

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, DECEMBER 19, 2013
8:30 A.M.**

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

Commissioners Absent: 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 December 18, 2013.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:33 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF DECEMBER 10, 2013

MOTION: Smoyer moved and Raybould seconded approval of the Staff Meeting minutes of December 10, 2013. Schorr, Smoyer, Raybould and Hudkins voted aye. Amundson was absent from voting. Motion carried 4-0.

2 ADDITIONS TO THE AGENDA

None were stated.

3 ELECTED OFFICIALS SALARY REVIEW COMMITTEE REPORT

Jim Gordon, Chair, Elected Officials Salary Review Committee, appeared to answer any questions regarding the Committee's report and recommendations (see agenda packet).

Hudkins inquired whether the Lincoln-Lancaster County Human Resources Department (formerly known as the Personnel Department) provided information requested by the Committee. Gordon said it did, adding Doug McDaniel, Lincoln-Lancaster County Human Resources Director, was present at every meeting and answered all of the questions posed by the Committee.

Schorr asked what had prompted the calculation proposed by the committee:

For the 2015-2018 term, each elected official should receive an annual salary increase based on the following formula. If the U.S. Department of Labor Statistics Consumer Price Index (CPI) for all Urban Consumers Midwest Region, as published for the November immediately preceding each January for 2016 through 2018 is:

- A) Not less than 1.5% and not greater than 2.5% - then each elected official should receive a 2% salary increase;
- B) Less than 1.5% - then the salary increase should be 2%, minus 50% of the amount by which the CPI is less than 1.5%; and
- C) More than 2.5% - then the salary increase should be 2%, plus 50% of the amount by which the CPI exceeds 2.5%.

Gordon explained the Committee wanted to stay as close as possible to a base increase of 2%. He noted that in the past there have never been decreases in the salaries if the CPI went down.

Raybould asked whether the Committee considered the comprehensive benefit package that County officials receive. Gordon said no, the Committee did not have that information, adding it is his understanding salaries are the only thing used in the tables for comparability.

Kerry Eagan, Chief Administrative Officer and Committee Facilitator, said the Committee has looked at benefits in the past and they were fairly comparable across the array. He said the information could have been provided this year, but the question wasn't raised by the Committee. Eagan noted that the Committee also looked at the results of the Nebraska Association of County Officials (NACO) survey.

Raybould asked whether the Committee looked at the Nebraska Department of Labor (DOL) statistics to get an idea of where salaries for the public sector compare to private sector positions with similar functions. Gordon said it did not. Eagan said it would be very difficult to find matches in the DOL data.

Smoyer asked Raybould whether she wants a comparison to local chief executive officers (CEO's), noting that is essentially the private sector equivalent. He said if that is the case, the County officials are likely underpaid. Raybould explained she is looking for a comparison with positions with the same functionality of tasks and oversight. Gordon questioned how to obtain that information and whether it would be reliable.

Raybould asked about the impact to the County's budget. Dennis Meyer, Budget and Fiscal Officer, appeared and said it won't have a huge impact.

Steve Eicher, Sam Seever and Peggy Chantry, members of the Committee, also made brief remarks regarding the intent behind the adjustability factor.

Eagan said the question for the Board will be if the CPI is a negative number does the Board reduce salaries or leave them flat. Raybould felt there should be flexibility to reduce salaries if there is a budget deficit. Eagan said that would be problematic constitutionally.

Andy Stebbing, County Treasurer, appeared and said he believes salaries need to be comparable to the market in order to attract qualified candidates.

MOTION: Schorr moved and Smoyer seconded to accept the report from the Elected Officials Salary Review Committee and institute their formula for salary increases for the elected officials for the 2015-2018 term, stipulating that any reductions as a result of a decrease in the Consumer Price Index (CPI) will not be less than zero. Smoyer, Raybould, Schorr and Hudkins voted aye. Amundson was absent from voting. Motion carried 4-0.

- 4 ASSIGNED COUNSEL** - Dennis Keefe, Public Defender; Dr. Liz Neeley, PhD, Executive Director, Nebraska State Bar Association; Dr. Mitchel Herian, PhD, University of Nebraska Public Policy Center; Sean Brennan, Chair, Lancaster County Indigent Defense Advisory Committee

Dennis Keefe, Public Defender, said Liz Neeley has accepted a position as Executive Director of the Nebraska State Bar Association and will be closing her business Objective Advantage, LLC (see Exhibit A). **NOTE:** The County had contracted with Objective Advantage for implementation of the recommendations of the Lancaster

County Indigent Defense Advisory Committee aimed at decreasing the costs of legal services in Lancaster County. That contract runs through February, 2014.

Sean Brennan, Chair, Lancaster County Indigent Defense Advisory Committee, said Neeley has recommended the County enter into a contract with another consultant, Dr. Mitchel Herian, PhD, University of Nebraska Public Policy Center, to finish the scope of work remaining under terms of the contract. **NOTE:** The funds have already been appropriated. He said the Committee has reviewed Dr. Herian's qualifications and supports Neeley's recommendation.

Neeley said she will conclude her work on the project with Justice Works to develop a web-based assigned counsel billing system.

Dr. Herian disseminated copies of his curriculum vitae (Exhibit B).

Brittany Behrens, Deputy County Attorney, appeared and said she is working on the contract and will schedule it for Board action when it is ready.

5 MOTOR VEHICLE RECORDS (MVR) REQUESTS - Sue Eckley, County Risk Manager

Sue Eckley, County Risk Manager, said her office annually orders motor vehicle records (MVR's) on all employees who drive a County-owned vehicle at a cost of \$3.00 each. She said the practice has been to submit the required documentation to the Nebraska Department of Motor Vehicles (DMV), have DMV personnel key in the information and print the record, then personally pick up the records with payment at that time. This process can take two weeks or more. A new on-line application will allow them to register with the DMV, submit the information electronically and receive the MVR's back in that format. Eckley noted a further enhancement is planned that will allow her to select records to be monitored for changes and to be notified if an employee's license is revoked. The subscription fee is \$50 a year, which is in addition to the cost for each MVR. She said there are three payment options (credit card, debit card and monthly invoice) and asked the Board to allow her office to have a credit card for this purpose.

Tim Genuchi, Accounting Operations Manager, County Clerk's Office, appeared and said his preference would be to have payment through invoice, noting the practice has been to limit the number of County credit cards.

Eckley was asked to explore that option further and report back.

Hudkins requested additional information on what type of license is required to operate an auto patrol motor grader.

ACTION ITEMS

A. Nebraska Internet Crimes Against Children Grant Contract

MOTION: Schorr moved and Smoyer seconded to authorize the Chair to sign the grant award. Raybould, Schorr, Smoyer and Hudkins voted aye. Amundson was absent from voting. Motion carried 4-0.

NOTE: The contract will be ratified at a regular County Board of Commissioners meeting.

6 PENSION REVIEW COMMITTEE (PRC) RECOMMENDATIONS ON INCOMEFLEX AND QUALIFIED DEFAULT INVESTMENT ALTERNATIVE

Eagan, a member of the Pension Review Committee (PRC), presented the PRC's recommendations on IncomeFlex (a retirement plan option that features a guaranteed minimum withdrawal benefit for plan participants who are at least 50 years of age) and a qualified default investment alternative:

- After March 31, 2014, IncomeFlex Select should be replaced by IncomeFlex Target;
- Employees with money in IncomeFlex Select should be allowed to leave those funds in IncomeFlex Select after March 31, 2014;
- The default investment option for County employees enrolled in IncomeFlex Select should be IncomeFlex Target; and
- The Qualified Default Investment Alternative (QDIA) for the 401(a) Retirement Plan should be the Conservative GoalMaker Fund, integrated with IncomeFlex Target.

John Watson, PRC, said the County would be doing employees a disservice if it retained the fixed income account, which has such a low return, as the QDIA for the 401(a) Retirement Plan.

MOTION: Raybould moved and Schorr seconded to forward the recommendations to a regular County Board of Commissioners Meeting for action. Smoyer, Schorr, Raybould and Hudkins voted aye. Amundson was absent from voting. Motion carried 4-0.

Other PRC members who were present for the discussion were Dennis Meyer and Jeanne Sayers.

ADMINISTRATIVE OFFICER REPORT

A. Community Mental Health Center (CMHC) Client Letter

The following suggestions were offered: 1) Change the correspondence from memorandum to letter format; 2) Change the phrase "everyone is working very hard on this" to "everyone is working diligently on this transition"; 3) Indicate that Gwen Thorpe is the County Interim Administrator at CMHC and that Pam Osborne, Lutheran Family Services (LFS) Administrator, is on site; 4) Provide contact numbers for Thorpe, Osborne, and the new Crisis Response Line, and email addresses, where appropriate; and 5) Signature by the County Board Chair and a LFS representative.

Thorpe said CMHC will provide a list of client addresses to the County Board office so staff can print envelope labels. She estimated that at least 1,500 letters will be mailed. Letters will also be available at CMHC and will be provided to CMHC caseworkers, Region V and the Human Services Federation.

MOTION: Smoyer moved and Raybould seconded to authorize the Chair to sign the letter. Raybould, Schorr Smoyer, and Hudkins voted aye. Amundson was absent from voting. Motion carried 4-0.

B. Letter to Lancaster County Villages

Schorr suggested that Pam Dingman, the new County Engineer, be invited to attend and that the notice to the villages indicate the meeting will be an opportunity to meet Dingman.

C. Management Team Agenda Items (January 9, 2014)

The following items were suggested: 1) Information on the Health Risk Appraisal; 2) Pension changes; and 3) Introduction of the new County Engineer and new Prudential Retirement Education Counselor.

D. City-County Common Potential 2014 Schedule

The Board reviewed the schedule and suggested the following changes:

- Change the meeting time from 8:15 a.m. to 9:00 a.m. when the meetings fall on a Tuesday and from 12:45 p.m. to 12:30 p.m. when the meetings fall on a Monday
- Change the time of day on Tuesday, May 6, 2014 from p.m. to a.m.
- Change the time on Tuesday, November 4, 2014 from 12:45 p.m. to 9:00 a.m.

E. City-County Common Agenda Items (January 14, 2014)

It was noted a presentation on the Lincoln-Lancaster County Consolidation Task Force's Report and Recommendations is scheduled.

7 A) COUNTY TEXT AMENDMENT NO. 13013, COMMERCIAL COMPOSTING FACILITIES; AND B) COUNTY SPECIAL PERMIT NO. 13051, COMMERCIAL COMPOSTING FACILITY AT 13000 PELLA ROAD - Sara Hartzell, Planner

A) County Text Amendment No. 13013

Sara Hartzell, Planner, gave an overview of County Text Amendment No. 13013, requested by Prairieland Dairy, LLC, to amend the Lancaster County Zoning Resolution, by amending Articles 2, 4 and 13 to allow Commercial Composting Operation by special permit in the Agricultural (AG) District.

Smoyer exited the meeting at 10:07 a.m.

Hartzell said the text amendment will also add definitions for composting, organic materials and commercial composting operations. She said Prairieland Dairy has had a composting operation for about a year at South 134th Street and Pella Road, receiving popcorn waste from a factory and food waste from Norris Schools, and have had inquiries from other businesses and institutions. They have reached a threshold for state licensure and part of that process requires them to get local siting approval. It was found there is nothing in the Lancaster County Zoning Resolution to address this type of operation so a text amendment was suggested. The conditions of the special permit will address specific land use and zoning issues, as required by the Nebraska Department of Environmental Quality (NDEQ) and of concern to the Planning Commission:

- The applicant shall provide information regarding the nature of the activities related to the permit;
- The applicant shall provide information regarding the location and dimensions of any buildings on the premises, including any building to be used, in whole or in part, in the permitted activity;
- The area in which waste is handled, stored or disposed of must be located at least 750 feet from any dwelling not associated with the facility;
- The applicant shall provide information on the type and number of vehicles visiting the site per day and the route these vehicles will take;
- Visual screening through setbacks, berming and other techniques may be required where the area and/or facility is adjacent to a residence, park, school, roadway, trail, or other land use at the discretion of the Planning Commission; and
- The special permit requires final action by the Lancaster County Board of Commissioners.

Smoyer returned to the meeting at 10:10 a.m.

B) County Special Permit No. 13051

Hartzell gave an overview of County Special Permit No. 13051, requested by Prairieland Dairy, LLC, to allow a commercial composting operation at South 134th Street and Pella Road. She said the County Engineer has reviewed the number of vehicles that are anticipated to visit the site and does not believe there will be a significant impact to county roads. Prairieland Dairy has agreed to notify the County if traffic numbers increase so the County Engineer can determine whether there is a need for a road maintenance agreement.

Hartzell said the Planning Commission voted 9-0 to recommend conditional approval of the applications for the text amendment and special permit.

Hudkins noted Ruth Chantry and Everett Lunquist submitted a letter regarding the proposed text amendment and said he would like to correct their statement that "they know of no livestock that willingly consumes citrus." He said citrus is regularly fed to cattle.

Schorr asked whether the Lincoln-Lancaster County Health Department (LLCHD) will be responsible for enforcement. Hartzell said NDEQ will be responsible for enforcement if the operation exceeds the state threshold of 1,000 cubic yards per year. Otherwise enforcement would fall to LLCHD.

Raybould stated she has a conflict of interest regarding this matter related to her business interests.

8 COMMUNITY MENTAL HEALTH CENTER (CMHC) TRANSITION UPDATE - Gwen Thorpe, Community Mental Health Center (CMHC) Interim Administrator

Gwen Thorpe, Community Mental Health Center (CMHC) Interim Administrator, gave a transition update noting the following:

- Schroeder Commercial Cleaning, which has a contract with the Public Building Commission (PBC) to provide janitorial services to several of the facilities, has indicated a willingness to work with the A Work Adjustment Rehabilitation Evaluation (AWARE) Program
- Lutheran Family Services (LFS) is working with Thorpe and staff on medical management issues
- LFS and their attorney met with Thorpe; Joseph Swoboda, Psychologist at CMHC; and representatives of the County Attorney and Public Defender's Offices to discuss mental health commitments and individuals who are deemed not responsible by reason of insanity (NNRI)

- LFS also met with Thorpe; Richard Grabow, Deputy County Attorney; and Dr. Sanat Roy, Psychiatrist and Medical Director of CMHC, to discuss one of the drugs he prescribes to patients, which is not a medication LFS works with, and how to make sure those patients will continue to be monitored and receive services
- Thorpe plans to meet with Dr. Mary Paine, who serves as the Supervising Psychologist for the Sexual Trauma/Offender Prevention (STOP) Program, to discuss how funding can continue for that program
- Mary Sullivan, Licensed Clinical Social Worker (LCSW), has indicated the Recovery After Initial Schizophrenia Episode (RAISE) Project will wrap up in March, 2014 and she is working on a transition plan for the four remaining clients
- LFS has completed 35 interviews:
 - ▶ 2 Community Support Worker Supervisors - both from CMHC
 - ▶ 2 Licensed Clinical Social Workers (LCSW) - 1 from CMHC and 1 external
 - ▶ 2 Licensed Mental Health Practitioners (LMHP) - 1 external and 1 offered to CMHC employee and waiting a response from applicant
 - ▶ 13 Community Support Workers - 10 CMHC or county employees and 3 external
 - ▶ 3 Community Support Workers offered and waiting for response (2 CMHC or county employees and 1 external)
 - ▶ 2 Community Support Workers waiting on reference checks so offers can be made (both external)
 - ▶ In addition, LFS has listed positions and started interviews for 2 Staff Assistants and plans to post a position for a Medication Peer Engagement Specialist
- There was a "soft" launch of the new Crisis Response Line
- Thorpe has plans to meet with Region V and Topher Hansen, Director, CenterPointe, Inc., to discuss staffing of The Heather (community transition program)

Richard Grabow, Deputy County Attorney, appeared and said the County's contract with TR Hepburn, Inc., d/b/a O.U.R. Homes, for bedroom units and night staff for The Heather will expire December 31, 2013 and said he will draft an amendment to extend the contract.

Schorr noted an advisory committee will need to be established for the Crisis Center. She said the purpose for the CMHC Advisory Committee will no longer exist and LFS will set up its own advisory committee. Raybould felt some of the CMHC Advisory Committee members may be interested in serving on the advisory committee for the Crisis Center. Scott Etherton, Crisis Center Director, appeared and said some of the members would meet the requirements for the new advisory committee but said it does not need to be the same group.

Raybould inquired about LFS's thoughts regarding the program involving University of Nebraska-Lincoln (UNL) externs. Thorpe said LFS understands the value of the program and intends to finish the term of the contract with UNL. Raybould asked whether LFS plans to renew the contract. Thorpe said she does not know, noting it has been suggested that Region V may want to contract for the externs and place them in various programs. C. J. Johnson, Region V Systems Administrator, appeared and said Region V set aside \$200,000 to assist with the transition with the intent to invest any funds remaining at the end in the entire Region V network, rather than a specific program. He added that Region V may have a \$3,200,000 reduction in funding next fiscal year so that might not even be a consideration.

Hudkins asked Johnson if there is anything else he would like the Board to consider. Johnson said his sense is that CenterPointe does not want to continue the psychiatric residential rehabilitation program and if that is the case, the County and Region V should evaluate whether it makes sense to continue it through the end of the fiscal year or terminate the contract.

Raybould requested that LFS provide an update and time line for the transition, noting their request for proposal (RFP) indicated plans for an information kiosk, "lunch and learns" for staff and non-profit providers, and a hot line. Johnson said it has been difficult for LFS to establish dates but said it would be helpful if they would provide at least a written update every other week.

Raybould asked Johnson if LFS is communicating with Region V on the status of the transition and meeting the benchmarks. Johnson said yes, LFS has been communicating with Region V throughout the process. Raybould said consumers have indicated to her that they would like LFS to reach out to them, besides the letter, and follow through with the initiatives they had talked about so consumers and their families can have a better understanding of how the transition will progress. Johnson felt it would be appropriate to go back and discuss some of those activities LFS had laid out now that LFS is "on the floor" at CMHC.

Hudkins said he felt better about the progress LFS is making after their last meeting. **NOTE:** It was suggested at the December 5, 2013 Staff Meeting that two Commissioners and Thorpe meet with LFS and Region V to work through issues. Hudkins (Chair of the County Board) and Commissioner Schorr served in that role. Raybould noted she is the Board's liaison to CMHC and asked why she has been excluded from those meetings. Hudkins said he shared Raybould's concerns in the meetings, noting only two Commissioners could be in the meeting to avoid a quorum. Raybould asked that she be included going forward. Schorr noted that Raybould was not present at the meeting when the Board designated who would attend the meetings. She explained that her history serving on the Region V Governing Board was a factor in why the Board decided to send her, along with the Chair, to the meetings.

It was suggested that the Board take a vote to make the appointments official.

MOTION: Smoyer moved and Schorr seconded to appoint Larry Hudkins, Chair of the County Board, and Commissioner Schorr to continue their discussions with Region V and Lutheran Family Services (LFS).

Raybould felt Hudkins and Schorr have not had the same level of involvement in the process as she has. Schorr said that is not true.

ROLL CALL: Schorr, Smoyer and Hudkins voted aye. Raybould voted nay. Motion carried 3-1.

Raybould exited the meeting at 11:03 a.m.

The Chair said he would like the record to reflect that Commissioner Raybould left the meeting without asking the Chair to be excused.

9 NAME CHANGE (LINCOLN-LANCASTER COUNTY HUMAN RESOURCES DEPARTMENT) - Doug McDaniel, Lincoln-Lancaster County Human Resources Director

Doug McDaniel, Lincoln-Lancaster County Human Resources Director, said the Lincoln City Council recently made technical amendments to the Lincoln Municipal Code to change the title of the Personnel Department to Human Resources Department and his title on the City side to Human Resources Director. He suggested it would be appropriate for the County to make a similar change. McDaniel assured the Board there will be no change in services or fees.

10 LEASE OF VOTING EQUIPMENT - Dave Shively, Election Commissioner; Maura Kelly Tolzin, Chief Deputy Election Commissioner; Angie Urosevich, Regional Sales Manager, Election Systems & Software (ES&S)

Dave Shively, Election Commissioner, said the Nebraska Secretary of State has certified new vote tabulating equipment that allows them to tabulate folded ballots. He said ballots for the mail-in Special Election for Lincoln Public Schools (LPS) scheduled for February 11, 2014, will be folded and requested authorization to purchase one of the machines to count those ballots. Shively said the machine could also be used to help count absentee ballots for other elections, explaining folding the ballots would allow them to reduce their postage and envelope costs. There would also be staffing efficiencies.

Angie Urosevich, Regional Sales Manager, Election Systems & Software (ES&S), disseminated information on the vote tabulating equipment and a quote for purchase or lease of the equipment and ballot printing (Exhibits C and D).

In response to a question from Schorr, Shively said he will likely expend his budget by the end of March, 2014, due to the special election. He added he will be able to bill back costs of the special election, including lease of the vote tabulating equipment, to LPS.

MOTION: Smoyer moved and Schorr seconded to authorize the purchase of one vote tabulating machine, through the five-year lease-to-own program offered by Election Systems & Software (ES&S). Schorr, Smoyer and Hudkins voted aye. Amundson and Raybould were absent from voting. Motion carried 3-0.

11 MID-YEAR BUDGET LETTER - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, requested authorization to send the Mid-Year Budget letter to County departments.

MOTION: Smoyer moved and Schorr seconded to authorize the letter to be sent. Smoyer, Schorr and Hudkins voted aye. Amundson and Raybould were absent from voting. Motion carried 3-0.

12 ACTION ITEMS

- A. Nebraska Internet Crimes Against Children Grant Contract

Item was moved forward on the agenda.

13 CONSENT ITEMS

There were no consent items.

14 ADMINISTRATIVE OFFICER REPORT

- A. Community Mental Health Center (CMHC) Client Letter
- B. Letter to Lancaster County Villages
- C. Management Team Agenda Items (January 9, 2014)
- D. City-County Common Potential 2014 Schedule
- E. City-County Common Agenda Items (January 14, 2014)

Items A-E were moved forward on the agenda.

- F. Appointment of Cindy Rempe to the Air Pollution Advisory Board

The Board scheduled the appointment on the January 7, 2014 County Board of Commissioners Meeting agenda.

G. Chief Deputy Salary Recommendations

Eagan said he has not received all of the salary recommendations back from the Elected Officials. He said most of the recommendations are to set the salary of the chief deputy at 95% of the elected official's salary. Eagan said he will schedule a resolution to set the chief deputies' salaries on the January 7, 2014 County Board of Commissioners Meeting agenda.

H. Pension Contribution Rates

Eagan said Commissioner Raybould had requested the item be placed on the agenda and she is no longer present.

Richard Grabow, Deputy County Attorney, appeared and suggested it would be best not to discuss the topic while labor negotiations are in progress.

15 PENDING

There were no pending items.

16 DISCUSSION OF BOARD MEMBER MEETINGS

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

Hudkins said he was unable to attend the meeting.

B. Parks and Recreation Advisory Board - Hudkins

No report.

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

Smoyer said there were questions regarding the transition of core services (outpatient counseling, day treatment, community support and medication management) from the Community Mental Health Center (CMHC) to Lutheran Family Services (LFS) and said there appears to be a lot of misinformation circulating. Legislation and the Lincoln Public Schools (LPS) bond issue were also discussed.

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

Hudkins said they paid claims totaling \$73,663.73 from Wells Fargo for bank fees; and Sampson Construction Company, the Construction Manager at-Risk. He said they also received an update on jail operations.

E. General Assistance (GA) Monitoring Committee - Hudkins, Amundson

Eagan, who attended the meeting, said the most significant issue of discussion was the health care exchanges and whether GA monies can be used to pay the health insurance premiums for individuals who qualify.

F. Keno Advisory Board - Schorr

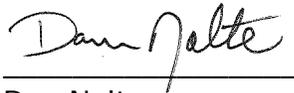
Schorr said they received 37 requests for funding. She said the requests totaled \$337,000 but there was only \$135,000 to allocate. The funding recommendations will be brought forward after the first of the year.

17 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

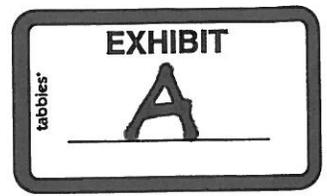
18 ADJOURNMENT

MOTION: Smoyer moved and Schorr seconded to adjourn the meeting at 11:26 a.m. Schorr, Smoyer and Hudkins voted aye. Amundson and Raybould were absent from voting. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk





December 19, 2013:

Dear Lancaster County Board:

In the summer of 2012, I entered into a contract with Lancaster County to implement the recommendations made in a report by the Lancaster County Indigent Defense Advisory Committee aimed at decreasing the cost of legal services in Lancaster County.

A number of the activities outlined in the Scope of Work have been completed, but several remain. I have accepted a new position as Executive Director of the Nebraska State Bar Association and as such, will be closing my business, Objective Advantage, LLC. I have met with the Lancaster County Indigent Defense Advisory Committee to discuss the remaining recommendations. For the past six months I have been working steadily with Justice Works to develop a web-based assigned counsel billing system that will allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes. The Juvenile Court will be going "live" with the new application in January and we hope to have the County and District courts ready soon after. With your permission, I would like to complete my activities on this specific project.

In regards to the other remaining recommendations, I would recommend that the County enter into a contract with another consultant (the funds have already been appropriated). I would like to recommend Dr. Mitchel N. Herian in this capacity. I have worked closely with Dr. Herian for more than six years and have the greatest of confidence in his abilities (his curriculum vitae is attached).

A description of the remaining recommendations and associated costs are presented below:

Improved Data and Transparency

Recommendation: Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Conflict Defender Office, an Office of Guardian ad Litem, and any other contracts for civil legal services.

Scope of Work: Utilize Justice Works reports to compare against existing costs in the Lancaster County Public Defender Office, and to compare against proposed budgets for a Conflict Defender Office, Office of Guardian ad Litem and contracts for civil legal services.

Reduced Number of Appointments

Recommendation: Explore the expansion of eligibility for diversion and diversion programming (mental health, truancy, DUI).

Scope of Work: As requested, work with the Lancaster County and City Attorneys to review and (when appropriate) encourage expansion of eligibility criteria and eligible cases for juvenile and adult diversion (at the juvenile level this will be done in coordination with the diversion assessment process). Identify areas for program expansion and work with diversion providers to develop expansion plans. Track referral and participation rates.

Scope of Work for DUI Diversion: Obtain outcome data from Sarpy County's DUI Diversion Program. Work with the Indigent Defense Advisory Group and prosecutors to explore the concept and draft language for a statutory change to either: 1) allow DUI diversion for 1st time offenders; or 2) allow for a pilot project to assess the impact (on recidivism and public safety) and cost effectiveness of offering DUI Diversion for 1st time offenders. *Kissel and Associates to identify senator for bill introduction, other supporting partners, and any lobbying activities.*

Recommendation: A form should be piloted to assist with indigence determinations, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff and filled out, signed and sworn to by the defendant. If the client is in custody and is appearing via video, Lancaster County Corrections should be responsible for disseminating the form and providing it to the Judge. In addition to better informing indigence determinations, the adoption of an indigence determination form may enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process and may improve the County's efforts to recoup fees when appropriate. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).

Scope of Work: Establish eligibility criteria in consultation with the County Court Judges. Identify a courtroom in which to pilot the form. Work with the County Attorney's Office to make sure the form contains information to aid the process of recoupment. Establish an implementation process for the pilot courtroom and for Lancaster County Corrections. Assess impact and implementation process to inform expansion. If requested, establish a way to assess the rate of appointment via the form currently in place in juvenile court.

Alternative Funding Streams

Recommendation: Counties should protect and when opportunities present themselves, support the continued use of the Commission on Public Advocacy and the expansion of the state contribution toward indigent defense.

Scope of Work: Explore legislation to either 1) initiate an interim study to assess the division of costs (county/state) of indigent defense; or 2) increase the state contribution to indigent defense. *Kissel and Associates to identify senator for bill introduction, other supporting partners, and perform any lobbying activities.*

Case Processing

Recommendation: Pilot the impact that asking the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service on 3(a) cases, has on the number of continuances in juvenile court.

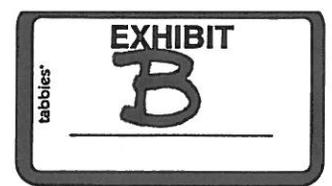
Scope of Work: Establish a baseline of average number of continuances for 3 (a) cases. Review and make any necessary adjustments to the content of the form. Develop a simple evaluation framework. Meet with Sheriff's office and other stakeholders to develop an implementation process. Evaluate impact on number of continuances.

Report Recommendation	Activity	Estimated Hours	Contract Amount
3	Cost Comparisons	20	\$1,800
6	Expansion of Diversion	30	\$2,700
6	DUI Diversion	30	\$2,700
7	Indigence Determination Form	50	\$4,500
8	State Contribution toward Indigent Defense	30	\$2,700
11	Reduce Number of Continuances	20	\$1,800
		180	\$16,200

In closing, I would like to express my thanks for the opportunity to work with Lancaster County on these important issues and express my regret that I was unable to finalize this contract personally. That being said, Dr. Herian is a very competent researcher and will do an excellent job for Lancaster County if you elect to finish the contract.

Sincerely,

Elizabeth Neeley, Ph.D.
Objective Advantage, LLC



Mitchel N. Herian, Ph.D.

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Curriculum Vitae

Education:

University of Nebraska – Lincoln, Ph.D. Political Science, 2008

University of Nebraska – Lincoln, M.A. Political Science, 2004

University of Nebraska at Omaha, B.A. Political Science, 2002

Appointments:

Senior Scientist, Personnel Development & Hiring, LLC, October, 2012-Present

Faculty Fellow, University of Nebraska Public Policy Center, October, 2010-Present

Adjunct Instructor, University of Nebraska-Lincoln, Department of Political Science,
September, 2008-Present

Project Manager/Evaluator, TKC Global Solutions, LLC, October, 2010-September, 2012

Research Specialist, University of Nebraska Public Policy Center, May, 2007-October, 2010

Instructor, University of Nebraska-Lincoln, Department of Political Science, September,
2002-May, 2007

Publications:

Book:

Herian, Mitchel N. 2011. *Governing the States and the Nation: The Intergovernmental Policy Influence of the National Governors Association*. Amherst, NY: Cambria Press.

Peer Reviewed Publications:

Herian, Mitchel N., Tarik Abdel-Monem, and Nancy Shank. "Trust in Government and Support for Government Regulation: The Case of Electronic Medical Records." *Health Expectations*. Advance online publication. doi: 10.1111/j.1369-7625.2012.00803.x.

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- Herian, Mitchel N. 2011. "Local Budgeting and Public Participation: Contextual Predictors of State Laws Mandating Public Input." *State and Local Government Review*, 43: 95-109.
- Hamm, Joseph A., Alan J. Tomkins, Lisa M. PytlikZillig, Mitchel N. Herian, Brian H. Bornstein, and Elizabeth M. Neeley. 2011. "Exploring Separable Components of Institutional Confidence." *Behavioral Sciences & the Law*, 29: 95-115.
- Herian, Mitchel N. 2010. "The National Governors Association and Opposition to Homeland Security Policy." *Journal of the Institute of Justice & International Studies*, 10: 59-75.

Articles under Review:

- Herian, Mitchel N. "Trust in Government and Attitudes toward Municipal Service Delivery: Implications for Public Budgeting." (revise and resubmit at *State and Local Government Review*).
- Herian, Mitchel N., Louis Tay, Joseph A. Hamm, and Ed Diener. "Social Capital, Ideology, and Health in the United States." (revise and resubmit at *Social Science and Medicine*).
- Kimbrough, Christopher D., Mitchel N. Herian, David B. Rottman, Brian H. Bornstein, and Alan J. Tomkins. "The Verdict is In: Judge and Administrator Perceptions of State Court Governance, Confidence, and Trends" (revise and resubmit at *Justice System Journal*).

Tay, Louis, Mitchel N. Herian, Ed Diener. "Detrimental Effects of Corruption and Societal Well-being: Whether, How, and When." (revise and resubmit at *Social Psychological and Personality Science*).

Vanhove, Adam J., Mitchel N. Herian, P.D. Harms, Alycia U.L. Perez, Paul B. Lester, and Michael Dretch. "Can Resilience Be Developed? A Meta-analysis of the Effectiveness of Resilience-based Interventions." (under review at *Psychological Bulletin*).

Articles in Preparation:

DeSimone, Justin A., Paul B. Lester, Mitchel N. Herian, and P.D. Harms. "The Psychometric Properties of the Global Assessment Tool." (in preparation).

DeSimone, Justin A., Paul B. Lester, Mitchel N. Herian, and P.D. Harms. "Think Before you Tweak: The Effects of Altering Item Content." (in preparation).

Herian, Mitchel N. "Institutional Powers and Interstate Compacts: How Gubernatorial Powers affect State Adoption of The Streamlined Sales Tax Agreement." (in preparation).

Herian, Mitchel N. "State Sentencing Laws and Federal District Courts: Evaluating the Intergovernmental Effects of State Mandatory Sentencing Laws." (in preparation).

Herian, Mitchel N. P.D. Harms, Paul B. Lester. "Affect and Perceptions of Health Risk: A Prospective Study of Negative Affect and Post-Deployment Concerns about Environmental Exposures." (in preparation).

Herian, Mitchel N., Dina V. Krasikova, P.D. Harms, Paul B. Lester, and Paul B. Bliese. "Predicting PTSD Symptoms with Psychological Resilience: Prospective Cohort Study of Combat Deployed U.S. Soldiers, 2009-2011." (in preparation).

Herian, Mitchel N., Paul B. Lester, P.D. Harms, and Daniel Jones. "An Analysis of Deployment and Dwell Times upon Soldier Health." (in preparation).

Herian, Mitchel N., Adam J. Vanhove, and Justin A. DeSimone. "Organizational Justice, Role Ambiguity, and Job Satisfaction: A Multilevel Analysis." (in preparation).

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Tomkins, Alan, Lisa M. Pytlik Zillig, Mitchel N. Herian, and Rick Hoppe. "Participatory Budgeting: Impacts upon Trust and Confidence in Local Government." (in preparation).

Vanhove, Adam J., Peter D. Harms, Paul B. Lester, and Mitchel N. Herian. "An Examination of the Validity of the U.S. Army's Global Assessment Tool." (in preparation).

Technical and Policy Reports:

Harms, P.D., Mitchel N. Herian, Dina V. Krasikova, Adam Vanhove, and Paul B. Lester. 2013. "The Comprehensive Fitness Program Evaluation. Report #4: Evaluation of Resilience Training and Mental and Behavioral Health Outcomes." Available from: <http://csf2.army.mil/supportdocs/TR4.pdf>.

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- Lester, Paul B., P.D. Harms, Mitchel N. Herian, Dina V. Krasikova, and Sarah J. Beal. 2011. "The Comprehensive Fitness Program Evaluation. Report #3: Longitudinal Analysis of the Impact of Master Resilience Training on Self-Reported Resilience and Psychological Health Data. Available from: www.dtic.mil
- Lester, Paul B., P.D. Harms, Denise J. Bulling, Mitchel N. Herian, Seth M. Spain, and Sarah J. Beal. 2011. "Evaluation of Relationships between Reported Resilience and Soldier Outcomes – Report #2: Positive Performance Outcomes in Officers (Promotions, Selections, and Professions)." Available from: www.dtic.mil
- Lester, Paul B., P.D. Harms, Denise J. Bulling, Mitchel N. Herian, and Seth M. Spain. 2011. "Evaluation of Relationships between Reported Resilience and Soldier Outcomes – Report #1: Negative Outcomes (Suicide, Drug Use, & Violent Crimes)." Available from: www.dtic.mil
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- Neeley, Elizabeth and Mitchel N. Herian. 2010. *Nebraska Judicial Evaluation Poll*. Lincoln, NE: Author.
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- Abdel-Monem, Tarik and Mitchel N. Herian. 2008. *Sharing Electronic Health Records: The Views of Nebraskans*. Lincoln, NE: University of Nebraska Public Policy Center.
- Herian, Mitchel N. and Nancy Shank. 2008. *Nebraska Community Learning Center Network: Expanded Learning Opportunity Fund Mapping Project*. Lincoln, NE: University of Nebraska Public Policy Center.
- University of Nebraska Public Policy Center. 2008. *Priority Lincoln: Budgeting for Outcomes, Final Report*. Lincoln, NE: Author.
- Neeley, Elizabeth, Amy Prenda, and Mitchel N. Herian. 2007. *Nebraska Judicial Structure and Administration Task Force: Final Report*. Lincoln, NE: University of Nebraska Public Policy Center.

Other Publications:

- Tomkins, Alan J., Brian H. Bornstein, Mitchel N. Herian, David I. Rosenbaum, and Elizabeth M. Neeley. 2012. "An Experiment in the Law: Studying a Technique to Reduce Failure to Appear in Court." *Court Review*, 48: 96-106.
- Tomkins, Alan J., Rick Hoppe, Mitchel N. Herian, Lisa PytlikZillig, Tarik Abdel-Monem, and Nancy Shank. 2012. "Public Input for City Budgeting Using E-Input, Face-to-Face Discussions and Random Sample Surveys: The Willingness of an American Community to Increase Taxes." In *Proceedings of The 12th European Conference on E-Government*, 2: 698-707.
- Herian, Mitchel N. 2011. "Science Policy." Entry in *Governing America: Major Policies and Decisions of Federal, State, and Local Government*, Paul Quirk and William Cunion, eds. New York: Facts on File.
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- Herian, Mitchel N. 2009. "State Government." Entry in *Encyclopedia of American Government and Civics*, Vol. 3, eds. Michael Genovese and Lori Cox Han. New York: Facts on File. 966-970.
- Herian, Mitchel N. Review of *Studies in Public Opinion: Attitudes, Nonattitudes, Measurement Error, and Change*, eds. Willem E. Saris and Paul M. Sniderman, in *Perspectives on Political Science* 35 (Winter 2006): 62.
- Herian, Mitchel N. Review of *Power, Knowledge, and Politics: Policy Analysis in the States*, by John A. Hird. *Perspectives on Political Science* 34, no. 4 (Fall 2005): 34.
- Herian, Mitchel N. Review of *Democracy in California: Government and Politics in the Golden State: Post-Recall Edition*, by Brian P. Janiskee and Ken Masugi. *Perspectives on Political Science* 33 (Summer 2004): 172.

Grants, Contracts, and Consulting:

- Project Manager/Evaluator. Evaluation of the U.S. Army's Comprehensive Soldier Fitness Program. (10/1/10-9/31/14).
- Co-Principal Investigator. Testing a Three-Stage Model of Institutional Confidence across Branches of Government. National Science Foundation Grant: SES-1061635 (6/1/11-5/31/14).
- Co-Principal Investigator. Testing a Three-Stage Model of Institutional Confidence across Branches of Government: Research Experiences for Undergraduates. National Science Foundation Grant: SES-1061635 (Supplement) (5/1/12-5/31/14).
- Consultant. Assessment of Disproportionate Minority Contact in the State of Kansas. (8/1/2012-7/31/1013).
- Consultant. Nebraska State Bar Association Judicial Evaluation Poll. (5/1/2012-7/31/2012).
- Consultant. Nebraska State Bar Association Judicial Evaluation Poll. (5/1/2010-7/31/2010).
- Principal Investigator. Examining the Public's Perceptions of Career Technical Education in Nebraska. Contract with Nebraska Department of Education. (3/1/2010-6/30/2010).
- Project Manager. City of Lincoln: Public Input on Spending Priorities. Contract with City of Lincoln, NE. (11/1/2009-6/30/2010).
- Principal Investigator. Examining Educators' Perceptions of Career Technical Education in Nebraska. Contract with Nebraska Department of Education. (11/1/2009-2/28/2010).
- Project Manager. City of Lincoln: Public Input on Spending Priorities. Grant from Alfred P. Sloan Foundation. (5/1/2009-4/30/2010).
- Project Manager. Reducing Courts' Failure-to-appear Rate: A Procedural Justice Approach. Grant from National Institute of Justice: 2008-IJ-CX-0022 (10/1/08-9/30/10).

Researcher. City of Lincoln: Priority Lincoln, Budgeting and Outcomes. Grant from Lincoln (NE) Community Foundation. (3/1/2008-6/1/2008).

Presented Papers and Conference Participation:

- Herian, Mitchel N., P.D. Harms, Paul B. Lester. June, 2013. August, 2013. "Comprehensive Soldier and Family Fitness: Evaluation of the Master Resilience Trainer Course." Electronic poster presented at the Fifth Warrior Resilience Conference (virtual conference).
- Herian, Mitchel N., P.D. Harms, Paul B. Lester. June, 2013. "Positive Psychology in the Military Context: An Evaluation of a Large-Scale Program to Improve the Resilience of U.S. Army Soldiers." Paper presented at the annual meeting of the Congress on Positive Psychology, Los Angeles, CA.
- Hamm, Joseph A., Alan J. Tomkins, Brian H. Bornstein, Lisa M. PytlikZillig, Mitchel N. Herian, and Christopher D. Kimbrough. June, 2013. "Land Owner Trust in and Cooperation with Natural Resource Management Institutions: What Is It and What Does It Do?" Paper presented at the International Symposium on Society and Resource Management, Estes Park, CO.
- Herian, Mitchel N., P.D. Harms, Dina V. Krasikova, and Paul B. Lester. April, 2013. "Evaluating Psychological Resilience as a Protective Factor Against Posttraumatic Stress." Paper presented at annual meeting of the Society for Industrial and Organizational Psychology, Houston, TX.
- Hamm, Joseph A., Lisa M. PytlikZillig, Mitchel N. Herian, Alan J. Tomkins, Brian H. Bornstein, & Christopher D. Kimbrough. March, 2013. "Understanding the role of trust in cooperation with a governance institution." Paper presented at the Annual Conference of the American Psychology-Law Society, Portland, OR.
- Hamm, Joseph. A., Alan J. Tomkins, Brian H. Bornstein, Lisa M. PytlikZillig, Mitchel N. Herian, & Christopher D. Kimbrough. January, 2013. "Land Owner Trust in and Cooperation with Natural Resource Management Institutions: What Is It and What Does It Do?" Paper presented at the Annual Meeting of the Society for Personality and Social Psychology: Social Psychology and Law Preconference. New Orleans, LA.
- Loke, Jessica, Joseph A. Hamm, Christopher D. Kimbrough, Mitchel N. Herian, Lisa M. PytlikZillig, Brian H. Bornstein, and Alan J. Tomkins. November, 2012. "Sophisticated Trustors: Investigating the Relationship between Knowledge, Experience and Trust in Water Regulatory Institutions." Paper presented at Water: Science, Practice and Policy, Lincoln, NE.
- Lester, P.B., P.D. Harms, Mitchel N. Herian, Dina V. Krasikova, Aaron Mack, and Megan McGuffey. August, 2012. "Evaluating a Well-Being and Resilience Initiative: The Comprehensive Soldier Fitness Program." Paper presented at the Academy of Management Annual Meeting, Boston, MA.
- Kimbrough, Chris D., Mitchel N. Herian, David B. Rottman, Brian H. Bornstein, and Alan J. Tomkins. March, 2012. "The Verdict is in: Judge and Administrator Perceptions of State Court Governance, Confidence, and Trends." Paper presented at symposium, "Public Policy: Perceptions and Decision Making," at the American Psychology-Law Society Annual Meeting, San Juan, PR.
- PytlikZillig, Lisa. M., Alan J. Tomkins, Mitchel N. Herian, and Rick D. Hoppe. June, 2012. "Trust in Government: Findings from Public Budgeting Consultations." Transatlantic Conference on Transparency Research, Utrecht, Netherlands.

- Tomkins, A. J., Rick D. Hoppe, Mitchel N. Herian, Lisa M. PytlikZillig, Tarik Abdel-Monem, and Nancy C. Shank. June, 2012. "Public Input for City Budgeting Using E-input, Face-to-Face Discussions, and Random Sample Surveys: The willingness of an American Community to Increase Taxes." Paper presented at 12th European Conference on eGovernment, Barcelona, Spain.
- Hamm, J. A., PytlikZillig, L. M., Herian, M. N., Bornstein, B. H., Tomkins, A. J., & Hoffman, L. July, 2012. "Public Trust and Confidence in State Courts." Paper presented at the Annual Meeting of the International Society of Political Psychology, Chicago, IL.
- Hamm, J. A., Brian H. Bornstein, Mitchel N. Herian. July, 2012. "Forecasting Positive Experiences with the Courts: Do Procedural Justice Expectations Legitimate?" Paper presented at the International Society of Political Psychology Annual Meeting of, Chicago, IL.
- Herian, Mitchel N. March, 2012. "State Sentencing Laws and Federal District Courts: Exploring the Intergovernmental Impacts of Mandatory Sentencing." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Herian, Mitchel N. February, 2012. "Institutional Powers and Interstate Compacts: How Gubernatorial Powers affect State Adoption of the Streamlined Sales Tax Agreement." Paper accepted for presentation at the Annual State Politics and Policy Conference, Houston, TX.
- Gonzalez, Frank, Lisa Lisa PytlikZillig, Mitchel N. Herian, and Tarik Abdel-Monem. January, 2012. "The Interaction of Ideology with Framing Effects and Policy Satisfaction: Ideology as a Moderator of Framing Effects." Paper presented at the Southern Political Science Association Annual Meeting, New Orleans, LA.
- Herian, Mitchel N. March, 2011. "Trust in Government and Local Governmental Services: Understanding Public Attitudes Toward Service Delivery in a Municipality." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Herian, Mitchel N., Lisa PytlikZillig, Alan J. Tomkins, Joseph A. Hamm. March, 2011. "Public Participation, Procedural Fairness, and Evaluations of Local Governance: The Moderating Role of Uncertainty." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Herian, Mitchel N., Alan J. Tomkins, and Rick Hoppe. October, 2010. "Citizen Input for Public Budgeting: Reaching Residents and Navigating Potential Political Pitfalls." Presented at the Association for Budgeting and Financial Management Annual Meeting, Omaha, NE.
- Herian, Mitchel N. September, 2010. "Reducing Courts' Failure-to-Appear Rate by Written Reminders: A Procedural Justice Approach." Paper presented at the National Association of Pretrial Service Agencies Annual Conference, San Diego, CA.
- Whitaker, Eric A., Mitchel N. Herian, and Christopher W. Larimer. June, 2010. "Legislative Bills and Ballot Initiatives: Raising the Minimum Wage in the American States, 1997-2006." Paper presented at the Annual State Politics and Policy Conference, Springfield, IL.
- Bornstein, Brian H., Alan J. Tomkins, Elizabeth Neeley, Mitchel N. Herian, Joseph A. Hamm, Lindsay Klug, Sucharitha Rajendran, and Nicole Hutsell. March, 2010. "Reducing Courts' Failure-to-Appear Rate by Written Reminders." In Brian H. Bornstein, Procedural Justice, Trust in the Courts, and Defendants' Failure to Appear. Symposium conducted at the American Psychology-Law Society Annual Meeting, Vancouver, BC, CA.
- Hamm, Joseph A., Alan J. Tomkins, Lisa PytlikZillig, Mitchel N. Herian, Brian H. Bornstein and Elizabeth Neeley. March, 2010. "Identifying Separable Components of Confidence in the Courts: Development of an Institutional Confidence Measure." In Brian H. Bornstein,

- Procedural Justice, Trust in the Courts, and Defendants' Failure to Appear. Symposium conducted at the American Psychology-Law Society Annual Meeting, Vancouver, BC, CA.
- Tomkins, Alan J., Brian H. Bornstein, Joseph A. Hamm, Lisa PytlikZillig, Mitchel N. Herian, Elizabeth Neeley, Sucharitha Rajendran, Lindsay Klug. March, 2010. "A Field Study of Procedural Justice and Confidence/Trust in the Courts: A Survey of Misdemeanants." In Brian H. Bornstein, Procedural Justice, Trust in the Courts, and Defendants' Failure to Appear. Symposium conducted at the American Psychology-Law Society Annual Meeting, Vancouver, BC, CA.
- Neeley, Elizabeth, Mitchel N. Herian, Brian H. Bornstein, Alan J. Tomkins, Joseph A. Hamm. March, 2010. "Race and Failure to Appear." In Brian H. Bornstein, Procedural Justice, Trust in the Courts, and Defendants' Failure to Appear. Symposium conducted at the American Psychology-Law Society Annual Meeting, Vancouver, BC, CA.
- Herian, Mitchel N. March, 2010. "From 'Real' Time to 'Pass' Time: Institutional Barriers to Federal Security Policy." Paper presented at the conference of Homeland Security: Global & Domestic Perspectives, Warrensburg, MO.
- Herian, Mitchel N. and Alan J. Tomkins. March, 2010. "Citizen Satisfaction Survey Data: A Mode Comparison of the Derived-Importance Performance Approach." Paper presented at the Public Performance Measurement and Reporting Conference, Chattanooga, TN.
- PytlikZillig, Lisa, Peter Muhlberger, Tarik Abdel-Monem, Mitchel N. Herian, Jamie L. Marincic and Joseph A. Hamm. March, 2010. "Effects of Consensus Instructions on Processes and Outcomes in Deliberative Discussions of Performance Measurement and Reporting and Budget Issues." Paper presented at the Public Performance Measurement and Reporting Conference, Chattanooga, TN.
- Tomkins, Alan J., Mitchel N. Herian, Lisa PytlikZillig, Joseph A. Hamm, Elizabeth Neeley and Rick Hoppe. March, 2010. "Performance Measures and Strategic Budgeting: The Impact on the Public's Trust and Confidence in Government." Paper presented at the Public Performance Measurement and Reporting Conference, Chattanooga, TN.
- Tomkins, Alan J. Mitchel N. Herian and Rick Hoppe. March, 2010. "Citizen Input for Performance Management and Strategic Budgeting: Promising Practices, Reaching Residents, and Navigating Potential Political Pitfalls." Workshop at the Public Performance Measurement and Reporting Conference, Chattanooga, TN.
- Herian, Mitchel N. April, 2009. "Procedural Fairness and Court Experience: Do Recent Court Experiences Diminish Expectations of Fairness?" Paper presented at the Southwestern Political Science Association Annual Meeting, Denver, CO.
- Herian, Mitchel N. April, 2009. "Procedural Fairness and Recent Court Experience: Examining Expectations of Fair Treatment." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Neeley, Elizabeth, Mitchel N. Herian, Alan Tomkins and Tarik Abdel-Monem. April, 2009. "Trust and Confidence in Local Government: The Impact of Citizen Participation in Budgetary Processes." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Tomkins, Alan, Mitchel N. Herian, Tarik Abdel-Monem, Elizabeth Neeley, and Stacia Halda Jorgensen. June, 2008. "Public Participation in Budget Setting the in U.S." Paper presented at the International Conference on Community Psychology, Lisbon, Portugal.

- Herian, Mitchel N. April, 2008. "Examining the Federal Lobbying Impact of the National Governors Association." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Whitaker, Eric A., John M. Fulwider, and Mitchel N. Herian. June, 2007. "Exploring Links Between Personality and Political Orientation and Identification." Paper presented at the Annual Meeting of the International Society of Political Psychology, Portland, OR.
- Herian, Mitchel N. and Eric A. Whitaker. April, 2007. "Decisions to Adopt: The Case of the States and Minimum Wage Laws." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Whitaker, Eric A. and Mitchel N. Herian. February, 2006. "Substance or Symbolism: States' Willingness to Adopt More Generous Minimum Wage Laws." Paper presented at the State Politics and Policy Conference, Austin, TX.
- Larimer, Christopher W., Eric A. Whitaker and Mitchel N. Herian. May, 2006. "Revisiting the Politics of Punishment: Partisan Strength vs. Majority Control." Paper presented at the State Politics and Policy Conference, Lubbock, TX.
- Herian, Mitchel N. April, 2006. "Public Opinion and Biofeedback: Emotion as a Predictor of Survey Response." Paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL.
- Herian, Mitchel N. March, 2006. "State-Level Public Opinion and Representation: Using New Data to Ask an Old Question." Paper presented at the Western Political Science Association Annual Meeting, Albuquerque, NM.
- Herian, Mitchel N. May, 2005. "An Analysis of the Effects of Presidential Approval Ratings upon Gubernatorial Approval Ratings." Paper presented at the State Politics and Policy Conference, East Lansing, MI.

Courses Taught:

- *Political Science 100* – American Politics and Government
- *Political Science 100* – American Politics and Government (Web-based)
- *Political Science/History 105* – American Ways
- *Political Science 221* – State and Local Politics
- *Political Science 225* – Nebraska Government and Politics
- *Political Science 225* – Nebraska Government and Politics (Online Distance Ed. Course)
- *Political Science 232* – Public Issues in America
- *Political Science 368* – Party Conventions (Summer Reading Course)

Awards and Honors:

- Inter-university Consortium of Political and Social Research (ICPSR) Stipend to attend Summer Program in Ann Arbor, MI (Summer 2009)
- University of Nebraska – Lincoln, Arts and Sciences Graduate Research Assistant of the Year (2008)
- University of Nebraska (System-wide) Graduate Research Assistant of the Year Honorable Mention (2007)
- University of Nebraska Public Policy Center, Graduate Assistantship (2007-2008)
- State Politics and Policy Conference, Travel Grant (2005, 2006, 2007, 2010)

- University of Nebraska – Lincoln, Department of Political Science, Graduate Assistantship (2002 - 2007)
- University of Nebraska – Lincoln, Department of Political Science Travel Grant (numerous grants in years 2003, 2004, 2005, 2006, 2007)
- University of Nebraska – Lincoln, McKelvie Scholarship (2004, 2005, 2006)
- Inter-university Consortium of Political and Social Research (ICPSR) Scholarship to attend Summer Program in New Haven, Connecticut (Summer 2005)

Professional Memberships and Professional Development:

- Inter-university Consortium of Political and Social Research (ICPSR) Workshop on Federal Sentencing Guidelines, Ann Arbor, MI (Summer 2009)
- University of Nebraska Grant Writing Workshop (Spring 2009)
- Participant, University of Nebraska – Lincoln Office of Research Workshop Series (Fall 2008)
- Educational Testing Services (ETS) Advanced Placement Grader, American Government (2005 and 2007)
- Inter-university Consortium of Political and Social Research (ICPSR) Workshop on Conducting Field Experiments, New Haven, CT (Summer 2006)
- Member, American Political Science Association
- Member, Midwest Political Science Association
- Member, International Society of Political Psychology

References

Available upon request



DS850™

Central Scanner & Tabulator

The Next Generation of Paper-Based Vote Tabulation

You need a Central Tabulator that is quick and accurate. The DS850™ gives you that and more. With its high-speed digital imaging solution, it continuously scans ballots to save you valuable time.

As the Election Industry leader, ES&S is committed to providing solutions to Election Administrators. Nothing is more important to us than supporting your successful election. We build tabulators that make that possible.

Intelligent Mark Recognition

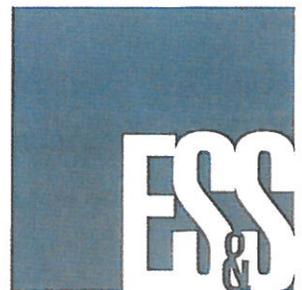
Leave nothing to chance. Other manufacturers put the responsibility on you to determine what marks should count as votes. Instead, our patented IMR uses algorithms to learn voter behavior, intelligently determining voter intent.

Accurate

When put to the test in Florida, our DS850 successfully scanned 9 million unique marks with 100% accuracy—the DS850 does not miss!



experience
reliability
security
innovation



ES&S DS850™ Central Scanner & Tabulator

High-Speed Sorting, No Stopping

DS850™ is the only high-speed scanner able to sort various ballot sizes at full speed. It scans and sorts 300 14-inch double-sided ballots per minute into three input and output trays. It separates ballots into counted, requires further review, and write-ins categories.

Folded Ballot Processing

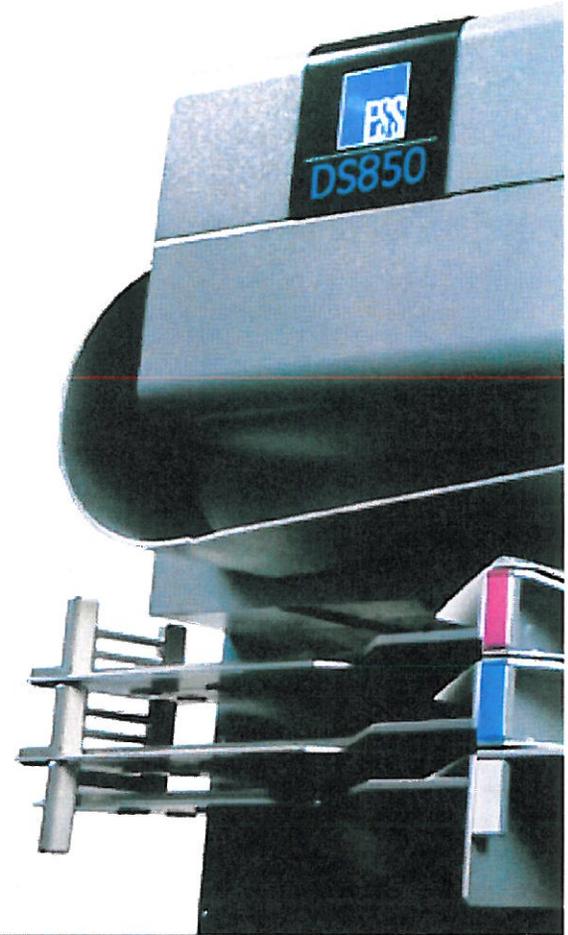
Designed with a series of patent-pending TruGrip™ composite paper rollers constant pressure is applied to keep control throughout the entire process. The ability to scan folded ballots provides Election Administrators with the flexibility to send out folded vote-by-mail ballots—save money without sacrificing time!

2005 VVSG Compliant

Fully compliant with 2005 Voluntary Voting Systems Guidelines for usability, accessibility, and security requirements.

User-Friendly Design and Operation

Designed specifically for the election process, the DS850™ features a user-friendly software interface on a 15-inch LCD color touch screen. The S-shaped transporter enables superior and natural flow to separate the ballots.



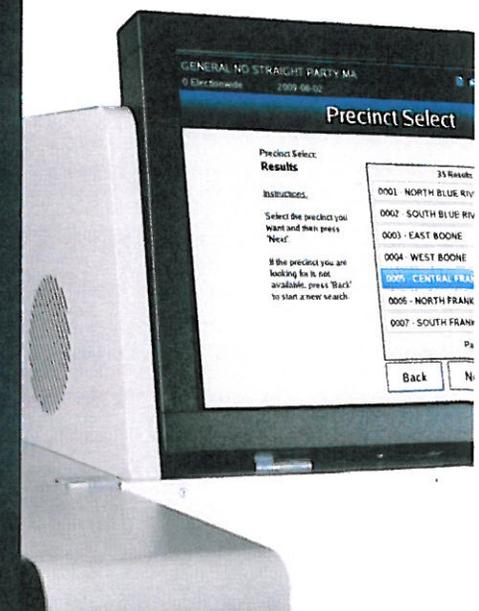
Hardware Features

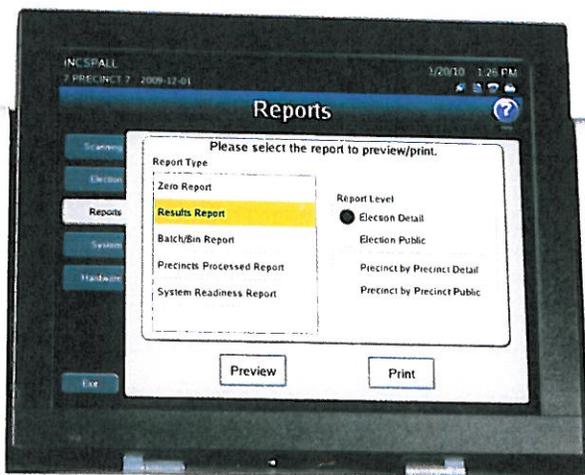
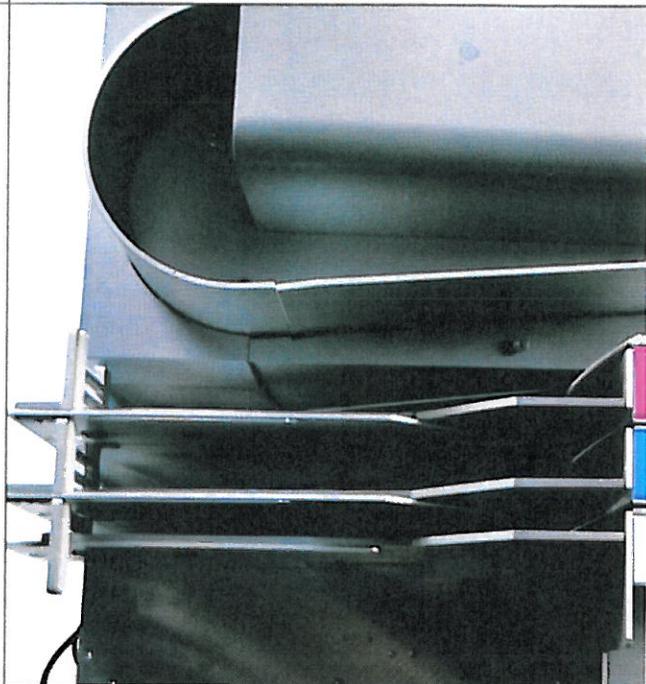
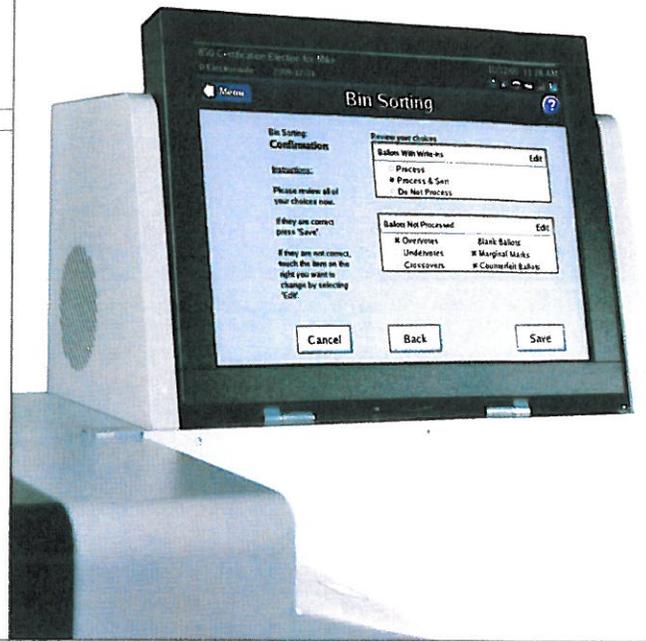
Touch Screen Display

Increase durability and conserve valuable space with the incorporated 15-inch LCD color touch screen. It has an adjustable display to make it comfortable for viewing.

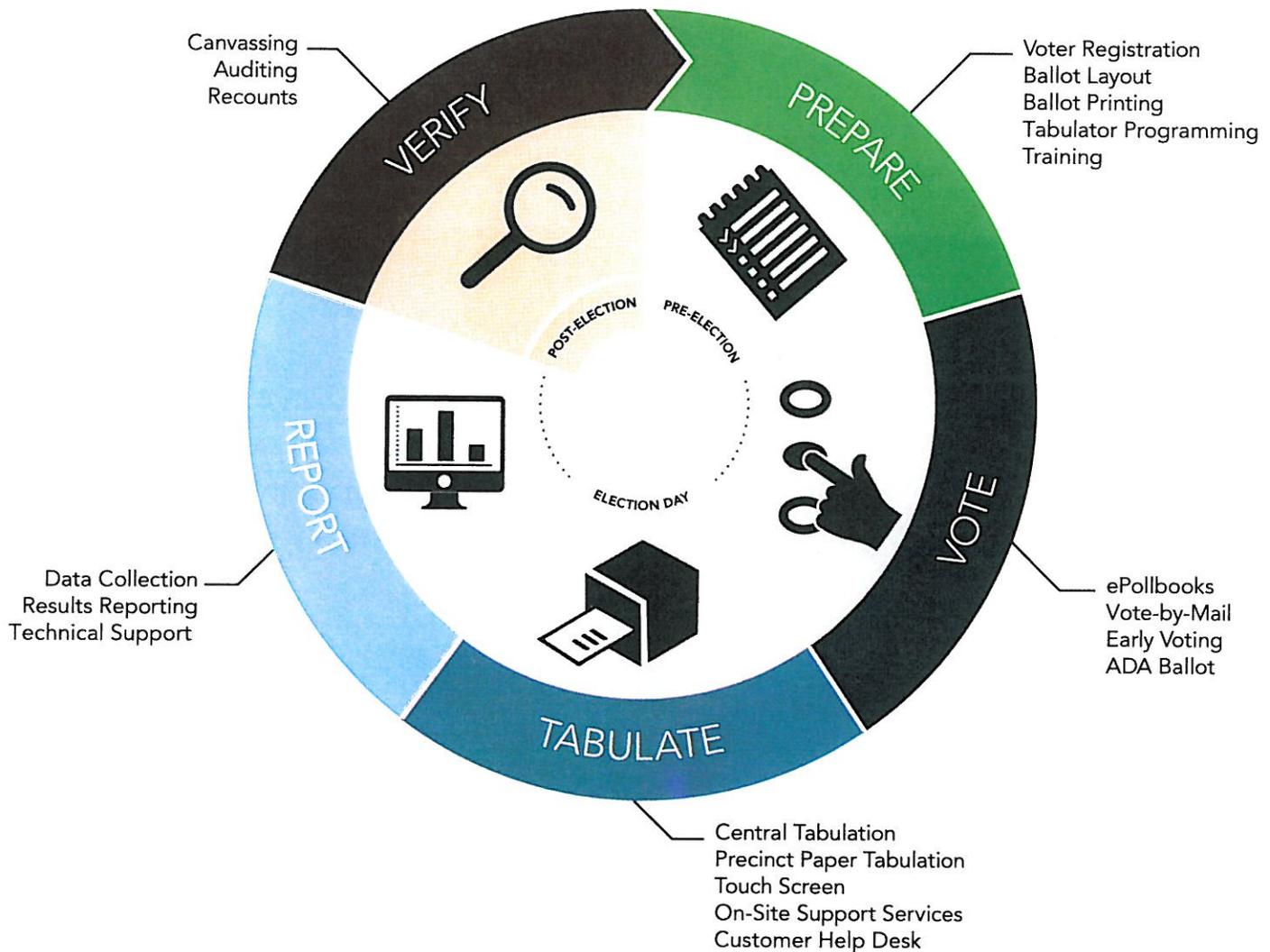
Security and Accuracy

System integrity and electronic audits make this product the most dependable central scanner available. Safeguards such as data encryption and digital signatures help protect sensitive data and verify authenticity. It validates all firmware is certified.





Our Business



Election Systems & Software entered the elections industry as a vote tabulation company. Over the years, we consistently expanded our capabilities to provide high-quality, innovative solutions to meet every election-related need -- ultimately improving the democratic process. From voter registration to vote tabulation, we pride ourselves on our ability to understand and manage each aspects of the election process.

Our multifaceted approach provides customers with the most robust election support in the world.

Today, we not only work with the same customers we've served for more than 40 years, but our business has grown to serve four countries, 41 states with more than 4,000 election offices.

maintaining voter confidence. enhancing the voter experience

11208 John Galt Boulevard | Omaha, NE 68137 USA | P: 402.593.0101 | TF: 1.800.ESS.VOTE | F: 402.593.8107

www.essvote.com | hardware@essvote.com | software@essvote.com



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DS850 Equipment and Ballot Printing Quote
Submitted by Election Systems & Software

Description	Quantity	Unit Price	Total Price
Model DS850 (Includes Scanner, Steel Table/Cart, Start-up Kit, Dust Cover, Reports Printer, Audit Printer, Battery Backup, Two (2) USB Cables, and Three (3) 8GB Thumbdrives)	1	Included	Included
DS850 Installation/Acceptance Testing	1	Included	Included
DS850 Equipment Operations Training	1	Included	Included
DS850 Software License and Maintenance and Support for the 5-Year Term	1	Included	Included
DS850 Hardware Preventative Maintenance and Support for the 5-Year Term	1	Included	Included
Shipping and Handling	1	Included	Included
Total Equipment and Ballot Printing Solution			Included in Payment Plan
Ballot Printing Services for the 5-Year Term	TBD	\$0.2400	TBD

Payment Plan:

Initial Payment Due Thirty (30) Calendar Days after the later of (a) Equipment Delivery, or (b) Receipt of Corresponding ES&S Invoice.	\$16,308.85
Due Annually Thereafter for the 5-Year Term.	\$16,308.85
Total Due for the Term (Not including Ballot Printing Services)	\$81,544.25

Notes:

Ballot Printing fee of \$0.2200 and the additional ballot fee of \$0.0200 per ballot applicable towards purchase of the DS850 will be invoiced as Services are provided at the rate of \$0.2400 per ballot.

Program Pricing is based upon the customer printing a minimum of 750,000 ballots over the Term of the Agreement. Should the customer print less than 750,000 ballots over the Term of the Agreement a one-time payment for the difference between the 750,000 estimated ballots less the actual ballots printed will be invoiced at a rate of \$0.0200 each and is due 30-days from the end of the Term.

Price Comparison:

Program Plan:

Total Fixed Payments During the Term (From Above)	\$81,544.25
Estimated Ballot Printing Fees for the Term @ \$0.2400 per ballot for 750,000 ballots.	\$180,000.00
Total Payments During the Term for the Purchase of 1 DS850 and ballots.	\$261,544.25

Outright Purchase:

Purchase Price of 1 DS850 Scanner	\$110,000.00
Add: Initial Services	\$5,400.00
Add: Hardware and Firmware Maintenance and Support for the Term	\$21,600.00
Estimated Ballot Printing Fees Paid for the Term @ \$0.2200 per ballot for 750,000 ballots.	\$165,000.00
Total Outright Purchase Price	\$302,000.00

Total Savings Over The 5-Year Program Term	\$40,455.75
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