

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, OCTOBER 1, 2013  
10:00 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  
Brittany Behrens, Deputy County Attorney  
Cori Beattie, Deputy County Clerk

*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 30, 2013.*

The Chair opened the meeting at 10:00 a.m. The location of the Open Meetings Act was also noted.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF SEPTEMBER 26, 2013**

**MOTION:** Raybould moved and Schorr seconded approval of the Staff Meeting minutes of September 26, 2013. Raybould, Amundson, Schorr and Hudkins voted aye. Smoyer abstained. Motion carried 4-0 with one abstention.

**2 PENDING AND POTENTIAL LITIGATION - Brittany Behrens, Deputy County Attorney**

**MOTION:** Smoyer moved and Raybould seconded to enter Executive Session at 10:01 a.m. for the purpose of protecting the public interest with regards to pending and 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 Raybould seconded to exit Executive Session at 10:29 a.m. Amundson, Smoyer, Raybould, Schorr and Hudkins voted aye. Motion carried 5-0.

**3 YOUTH SERVICES CENTER - DETENTION SERVICES WITH PROBATION ADMINISTRATION** - Brittany Behrens, Deputy County Attorney

A draft letter to the Office of Probation Administration was distributed (Exhibit A).

Brittany Behrens, Deputy County Attorney, said she has not heard from Probation Administration as of this morning, thus, her position is no different than last Thursday (see September 26, 2013 Staff Meeting minutes).

Raybould suggested a copy of the letter be sent to the legislative committee which oversees juveniles and detention. Smoyer indicated that would be the Judiciary Committee.

Raybould questioned the billing rate. Behrens said Sheli Schindler, Youth Services Center Director, was previously asked by the County Board to recalculate the rate based on actual costs. She added there was no contract with Probation Administration in the past, only the Department of Health & Human Services (HHS). Schindler indicated the rate proposed to Probation is \$256; last year HHS was billed \$236.

Eagan explained the body of the letter (see Exhibit A) includes the condition of being reimbursed for medical costs. He noted the issue may be headed to litigation for resolution. Raybould agreed with Eagan's position on medical costs.

Schorr questioned whether the dollar amount was recalculated to include medical costs. Schindler said no because, at this point, it would be an estimate. It was noted the cost for nursing staff is included within the per diem but appointments, prescriptions, etc., are not.

**MOTION:** Smoyer moved and Schorr seconded to authorize the Chair to sign the letter.

**FRIENDLY AMENDMENT:** Raybould asked that copies of the letter also be sent to the Judiciary Committee and Appropriations Committee.

The maker and the seconder accepted the friendly amendment.

Schorr suggested copies also be sent to the Nebraska Association of County Officials (NACO) and Kissel E & S Associates (County lobbyist).

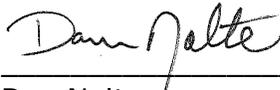
**ROLL CALL:** Smoyer, Amundson, Raybould, Schorr and Hudkins voted aye.  
Motion carried 5-0.

Smoyer exited the meeting at 10:34 a.m.

Behrens said she will continue to place this item on the staff meeting agenda for updates.

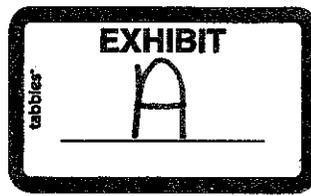
#### **4 ADJOURNMENT**

**MOTION:** Raybould moved and Amundson seconded to adjourn the meeting at 10:35 a.m. Raybould, Amundson, Schorr and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.



Dan Nolte  
Lancaster County Clerk





**DRAFT**

October 1, 2013

Corey R. Steel, MAM  
Assistant Deputy Administrator  
Office of Probation Administration  
521 S. 14<sup>th</sup> Street, Room 140  
Lincoln, NE 68508

Re: Detention Services Contract With Probation Administration

Dear Corey:

It has come to the attention of the Lancaster County Board of Commissioners that an impasse has been reached in the negotiations between the State of Nebraska Office of Probation Administration and Lancaster County for detention services at the County's Youth Services Center. Specifically, Probation Administration and the County disagree on whether medical expenses incurred by juveniles housed at the Youth Services Center are the responsibility of Probation Administration.

It is the long-held position of Lancaster County that medical expenses incurred by detainees are a normal cost of detention. In fact, detention facilities are constitutionally and statutorily mandated to provide for the medical needs of detainees. All detention contracts which the County maintains with other jurisdictions provide that detainee medical expenses are the responsibility of the party contracting with us for detention services. While the County agrees parents are primarily responsible for the medical expenses of their children, there are many cases where the parents lack the financial resources to cover these costs.

Please be advised that the Youth Services Center will accept juveniles on Probation prior to completion of contract negotiations, but only on the condition that Probation Administration is responsible for the medical expenses of these youth not otherwise covered by their parents.

Sincerely,

Larry Hudkins, Chair

cc: County Board  
Sheli Schindler, Youth Services Director  
Brittany Behrens, Deputy County Attorney