

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, JANUARY 15, 2015
COUNTY-CITY BUILDING
ROOM 113 - THE BILL LUXFORD STUDIO
8:30 A.M.**

Commissioners Present: Roma Amundson, Chair
Deb Schorr
Bill Avery
Todd Wiltgen

Commissioners Absent: Larry Hudkins, Vice Chair

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

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on January 14, 2015.

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

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES FOR JANUARY 8, 2015

MOTION: Schorr moved and Wiltgen seconded approval of the January 8, 2015 Staff Meeting minutes. Avery, Wiltgen, Schorr and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

2 ADDITIONS TO AGENDA

- A. Microcomputer Request from Administrative Services, \$618.72 for Hardware and Software (Exhibit A)
- B. Prosper Lincoln
- C. Board of Corrections Vice Chair

MOTION: Schorr moved and Wiltgen seconded approval of the additions to the agenda. Schorr, Wiltgen, Avery and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

3 LEGISLATIVE UPDATE - Gordon Kissel, Joe Kohout and Jon Bradford, Kissel/E&S Associates

Joe Kohout, Kissel/E&S Associates, presented a weekly legislative update, legislative schedule and legislative bills of interest report (Exhibits B and C) and outlined legislation related to Lancaster County's 2015 legislative priorities: 1) Property tax relief; 2) Support Medicaid expansion under the Affordable Care Act (ACA); 3) Address Lancaster County obligations under the 300,000 population threshold; 4) Eliminate the responsibility of counties to pay the Nebraska Department Health and Human Services (HHS) rent; 5) Amend Mental Health Commitment Act/Funding for community-based sex offender treatment; 6) Monitor adult corrections reform; and 7) Retirement adjustment (see Exhibit B).

Kohout recommended the County take a position on Legislative Bill (LB) 88 (Change fees relating to marriage licenses), noting the County has supported increasing these fees in the past. Dan Nolte, County Clerk, said the proposed fee increases will come close to covering the County's costs. Amundson suggested it be indexed to the Consumer Price Index (CPI). Kohout felt there would be concerns regarding delegation of that authority.

Kohout said Senator Krist has introduced LB 13 (Change community-based Juvenile Services Aid Program provisions). The bill would move a portion of the county aid dollars to the University of Nebraska-Omaha (UNO), Juvenile Justice Institute, for development of a common data system to assess the effectiveness of the program. Sheli Schindler, Youth Services Center (YSC) Director, appeared and said the reduction in county aid dollars would result in the loss of funding for three programs that serve youth. She felt the funding should go to counties who are offering programs and have the counties be responsible for the evaluations with direct access to the evaluators. Schindler also expressed concern that the evaluation would only focus on what the counties are doing and not on the changes the State has implemented. Kohout suggested the need for more familiarity with the bill and whether there is any potential for a General Fund appropriation instead before taking a position. He said he will contact the Nebraska Association of County Officials (NACO) and get their thoughts on the bill.

Kohout also reported on LB 188 (Change provisions relating to innocent third parties injured during a vehicular pursuit), noting the bill was introduced at the request of Nebraska Intergovernmental Risk Management Association (NIRMA), noting the County has supported this in the past.

Kerry Eagan, Chief Administrative Officer, indicated plans to testify on LB 126 (Change a combined contribution retirement benefit rate as prescribed). He suggested the need to address the thresholds and to add a provision to allow "grandfathered" employees to opt in. Eagan also pointed out the County already has authority to match a portion of employee contributions to the voluntary deferred compensation program.

Avery asked Kohout his assessment of the chances for Medicaid expansion. **NOTE:** Legislation to expand Medicaid was not successful last session. Kohout said he is optimistic. He said he believes the bill that will be introduced this session will do more than expand Medicaid, it will be Medicaid reform and will have a better chance as a result. Avery asked whether the Governor Ricketts has taken a position on the issue. Kohout said Senator Campbell has indicated she had an opportunity to visit with the Governor on this issue but did not get anything specific.

MOTION: Schorr moved and Wiltgen seconded to support Legislative Bills (LB's) 88 and 188.

Avery asked whether Terry Wagner, Lancaster County Sheriff, has taken a position on LB 188. Eagan said Wagner and Joe Kelly, County Attorney, both support the bill.

ROLL CALL: Wiltgen, Avery, Schorr and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

Kohout indicated LB 88 is scheduled for hearing on January 21st. Eagan suggested the County Clerk testify at the hearing and said he will draft a letter of support for introduction at the hearing.

Eagan also discussed LB 132 (Change joint public agency bonding powers and procedures). He said the bill would require compliance with the requirements of the individual jurisdictions which could make it more difficult for joint public agencies to issue bonds. Eagan noted Mike Rogers, Gilmore & Bell P.C., has written a legal opinion on this matter.

Brent Meyer, Noxious Weed Control Superintendent, appeared and asked the Board to support LB 142 (Create the Aquatic Invasive Species Program and provide funding). He also discussed LB 266 (Change provisions relating to jurisdiction for municipalities to enforce ordinances) noting it will extend abatement of weeds and worthless vegetation to the City's three-mile zoning jurisdiction.

NOTE: The County currently provides weed control abatement in the City of Lincoln under terms of an interlocal agreement with the City. Kohout said he will contact Senator Crawford, introducer of the bill, to determine the genesis of the bill.

Gwen Thorpe, Deputy Chief Administrative Officer, inquired about a bill that will providing funding for the sex offender treatment program. Kohout said he will forward a copy of the draft.

4 COMMUNICATIONS CENTER INTERLOCAL AGREEMENT - Tom Casady, City Public Safety Director; Brittany Behrens, Deputy County Attorney

Tom Casady, City Public Safety Director, discussed a proposed interlocal agreement between the City and County which will create a new joint entity to plan and finance the replacement of the current emergency communications radio system. The system, which is 27 years old and no longer receives vendor support, is used by City, County and State public safety agencies such as the Lincoln Police Department (LPD), Lincoln Fire and Rescue (LFR), Lancaster Sheriff's Office and the rural fire departments. It is also utilized by non-public safety agencies such as City Public Works & Utilities and the Parks and Recreation Department. Casady said replacement of the system has been in the City's Capital Improvement Program (CIP) for many years but a funding source was never identified, other than a general obligation bond. Last year the Mayor empaneled a committee to look at public safety issues and study financing options. The committee unanimously recommended that a new radio system and four new fire stations be funded with revenue from a three year 1/4 cent increase in the City's sales tax. A ballot issue will be scheduled on the April primary election ballot. He said the law requires that the time period be limited and defined in the ballot issue and that a new legal entity be formed between two units of government to oversee the project being funded by the sales tax. Since there was an existing interlocal agreement between the City and County for the

operations of the 911 Center, it seemed logical for the two entities to enter into a new interlocal agreement for the purposes of complying with the statutory requirement on the sales tax increment.

Avery asked whether grant funding is available, such as through the Department of Homeland Security. Casady said there is not.

In response to a question from Wiltgen, Casady said the statutory requirement could be met by a Joint Public Agency (JPA) but an interlocal agreement was recommended because it is simpler and easier to accomplish. He said there will be an oversight group composed of the Public Safety Director, Fire Chief, Police Chief and County Sheriff. Brittany Behrens, Deputy County Attorney, added the administrative component is clearly enumerated in statute.

Amundson asked whether the County will have any financial responsibility if the ballot issue passes. Casady said it will be entirely funded by the City. Behrens said the pre-existing interlocal agreement that addresses the operations will remain in place. It was noted the County will have to purchase compatible radios.

NOTE: The Board will take action on the proposed interlocal agreement at a regular County Board of Commissioners Meeting.

5 NEBRASKA DEPARTMENT OF AGRICULTURE ANNUAL WEED REPORTS - Brent Meyer, Lancaster County Weed Control Superintendent

Brent Meyer, Lancaster County Weed Control Superintendent, presented the Noxious Weed Control Plan, Noxious Weed Infestation Report, Activity Report and Budget Report (see agenda packet). He suggested Board members review the information noting he will seek the Board's approval of the reports at the January 22nd County Board Staff Meeting.

6 A) GENERAL LIABILITY FORM FOR GEMINI INSURANCE (NEBRASKA UNINSURED/UNDERINSURED MOTORISTS COVERAGE SECTION OF LIMITS); AND B) RELEASE OF PROPERTY CLAIMS (BOB AND DON'S PLUMBING, LLC) - Sue Eckley, County Risk Manager

A) General Liability Form for Gemini Insurance (Nebraska Uninsured/Underinsured Motorists Coverage Section of Limits)

Sue Eckley, County Risk Manager, said Gemini Insurance, the new general liability excess carrier, has asked the Board to sign the Nebraska Uninsured/Underinsured Motorists Coverage forms (see agenda packet). She said coverage ranges from \$25,000 per person/\$50,000 per accident to \$100,000 per person/\$300,000 per accident and said Gemini has provided the option to increase coverage with no additional premium. Eckley recommended the Board select the expanded coverage.

MOTION: Schorr moved and Avery seconded to authorize signature by the Chair. Avery, Schorr, Wiltgen and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

B) Release of Property Claims (Bob and Don's Plumbing, LLC)

Eckley said the claim is related to water damage from a fire at Trabert Hall in November related to some welding work performed by Bob and Don's Plumbing. A claim was submitted and the insurance company has asked the County to sign a release of property claims. She said the County Attorney's Office has reviewed the release.

The Board will take action on this matter at the January 20, 2015 County Board of Commissioners Meeting.

7 YOUTH DETENTION SERVICES CONTRACT WITH STATE PROBATION - Sheli Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide, YSC; Sara Hoyle, Juvenile Justice Coordinator; Brittany Behrens, Deputy County Attorney

Sheli Schindler, Youth Services Center (YSC) Director, disseminated information on care days and a per diem history (Exhibit D). She noted Legislative Bill (LB) 561, which was passed in 2013 and LB 464, which was passed in 2014, transferred responsibilities regarding youth who are going through the juvenile justice system or who have been placed on probation from the Department of Health and Human Services (DHHS) to Juvenile Probation. She explained Juvenile Probation is responsible for pre-adjudicated youth and adjudicated youth who are being evaluated or are awaiting placements. Schindler said the number of youth who are going through the court system and being placed at YSC at the pre-adjudicated level has decreased, explaining the community aid monies are being used to screen youth to divert them from the court system when appropriate. However, the number of youth who have violated probation and are placed in the facility has increased.

Brittany Behrens, Deputy County Attorney, said they have been working on a contract with Juvenile Probation for detention services and have resolved all of the issues except the per diem rate. The County has proposed a rate of \$307 per youth, per day, which is a 30% increase. She said Probation has responded it believes the increase is unfair because it is paying for more youth than DHHS was previously responsible for. Probation has stated \$276 is the rate they pay for detention services across the State. Behrens explained the per diem the County had previously charged did not cover its costs, adding the Board decided six months ago that going forward it would charge a rate that would cover its operational costs. Schindler noted there had been negotiations with DHHS for reimbursement and said at one point in time the County did not hold DHHS youth because it could not come to contract terms. The County eventually negotiated with DHHS for a lower per diem rate because youth were being moved to facilities out of town which created a hardship for them, their families and their legal counsel.

Schindler said the County has been billing Probation a per diem of \$307 and Probation is paying \$276 per day Probation was billed approximately \$3,200,000 for the last six months and has paid \$2,900,000. She projected a reimbursement gap of \$500,000 to \$1,000,000 for the fiscal year. Schindler noted the County has also taken on additional duties for Probation, such as transportation, that it is not getting reimbursed for.

In response to a question from Avery, Schindler said DHHS agreed to the \$307 per diem but they only pay for youth awaiting placement in the Kearney and Geneva Youth Rehabilitation Facilities.

Avery asked Schindler whether she can justify the \$307 per diem. Schindler said it reflects expenditures, less revenue, plus indirect costs and depreciation. She said that number is divided by the care days of the previous year. Avery inquired further about the indirect costs amount. Schindler estimated the indirect costs are between \$100,000 to \$200,000. Dennis Meyer, Budget and Fiscal Officer, explained the indirect costs are based on the County's Indirect Cost Plan. He added he believes it comes down to how much should the taxpayers of Lancaster County be picking up for the State.

Schorr noted there are limited placement options. Schindler added that some of the youth are very difficult to place.

Schorr then asked how far negotiations with Probation gone "up the chain." Behrens said all correspondence was from Jeanne Brandner, Deputy Administrator, Office of Probation Administration, Juvenile Services Division.

Avery said it would be helpful if Probation explained how they arrived at the \$276 figure. Behrens said they would probably be willing to do that but explained operating costs are different for the four facilities that are holding youth.

Schorr suggested the County ask for a two-year contract with a 15% increase for 2015 and 30% increase for 2016.

Avery said he would like to see the more information that shows the \$307 figure is a reflection of the County's costs.

There was consensus to schedule further discussion on the January 22nd County Board Staff Meeting agenda.

8 PENDING AND POTENTIAL LITIGATION - Brittany Behrens and Richard Grabow, Deputy County Attorneys

MOTION: Schorr moved and Avery seconded to enter Executive Session at 10:13 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: Schorr, Wiltgen, Avery and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

MOTION: Schorr moved and Avery seconded to exit Executive Session at 11:20 a.m. Wiltgen, Avery, Schorr and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

9 ACTION ITEMS

There were no action items.

10 CONSENT ITEMS

There were no consent items.

11 ADMINISTRATIVE OFFICER REPORT

A. Employee Recognition Breakfast (Tuesday, May 19, 2015)

Informational only.

B. Mid-Year Budget Retreat (Thursday, January 29, 2015)

There was consensus to reschedule it to Thursday, February 5, 2015.

C. County Board Training/Agency Tours

Eagan suggested training sessions on Board of Equalization (BOE) procedures, the Nebraska Open Meetings Act and the County Purchasing Act.

There was also consensus to schedule tours of County departments/agencies beginning with Emergency Management.

D. Lobbyist and Legislative Testimony Procedures

There were no objections to the proposed draft of Lobbyist and Legislative Testimony Procedures (see agenda packet).

E. TV Show Introducing County Commissioners Bill Avery and Todd Wiltgen

Taping of the program was tentatively scheduled at 1:30 p.m. on January 22nd.

There was also consensus to schedule taking a photograph of the County Board on January 27th, immediately following the County Board of Commissioners Meeting.

ADDITIONS TO AGENDA

A. Microcomputer Request from Administrative Services, \$618.72 for Hardware and Software (Exhibit A)

Eagan suggested the Microcomputer Fund as the funding source.

MOTION: Schorr moved and Wiltgen seconded approval of the request. Avery, Schorr, Wiltgen and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

B. Prosper Lincoln

Schorr said Prosper Lincoln is the next step to implement the recommendations in the Lincoln Vital Signs report. **NOTE:** Lincoln Vital Signs was a collaborative project involving many of Lincoln's public and private charitable organizations. Data was collected in seven key areas: Community Profile, Economy and Workforce, Basic Needs, Education, Health, Safety, and Community Involvement and Culture. Schorr said she has been asked to serve on the Steering Committee. She said she will be unable to attend the orientation session and Eagan or Thorpe will attend in her place.

C. Board of Corrections Vice Chair

Wiltgen indicated he would be willing to serve as the Board of Corrections Vice Chair.

The Board scheduled the appointment on the January 20, 2015 County Board of Commissioners Meeting agenda.

12 PENDING

There were no pending items.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee (ISPC)

Meeting was cancelled.

B. Parks and Recreation Advisory Board

Meeting was cancelled.

C. Public Building Commission (PBC) Meeting With Mayor

Meeting was cancelled.

D. Meeting With Mayor

Meeting was cancelled.

E. Public Building Commission (PBC) - Amundson

Amundson said they discussed change orders for the 605 Building, an art donation, computer upgrades for the City Council/County Commissioners Hearing Room, and contract management software.

F. Board of Health - Amundson

Amundson reported plans to hold a multi-agency tabletop exercise (mock disaster simulation) on February 11th.

14 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

15 ADJOURNMENT

MOTION: Schorr moved Wiltgen seconded to adjourn the meeting at 10:42 a.m. Wiltgen Avery, Schorr and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

