prioritized and has not been advanced by the Revenue Committee.
 6. **LB348 (Harr) Change provisions relating to the assessment of certain rent-restricted housing projects.** *NO POSITION.* The hearing was held on March 1, 2013. As you will recall, we indicated that we would not oppose this legislation. The bill has advanced and was declared a speaker priority.
 7. **LB381 (Janssen) Require photographic identification to vote.** *NO POSITION.* Introduced by Senator Charlie Janssen, the bill was referred to the Government Committee and hearing was held on March 7, 2013. Please note that this bill was not prioritized.
 8. **LB483 (Bolz) Provide for a reentry planning program in adult correctional facilities.** *SUPPORT.* This measure was heard before the Judiciary Committee on Friday, February 22, 2013. A letter of support was submitted to the Committee. It has been declared a speaker priority and remains on Select File.
 9. **LB613 (Schumacher) Create the Tax Modernization Commission.** *NO POSITION.* This bill was heard by the Executive Board of the Legislative Council on February 19, 2013. It was prioritized by Senator McCoy and will be amended to allow for the Revenue Committee chairman to serve as chair of that Committee. The bill has been the subject of a filibuster by Senator Chambers for several days and cloture was invoked yesterday. The study will move forward. An amendment has been filed by Senator Krist that would place a moratorium on both occupation taxes enacted by cities and on the additional one-half cent of sales tax that was passed last year. While Senator Krist is likely to withdraw that amendment, Senator Chambers has



filed an amendment to this bill to repeal the additional half cent. The bill has not yet been debated on Select File.

10. **LB636 (Wallman) Provide restrictions for application of certain herbicides.**
OPPOSE. This legislation was heard on March 5, 2013 before the Agriculture Committee. We do not expect this bill to move. Please note that this bill was not prioritized.
11. **LB246 (Larson) Provide for a health care copayment for jail and prison inmates.**
NO POSITION. The hearing was held on February 7, 2013 before the Judiciary Committee. We do not expect this bill to move. Please note that this bill was not prioritized.
12. **LB531 (Conrad) Change distribution of sales and use tax revenue and repeal the Build Nebraska Act.** *NO POSITION.* The hearing was held on February 27, 2013 before the Revenue Committee with significant opposition. Please note that this bill was not prioritized.
13. **LB561 (Ashford) State findings and intent for changes to the juvenile justice system and a funding mechanism.** *NO POSITION.* The hearing on this bill was held on March 7, 2013 before the Judiciary Committee and is the Judiciary Committee priority bill. As previously mentioned, we have been working with Mr. Eagan, Ms. Thorpe and Ms. Schindler to develop concepts that would address Lancaster County's concerns with the original amendments thereto. The bill was debated on General File this week and was advanced to Select File after only a one-hour debate. One item is that Senator Ashford is likely to offer an amendment on Select File that will decrease the \$10 Million appropriation down to \$7 Million in the first year and roughly \$6 Million in the second year. We continue with NACO on a potential amendment to address the 10-days of costs in detention. Additionally, Senator Coash is working with Senator Ashford to include the provisions of LB342 in LB561.

We are also attaching your spreadsheet. Please do not hesitate to contact us with any questions you might have.