

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, DECEMBER 1, 2016
8:30 A.M.**

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

Others Present: Kerry Eagan, 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 November 30, 2016.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:31 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE NOVEMBER 17, 2016 STAFF MEETING

MOTION: Schorr moved and Avery seconded approval of the November 17, 2016 Staff Meeting minutes. Schorr and Amundson voted yes. Avery abstained from voting. Hudkins and Wiltgen were absent. Motion carried 2-0, with one abstention.

2 A) FINANCIAL CONSULTANT; AND B) BONDED INDEBTEDNESS UNDER NEBRASKA REVISED STATUTE §23-120 - Dennis Meyer, Budget and Fiscal Officer; and Scott Keene, Vice President and Managing Partner, Ameritas Financial Corporation

A) Financial Consultant

Scott Keene, Vice President and Managing Partner, Ameritas Financial Corporation, asked the Board to approve a four-year extension of its agreement with Ameritas Investment Corporation to provide financial consulting services with respect to financing debt of Lancaster County. He said the original contract (County Contract No. C-04-009) resulted from a request for proposal (RFP) that was issued jointly with the City in 2003. There have been a number of extensions since that time. Keene said the County has only issued one series of bonds since that contract was approved but Ameritas has been involved in a number of financings in which the County partnered with other political subdivisions. He said there have also been a number of refundings of outstanding bonds that have saved Lancaster County taxpayers almost \$8,000,000.

Hudkins arrived at the meeting at 8:34 a.m.

Keene noted the City has extended its agreement with Ameritas as well.

MOTION: Hudkins moved and Schorr seconded to direct the County Attorney's Office to prepare an addendum for the purpose of renewing the agreement for an additional four (4) year term. Schorr, Hudkins and Amundson voted yes. Avery abstained from voting. Wiltgen was absent. Motion carried 3-0, with one abstention.

B) Bonded Indebtedness Under Nebraska Revised Statute §23-120

Dennis Meyer, Budget and Fiscal Officer, said the County is only using \$0.218 cents for the Building Fund of the 5.2 cents levy allowed under Nebraska Revised Statute §23-120 for bonded indebtedness. He said he has made the County's final payment for the Lincoln-Lancaster County Health Department Building so the County no longer has any bonded indebtedness.

In response to a question from Hudkins, Meyer said the \$0.281 cents equates to \$510,000.

There was consensus to schedule a resolution in the matter of declaring projects under Neb.Rev.Stat. §23-120, as amended, and imposing levy for the costs and indebtedness for such projects on the December 6, 2016 County Board of Commissioners Meeting agenda.

3 ANNUAL EVALUATION OF DENNIS MEYER, BUDGET & FISCAL OFFICER

Copies of the Budget and Fiscal Officer's class description were disseminated (Exhibit A).

Dennis Meyer, Budget and Fiscal Officer, responded to questions on an evaluation questionnaire (Exhibit B) relating to goals, accomplishments, operations, budget issues and succession planning.

Wiltgen arrived at the meeting at 8:47 a.m.

Meyer stated he needs the Board to come to consensus on the budget process so any changes or instructions can be relayed to departments by the first of the year.

NOTE: Approval of the class description will be scheduled on the December 6, 2016 County Board of Commissioners Meeting agenda.

ADMINISTRATIVE OFFICER REPORT

I. Staff Meeting Tuesday, December 20, 2016 (Budget Discussion)

There was consensus to schedule a Staff Meeting at 10:00 a.m., or immediately following the regular County Board of Commissioners Meeting, on December 20th.

4 ANNUAL EVALUATION OF KERRY EAGAN, CHIEF ADMINISTRATIVE OFFICER

Copies of the Budget and Fiscal Officer's class description were disseminated (Exhibit C).

Kerry Eagan, Chief Administrative Officer, responded to questions on an evaluation questionnaire (see Exhibit B) relating to goals, accomplishments, operations, budget issues and succession planning.

Avery suggested comprehensive orientation for new Commissioners. Eagan said he has provided an overview to new Commissioners in the past but said it is difficult to impart everything they will need to know. He said it would be beneficial to have feedback from Commissioners on what information should be included.

Schorr exited the meeting at 9:55 a.m.

Eagan suggested revisions to the class description (see Exhibit C):

- Correct a couple of typographical errors; and
- Include the following language: *Supervise and evaluate the Records and Information Manager; provide departmental oversight and direction in support of records storage and maintenance activities.*

NOTE: Approval of the class description will be scheduled on the December 6, 2016 County Board of Commissioners Meeting agenda.

Schorr returned to the meeting at 9:57 a.m. The Chair exited the meeting at the same time and the Vice Chair assumed direction of the meeting.

- 5 A) VISITORS PROMOTION COMMITTEE'S (VPC'S) RECOMMENDATIONS ON VISITORS IMPROVEMENT FUND GRANT REQUESTS:**
- 1) LINCOLN HAYMARKET DEVELOPMENT CORPORATION (\$7,871.48)**
 - 2) LINCOLN CHILDREN'S MUSEUM (\$2,200)**
 - 3) THE STAGE THEATER (\$9,999)**
 - 4) NEBRASKA HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION (\$10,000)**
 - 5) LINCOLN CONVENTION AND VISITORS BUREAU (CVB) REQUEST FOR PROMOTIONAL FEES (\$175,000)**
- B) LINCOLN PARKS AND RECREATION REPRESENTATIVE ON VISITORS PROMOTION COMMITTEE (VPC) - Lynn Ireland, Visitors Promotion Committee (VPC) Chair; Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director**

A) Visitors Promotion Committee's (VPC's) Recommendations on Visitors Improvement Fund Grant Requests

Lynn Ireland, Visitors Promotion Committee (VPC) Chair, gave an overview of the Visitors Improvement Fund grant requests and the VPC's recommendations:

1) Lincoln Haymarket Development Corporation (\$7,871.48)

Ireland said the Lincoln Haymarket Development Corporation is requesting funds to produce a brochure titled "Haymarket's Historic Neighbors" and to promote a walking tour with advertising and a Vanity URL on the Haymarket's website. The VPC recommends approval of the request.

The Chair returned to the meeting at 10:01 a.m. and resumed direction of the meeting.

MOTION: Schorr moved and Wiltgen seconded to approve the allocation of \$7,871.48 to the Lincoln Haymarket Development Corporation. Hudkins, Avery, Schorr, Wiltgen and Amundson voted yes. Motion carried 5-0.

2) Lincoln Children's Museum (\$2,200)

Ireland said the request is for funds to create a 360 degree view of each floor of the museum to post on the museum's website and to link to Google Maps so that anyone searching for activities to do in downtown Lincoln can see everything it offers. She noted the principal feature of the museum is a three-story cuckoo clock that does not fit easily onto one photographic screen. Ireland said the VPC recommends approval of the request.

MOTION: Hudkins moved and Schorr seconded to approve the request for \$2,200 from the Lincoln Children's Museum. Avery, Wiltgen, Schorr, Hudkins and Amundson voted yes. Motion carried 5-0.

3) The Stage Theater (\$9,999)

Ireland said The Stage Theater in Hickman, Nebraska is seeking funds to improve technology and facilities for its theater, however it is the County Attorney's opinion that the location must be owned by a governmental or non-profit entity in order to receive a grant. She said therefore the VPC had no choice but to recommend denial of the request. Schorr noted the theater has plans for a new facility and may qualify for funding in the future.

MOTION: Wiltgen moved and Hudkins seconded to deny the request from The Stage Theater in the amount of \$9,999. Wiltgen, Schorr, Hudkins, Avery and Amundson voted yes. Motion carried 5-0

4) Nebraska Horsemen's Benevolent and Protective Association (\$10,000)

Ireland said the Nebraska Horsemen's Benevolent and Protective Association is requesting funds to add another segment to the Lincoln Race Course (LRC) which is located south of Lincoln. She said state statutes preclude using proceeds where pari-mutual wagering is being conducted. The VPC therefore recommends denial of the application.

MOTION: Hudkins moved and Avery seconded to deny the request from the Nebraska Horsemen's Benevolent and Protective Association in the amount of \$10,000. Schorr, Hudkins, Avery, Wiltgen and Amundson voted yes. Motion carried 5-0.

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, recommended making the grant guidelines more informative to help prevent entities from going through the grant application process if their funding request would be precluded by state statutes.

5) Lincoln Convention and Visitors Bureau (CVB) Request for Promotional Fees (\$175,000)

Maul outlined the CVB's request for the July, 2016 through October, 2016 lodging tax proceeds be released to the CVB for promotional fees (Exhibit D). He said the funds will be used for bid fees for the following events: 1) USA Rollersports (\$155,000); and 2) World Ten Pin Bowling (\$20,000).

Avery asked the impact of the World Ten Pin Bowling event to the local economy. Maul estimated it at \$500,000, based on lodging and sales tax revenues. He said the USA Rollersports has a \$7,000,000 to \$10,000,000 economic impact on the community.

MOTION: Hudkins moved and Wiltgen seconded to: 1) Make a determination that the facilities in Lincoln are adequate; and 2) Approve using the improvement funds for promotion. Hudkins, Avery, Wiltgen, Schorr and Amundson voted yes. Motion carried 5-0.

Wiltgen exited the meeting at 10:16 a.m.

B) Lincoln Parks and Recreation Representative on Visitors Promotion Committee (VPC)

Schorr felt it would be helpful to add an ex-officio Lincoln Parks and Recreation representative to the VPC since so many of the activities that seek funding are sports related.

Maul noted there is already a City representative on the VPC.

Wiltgen returned to the meeting at 10:18 a.m.

ACTION ITEMS

- A. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute Optum Provider Entity Disclosure of Ownership, Controlling Interest and Management Statement
- B. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute WellCare Ancillary/Health Care Delivery Organization Credentialing Application Form
- C. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute Nebraska Department of Health and Human Services Nebraska Ownership/Controlling Interest and Conviction Disclosure

MOTION: Schorr moved and Wiltgen seconded to authorize Scott Etherton, Mental Health Crisis Center Director, to sign the three documents and stipulated that he is to provide a copy of each document to the County Clerk's Office. Avery, Wiltgen, Schorr, Hudkins and Amundson voted yes. Motion carried 5-0.

ADMINISTRATIVE OFFICER REPORT

A. 605 Building Furniture Bid Review Committee

There was consensus to appoint Commissioner Schorr, Don Killeen, County Property Manager, and Bob Walla, Purchasing Agent, to the Committee.

B. Update on Visitors Improvement Fund Grant to Lincoln Children's Zoo

Eagan said he determined, after further review of the Visitors Improvement Fund grant (County Contract No. C-16-0368) to the Lincoln Children's Zoo, that the contract will not need to be amended. He noted plans for a pedestrian bridge over "A" Street were eliminated but said the contract does not specifically mention the bridge. Eagan felt the Zoo will be in compliance with the scope of work defined in the contract.

Schorr said one of the requirements was to provide recognition of the funding provided through the Lancaster County Visitors Promotion Fund and said it was very clear those funds were intended for the pedestrian bridge and that recognition would be placed on the structure. Eagan agreed to contact John Chapo, President/Chief Executive Officer (CEO), Lincoln Children's Zoo, to see if he intends to provide the recognition and will report back to the Board.

C. Swearing In County Commissioners (January 3, 2017)

Informational only.

The Chair recessed the meeting at 10:30 a.m. Avery exited the meeting at that time.

The Chair resumed the meeting at 10:34 a.m. and turned direction of the meeting over to the Vice Chair.

6 TRANSPORTATION OF POST ADJUDICATION JUVENILES - Roma Amundson, County Board Chair

Roma Amundson, County Board Chair, gave a PowerPoint presentation on transport of post-adjudicated youth housed at the Youth Services Center (YSC) (Exhibit E), noting the Board directed Sheli Schindler, YSC Director, on July 23, 2015 to notify the Nebraska Office of Probation that the County would cease to provide that transport as

of September 1, 2015. **NOTE:** Schindler made a decision prior to that deadline to continue providing transport because of concerns about what had been worked out. Schindler informed the Board at the October 29, 2015 Staff Meeting that a contract with the Office of Probation for holding post-adjudicated youth at the YSC had still not been worked out and the County was not receiving its full per diem (the County was charging a daily per diem of \$307, which is the highest per diem in the State, and the State was paying \$276). The fiscal impact of transporting the youth was estimated to be \$10,000 a month. YSC had received an order that (3)(B) (ungovernable or truant) youth would not be restrained during transport. That order came after a law took effect that youth should not be restrained in court. There was Board consensus to notify the Office of Probation Administration that the County would cease providing transportation for post-adjudicated youth as of November 13, 2015 (see Exhibit F). Amundson said the County still does not have a contract in place with the State and the per diem reimbursement has not changed. The Office of Probation Administration is currently contracting with Midwest Transport to transport the post-adjudicated youth but there have been a number of issues including: 1) Midwest Transport personnel are not trained in handling dysfunctional youth and don't know how to de-escalate situations; 2) Midwest Transport personnel have no rapport with the youth and are unable to prepare them for court hearings; 3) Midwest Transport is not able to provide immediate transport; and 4) Law enforcement personnel are being utilized to control youth who become confrontational and uncontrollable in transit and in the courtroom.

Avery returned to the meeting at 10:40 a.m.

Amundson stressed the need to try to resolve the stalemate between the County and State. She said she recently spoke to Schindler and said if directed by the Board, YSC would transport the post-adjudicated youth. Schindler also indicated two more staff would be required and the County would assume greater liability due to transport risks. YSC might also be forced to "lockdown" if staff was needed for transport. Amundson contacted a number of interested parties (Judges, Attorneys, Public Defenders, Sheriff's personnel and Probation staff) and said there was unanimous support for the YSC to do transports.

Juvenile Court Judges Roger Heideman and Reggie Ryder appeared and offered their thoughts on the matter. Judge Heideman said the Juvenile Court Judges all support having YSC resume transport. He said YSC staff are professionals who are familiar with the youth and have the ability to prepare them for court proceedings and de-escalate situations that arise. Judge Heideman felt the issue first arose after passage of Nebraska Legislative 2015 Session's Legislative Bill (LB) 482, referred to it as the "shackling bill", and said the Judges met with Schindler at that time and agreed to roll into it, courtroom by courtroom, ahead of the bill's actual implementation to see if scheduling adjustments could be made to help eliminate some of the concerns. He said the Judges also issued an order that youth being held on status offenses in YSC's Staff Secure Facility could not be transported in shackles. The Staff Security Facility has

since been closed so that problem no longer exists. Judge Heideman said the Judges are still willing to work on scheduling issues to help lower the cost impact to the County. Judge Ryder said the current system is "an absolute mess" and said it is clearly in the best interest of the youth and their families for YSC to provide transportation. He pointed out that adult offenders are transported to court by the Lancaster County Adult Detention Facility (LCADF) personnel. Judge Ryder said it is his understanding that the "trigger" for YSC ending transport was the Judges' order that youth who were status offenders were not to be shackled when they came to court. Schorr said the change occurred when the post-adjudication youth became the responsibility of Juvenile Probation and it became a State obligation to provide transportation. She added it is not the County's responsibility to see that Midwest Transport's personnel are appropriately trained. Judge Ryder suggested the Board look into why Douglas County has their County Sheriffs bring their juveniles to court hearings which does not fall back on what the statute says. He said if the problem continues, he will order the County Sheriff to bring the youth to court and the Sheriff will have to work with State Probation on reimbursement. Judge Ryder noted another change the Juvenile Court has implemented to reduce costs is to order youth to be released at Court rather than having to transport them back to YSC for release. Judge Heideman added the Juvenile Court will do whatever it can in terms of scheduling to eliminate additional costs and staffing if the County will agree to take transport back over.

Hudkins said the Board doesn't feel the State is "stepping up" to their responsibilities but agreed that the system in place isn't working.

Wiltgen noted the Board sent a letter sent to Nebraska Supreme Court Chief Justice Michael Heavican on March 24, 2015 indicating the County and Office of Probation were at an impasse on the appropriate per diem for youth under the responsibility of Probation who are housed at YSC (Exhibit G). **NOTE:** See Exhibit H for a response from Ellen Fabian Brokofsky, State Probation Administrator. He said the County has been operating without a contract which has subjected the County to liability issues. Wiltgen said the Board requested a meeting with Corey Steel, Nebraska State Court Administrator, but Steel did not want to discuss the issues in a public meeting. Judge Ryder questioned the cost cited to provide staff for transport and suggested the Board look at the per diem rate charged by other counties. **NOTE:** Lancaster County has the highest per diem rate in the State. Judge Ryder said he doesn't know why an agreement can't be worked out but said "we need to do what is best for these kids." He added he is concerned one side could push too far and the County could lose its youth detention facility, noting the facility has already lost its assessment center and staff secure components.

Avery said he appreciates Judge Ryder's emphasis on the welfare of the youth and said he would like to find a way to resolve the impasse. Hudkins said he believes the Board should consider resuming transportation.

Schorr said the County should be appropriately compensated for the services it is providing on behalf of the State.

Wiltgen said he and Commissioner Schorr recently had a meeting with State Senator Bob Krist in which they discussed the per diem rate charged by the County (see Exhibit I for follow-up letter). He said the per diem rate charged by the County reflects its true costs to house these youth. **NOTE:** The County includes its indirect costs in the per diem rate.

Hudkins said, even if it does cost the County more money, he believes the Board should consider taking the transport back over.

Wiltgen asked the Judges whether the issues with Midwest Transport have been communicated to Probation. Judge Heideman and Judge Ryder indicated they have. Wiltgen asked what the response was. Judge Heideman said Probation indicated Midwest Transport was their only option but they are having difficulty fulfilling the task.

Captain Jerry Witte, Lancaster Sheriff's Office (LSO), appeared and discussed incidents that have occurred in the courtrooms and during transport since Midwest Transport took over that function. He said use of force was required in some instances and said that is not a good outcome for the youth or the deputies involved.

Schorr asked Captain Witte whether he has shared his concerns with Probation. Witte said he has been working with Lori Griggs, Chief Probation Officer, Juvenile Probation, on this issue but said Griggs does not have any other resources she can utilize. He added that the Sheriff is an officer of the court and can be ordered to provide all transports but can only charge \$0.54 per mile. Wiltgen noted the other counties in Nebraska that have youth detention facilities utilize their Sheriff's Offices for transport. Witte said many have detention holding centers adjacent to the courtrooms. He added that if ordered to do all of the juvenile transports, the Sheriff's Office will have to ask for two more deputies and a van.

Schorr said she would like to see specific data from Schindler on the projected staffing costs and said regretfully this discussion was scheduled on a day when she was unable to be present (see Exhibit J for email from Schindler). She also expressed concern that the State may be looking at creating a regional youth detention system so the County could be housing more State youth.

Joe Nigro, Public Defender, and Margene Timm, Chief Deputy Public Defender, Juvenile Division, appeared and shared their thoughts. Nigro also felt there would be fewer incidents if YSC staff provided the transport. Timm added that YSC staff are familiar with those youths' issues and are better equipped to de-escalate any situations.

Schorr asked Nigro and Timm whether they have shared their concerns with the State. Timm said only at the Steering Committee Meetings, noting shackling issues have been discussed.

Nigro also addressed the issue of video conferencing and said there are only limited types of hearings where that would be appropriate.

Wiltgen said the issue is that the State has not had a good faith discussion with the County. Schorr said the County would be willing to provide the services as long as it is compensated. She added "we house these kids, we feed these kids, we clothe these kids, we educate these kids, we counsel these kids, we love these kids."

Doug Cyr, Chief Administrative Deputy County Attorney, appeared and said there are two separate and distinct issues: 1) Who would be the best provider of the services; and 2) Who has a responsibility to pay for the services. He said everyone seems to be in agreement that YSC is the best option to provide transport and said Legislative Session 2014's LB 464 clearly imposed a duty on the State to pay for transportation costs (see Nebraska Revised Statute §43-290.01). Cyr said, in his opinion, the County does not have authority to fund the transportation costs that are the duty of the State to provide.

Lori Griggs, Chief Probation Officer, Juvenile Probation, appeared and said YSC continued to provide transport from the time LB 464 was passed until November, 2015 and considered it part of the per diem. She felt it was the shackling and the order from the Juvenile Court Judges that created the one-on-one staffing need. Griggs said she believes the conversation about the pros and cons of transport should have taken place at that time. She said using a private company to provide daily court transport is an anomaly and the system is not effective. Griggs said she and her staff have talked to Midwest Transport numerous times about issues such as training and having one-on-one supervision but said they do not have enough staff to meet demands.

Schorr asked whether the State issued a request for proposal (RFP) for the transport service. Griggs said no, Midwest Transport was the only available provider in this area. She said the State pays Midwest Transport \$52.88 for transports. Juvenile Probation staff also assists by transporting youth to group home placements and some appointments.

Schorr asked if the State would be willing to pay the County for transports if the County could determine its costs to do so. Griggs felt it should be part of the per diem. Wiltgen said the per diem is for housing costs. He noted the State is willing to reimburse a private company for transport services but apparently not willing to reimburse the County for providing the same service. Griggs said the State is willing to pay a per diem and that included transport in the past, adding the transport component was included in the contract that was never finalized. Wiltgen stated the law has

changed. Griggs said YSC provided transport for more than 12 months after that change. Wiltgen said the County requested a meeting with Probation about the per diem and that request was ignored.

Schorr asked Judge Ryder for an estimate of transport numbers. Judge Ryder said he can forward exact numbers to the Board.

Jeanne Brandner, Deputy Probation Administrator, Juvenile Services Division, Office of Probation Administration, appeared and said Probation worked closely with state senators as juvenile justice reform legislation was drafted. She said the legal intent of the statutory language is service related and said there is a question of whether or not the detention facility is a service. Brandner said youth are in the legal care and custody of the facility and said Probation never assumes full custody (legal responsibility) for those youth. She said transportation, to and from court, was part of the contract discussions. Brandner noted the Nebraska Department of Health and Human Services (DHHS) previously had dollars available for those services. She said those monies were transferred to Probation when it assumed responsibility for those youth when the 2014 Legislative Session's LB 561 went into effect, adding the County's per diem increased from \$236 to \$276 the day before the law took effect. Brandner said Probation included the County's current per diem rate in its budget request this year but Senator Krist's Office informed them the Legislature will not pay that rate for detention. She explained how transport is handled in the other juvenile detention facilities:

- Sarpy County - Detention facility staff provide transport with assistance from their Sheriff's Office when needed. **NOTE:** Sarpy County's per diem is \$256.00.
- Douglas County - The Sheriff's Office provides transport for youth who are in secure detention. Detention facility staff provide transport for youth who are in staff secure. **NOTE:** Douglas County's per diem is \$210.56.
- Madison County - Detention facility staff walk youth over to court.

Brandner said the State has "absolutely been at the table" but does not have additional dollars appropriated for detention.

Schorr clarified that the County had asked the State for an increase in the per diem for several years because the County's costs were increasing and said the increase was the result of several years of negotiation while the rate had remained at \$236. In terms of transport services, she asked Brandner if the State would be willing to pay the County the same rate it is paying Midwest Transport if the County were to provide the service. Brandner said Probation would have to assess the budget impact, explaining State Appropriations has advised Probation it shouldn't even be paying that rate. Schorr said she doesn't believe the Board can make a decision on providing transport until it has that information.

Avery exited the meeting at 11:59 a.m.

Brandner asked whether the County is making a profit with the juvenile detention facility. Dennis Meyer, Budget and Fiscal Officer, appeared and said estimated expenditures for 2017 are \$6,000,000 and estimated revenues are \$4,000,000. He said County taxpayers pick up the difference. Brandner said she was referencing cost savings from previous years. She noted \$2,000,000 was being funneled into detention facilities across the State for per diems at the time of juvenile justice reform and said that amount has now increased to \$10,000,000.

Avery returned to the meeting at 12:05 p.m.

Schorr again questioned why the State is willing to pay a company that is doing a poor job to transport youth but is not willing to pay the County to do the same. Brandner said she was not prepared for that question. Wiltgen said he had given the Chair a "heads up" that Probation should be prepared to address that issue today. Brandner asked how the Board would like an answer provided, i.e., an email, a formal letter, further discussion in a public forum, etc. Schorr said she believes the Board needs to send Probation a proposal outlining what the County is willing to do to take the transport service back and be appropriately reimbursed. Kerry Eagan, Chief Administrative Officer, felt there should be a meeting with someone in a position of authority at the State level. Schorr stressed that Schindler should be part of that discussion.

Also present for the discussion were: Todd Duncan, Chief Deputy Sheriff; David Derbin and Bruce Prenda, Deputy County Attorneys; Theresa Emmert, Juvenile Court Administrator; Tina Grove, Records Manager, YSC; Melissa Hood, Administrative Aide, YSC; Monica Miles-Steffens, Director of Placement for Court Services, Juvenile Services Division, Nebraska State Probation; Kari Rumbaugh, Assistant Deputy Administrator, Administrative Office of Probation, Juvenile Division; and Jennifer Brinkman, County Commissioner-Elect (District 2).

The Chair resumed direction of the meeting.

7 ACTION ITEMS

- A. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute Optum Provider Entity Disclosure of Ownership, Controlling Interest and Management Statement
- B. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute WellCare Ancillary/Health Care Delivery Organization Credentialing Application Form
- C. Authorize Scott Etherton, Mental Health Crisis Center Director, to Execute Nebraska Department of Health and Human Services Nebraska Ownership/Controlling Interest and Conviction Disclosure

Item was moved forward on the agenda.

8 CONSENT ITEMS

There were no consent items.

9 ADMINISTRATIVE OFFICER REPORT

- A. 605 Building Furniture Bid Review Committee
- B. Update on Visitor Improvement Fund Grant to Lincoln Children's Zoo
- C. Swearing In County Commissioners (January 3, 2017)

Items A-C were moved forward on the agenda.

- D. Management Team Meeting Agenda Items (December 8, 2016)

The following items were suggested: 1) Presentation by Fire Chief Micheal Despain; and 2) Roundtable discussion.

- E. County Extension Board Appointments (Allen Blezek, Paula Peterson, and Larry Williams)

There was consensus to schedule the appointments on the December 13, 2016 County Board of Commissioners Meeting agenda.

- F. Claim for Review Payment Voucher (PV) No. 548233 from County Assessor to Barry Couch, Dated November 9, 2016, in the Total Amount of \$4,250.00. There is Not a Contract for the Services Provided.

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and said the claim is related to instructor fees for continuing education for staff. He said it is a standard fee and said payment was always handled in this manner.

MOTION: Hudkins moved and Wiltgen seconded to: 1) Handle the claim through the regular claims process; and 2) Require a contract in the future. Avery, Wiltgen, Schorr, Hudkins and Amundson voted yes. Motion carried 5-0.

- G. Proposed Agenda for Comprehensive Plan Update Joint Public Hearing

Informational only.

- H. Draft Press Release on Preliminary Valuation Informal Hearings

Gaines said postcards outlining the preliminary valuation informal hearing process will be sent to affected property owners in early January. The preliminary valuation informal hearing process will begin on January 15th. Eagan suggested the press release be issued before that process begins.

Cori Beattie, Deputy County Clerk, suggested that the last bullet on the second page of the press release indicate that information regarding the formal protest process is available year round on the County Clerk's website at www.lancaster.ne.gov, keyword "protest."

I. Staff Meeting Tuesday, December 20, 2016 (Budget Discussion)

Item was moved forward on the agenda.

10 PENDING

There were no pending items.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lincoln Metropolitan Planning Organization (MPO) - Wiltgen

Wiltgen said they received briefings on the Lincoln/Lancaster County 2040 Comprehensive Plan (LPlan 2040), Lincoln MPO 2040 Long Range Transportation Plan (LRTP), and the East Beltway Project and took action on the Fiscal Year (FY) 2017-2020 Transportation Improvement Program which included the Nebraska Vanpool Project, Railroad Crossing Advanced Pavement Markings Project in the County, and the Lower Platte South Natural Resources District (NRD) Rosa Parks Way Trail and Railroad Undercrossing Trail west of South 1st and J Streets.

B. Lancaster County Fairgrounds Joint Public Agency (JPA) -
Wiltgen/Avery

Wiltgen said they approved disbursements related to architecture and attorney fees.

C. Lincoln Independent Business Association (LIBA) Breakfast

Meeting was cancelled.

D. Chair and Vice Chair Meeting with Planning Department -
Amundson/Wiltgen

Amundson said they discussed the Lincoln-Lancaster County 2040 Comprehensive Plan (LPlan 2040) update and received updates on an issue involving Praireland Dairy and a proposed event center at South 112th Street and Pioneers Boulevard.

E. Lancaster County Correctional Facility Joint Public Agency (JPA) -
Amundson/Wiltgen

Wiltgen said they approved disbursements, including \$6,806.95 to begin repairs of damaged security fencing.

F. Meeting with New State Senators - Amundson/Wiltgen

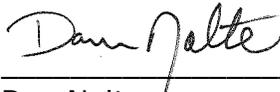
Amundson reported that the meeting went well.

12 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

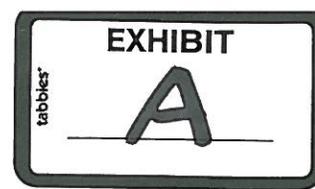
13 ADJOURNMENT

MOTION: Schorr moved and Wiltgen seconded to adjourn the meeting at 12:26 p.m. Wiltgen, Schorr, Hudkins, Avery and Amundson voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





LANCASTER COUNTY BUDGET AND FISCAL OFFICER

NATURE OF WORK

This is highly responsible administrative and professional work directing and coordinating the budget and fiscal activities of the County and the Correctional Facility Joint Public Agency.

Work involves coordinating the preparation and administration of the County and Correctional Facility Joint Public Agency budgets; coordinating financial system data processing requirements; analyzing and interpreting the County's financial situation to ensure the most economical and efficient use of all resources available; and recommending policies to carry out desired results. Considerable independent judgment and personal initiative in performing assigned duties is required. General supervision is received from the County Board of Commissioners with work being reviewed in the form of reports, ~~conferences~~ and effectiveness of results obtained. This is an unclassified position.

EXAMPLES OF WORK PERFORMED

Prepare budget instructions and procedures utilized by County departments; prepare and assemble documentation used by the County Board in reviewing departmental budget requests; prepare the County Board's proposed and adopted budget.

Prepare the Correctional Facility Joint Public Agency proposed and adopted budget; coordinate and prepare information for the JPA Board meetings.

Assist departments requesting budgetary or fiscal services; review financial and accounting procedures, making recommendations for changes as necessary.

Reconcile fund balances utilized in determining amount of taxes required to fund County operations.

Assist with preparation of legislative fiscal notes.

Complete analysis of County's financial status, including revenue and expenditures; forecast County's financial positions; make recommendations concerning the level of allowable expenditures during forecast period.

Act as liaison between County Board and information systems personnel concerning the County's financial system; recommend changes relating to operational functions of the system.

Prepare and review the financial statements for Lancaster County, the Correctional Facility Joint Public Agency, and the Public Building Commission.

File all required documents, including audits, budgets, and interlocal agreements report, with the Auditor of Public Accounts.

Monitor countywide grant activities to ensure programs are aligned with the Board's goals and objectives. Review and analyze fiscal operations and account balances relating to grant programs.

Supervise the work of assigned staff and conduct performance evaluations.

Prepare and file all required continuing disclosure reports for bond issues for the County, Correctional Facility Joint Public Agency, and the Fairgrounds Joint Public Agency.

Prepare financial statement of the Abbott Motocross to present to the County Board, Lower Platte South Natural Resources District, and Game and Parks Commission.

Coordinate the preparation of the County's indirect cost plan on an annual basis.

Serve on various committees as assigned by the County Board.

~~Prepare a variety of financial reports as directed.~~

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Extensive knowledge of the methods and procedures of the public budgeting process and the principles of management and organization as they pertain to the budgeting process.

Extensive knowledge of modern research systems, organization, management and administrative analysis techniques.

Extensive knowledge of the principles, practices and methods of public finance.

Thorough knowledge of modern theory, principles, methods, and practices of accounting and auditing.

Knowledge of programs, organizations and services related to County operations.

Knowledge of computerized financial information systems.

Ability to exercise objective judgment in the analysis, interpretation and effective reporting of research findings.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with government officials, County Department Heads, co-workers and the general public.

DESIRABLE TRAINING AND EXPERIENCE

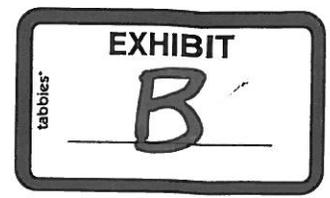
Graduation from an accredited four-year college or university with major coursework in business or public administration, public finance, accounting, economics or related field plus experience in public budgeting, administrative program analysis or finance accounting and fiscal operations.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major coursework in business or public administration, public finance, accounting, economics or related field plus some experience in a public accounting or finance setting or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

Revised 4/01

PS7197



Evaluation Questionnaire

Director Evaluated: _____

Date: _____

Evaluator: _____

1. What do you feel are your major accomplishments in your appointed job? (Expand on what's going well, what are the strengths of the department.)
2. What weaknesses and problems do you perceive in the operations, training, and personnel? (Describe what you think should change and where further developments should go.)
3. What facility or office issues concern you?
4. What do you see happening in your budget for the remainder of this year and going into next year? (Describe in general terms where you believe major problems or opportunities exist.)
5. Describe your management style and your supervisory responsibilities. Give examples of how your work to develop teamwork within your staff and how you support your staff.
6. What is your wish list?
7. What are your immediate goals for now and next year and then for 5 years in the future?
8. What can the Board of Commissioners do to help you achieve your goals?
9. What are your thoughts on succession planning?

10. Do you want to come to work in the morning? Why?

11. What would you like the Board of Commissioners to know about you and your position... or anything else you would like to address?

Bullet comments derived from your impressions during interview regarding such things as **integrity, initiative, trustworthiness, background and training, willingness to take on tasks, passion for the job, breadth of responsibility, courage to take on difficult issues, leadership ability, concern for stewardship of taxpayer-provided resources, honesty, forthrightness, willingness to speak to public officials and citizens, etc.**

1.

2.

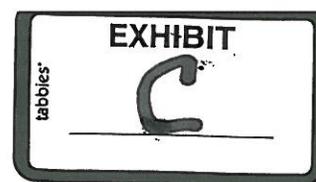
3.

4.

5.

Any recommendations and/or concerns that you as evaluator would like to remember for future reference:

Please give to Kerry after completion.



7191

LANCASTER COUNTY CHIEF ADMINISTRATIVE OFFICER

NATURE OF WORK

This is highly responsible administrative work assisting the County Board of Commissioners in the coordination and management of internal and/or external County Board functions and serving as the department head of County Administrative Services.

Work involves responsibility for exercising professional judgment involving a wide variety of public, intergovernmental and interdepartmental contact. The individual within this classification will have responsibility for researching and reviewing projects assigned by the County Board and coordinating projects with county departments, civic organizations and the general public. Work is performed under general policy direction of the County Board with the employee held accountable for results obtained. Supervision may be exercised over subordinate staff. This is an unclassified position.

EXAMPLES OF WORK PERFORMED

Interpret and communicate County Board policy to county department heads/elected officials, public agencies and the general public; investigate and recommend new policies and changes in existing policies to the County Board; implement policies at the direction of the County Board.

Act as liaison between County Board, governmental agencies and the general public as needed; serve as the County Board's hearing officer for general assistance appeals.

Serves as the key contact between County Legislative Consultants, County Board, Elected Officials and Department Directors; prepares annual legislative objectives, review and draft legislative bills; prepares witten/oral testimony as needed.

Serves as the County Board's representative for the Lancaster County Employees' Retirement Plan; facilitates and coordinates the Lancaster County Pension Review Committee.

Review county vendor claims to determine compliance with county purchasing policies and statutes; resolve purchasing requirements between purchasing agent and purchaser; report noncompliant purchases to County Board.

Facilitate and coordinate the County Management Team; develop and coordinate County Board weekly staff meetings; attend County Board meetings.

Plan and implement specific projects as assigned by the County Board; research and make recommendations on assigned special projects.

Represent the County Board on a variety of committees as assigned; serve as principal liaison to County Board agencies and evaluate agency programs and County Board appointed directors as required. Provides leadership director to the County by evaluating current operations, developing new plans and programs to improve the efficient operation of county government.

Serves as the department head for the Administrative Services Department including all related management functions of assigned subordinates. Prepares annual department budget. Acts as the County Board office manager

Assist in the development and preparation of the County Board budget; review and make recommendations as needed.

~~Supervise and evaluate the Records and Information Manager; provide departmental oversight and direction in support of records storage and maintenance activities.~~

~~Serve as the department head for the County Department of Administrative Services; act as County Board office manager.~~

Act as County Board liaison to the Emergency Operation Center during emergency activations; provide assistance to Emergency Services Coordinator as needed.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of the operations, functions, policies, and procedures in municipal government and their interrelationship with effective county administrative processes and operational structures.

Considerable knowledge of County Board policy.

Knowledge of computer applications as they relate to public budgeting and management activities.

Knowledge of general legal provisions and statutes affecting the operations of county departments.

Ability to analyze and interpret technical and legal information and submit oral and written reports.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with governmental officials, representatives from the community, County Board personnel and the general public.

Ability to handle difficult and emotionally charged situations diplomatically.

DESIRABLE TRAINING AND EXPERIENCE

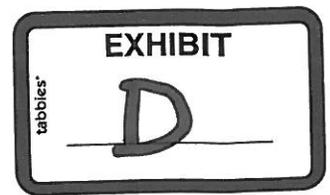
Graduation from an accredited four-year college or university with major coursework in public administration, management, or related field plus considerable experience in governmental administration at the division or department head level.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major coursework in public administration, management or related field plus experience of a responsible nature in governmental administration or a comparable field; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

| Revised ~~2/019/2015~~

PS7191



LINCOLN
CONVENTION
AND VISITORS
BUREAU

December 1, 2016

TO: Lancaster County Board of Commissioners

FR: Jeff Maul, Executive Director
Lincoln Convention and Visitors Bureau

RE: Additional ½% Lodging Tax request

Formal Action was taken by the VPC on November 16th, 2016, in which they determined the facilities as adequate. The following represents the VPC recommendation (11-16-16) that the funds for July 2016– October 2016 be released to the CVB.

½% CVB Bid Fee Lodging Tax Request, per VPC minutes (11-16-16)

½% CVB/Event Promotion Tax Request: Maul stated that in order for the CVB to continue their bid process in attracting new events and securing existing relationships with organizers, they are asking for the approved funds be released to the CVB. There are past and existing fees that need to be paid. The new request for the ½% lodging tax (July, 2016 – October, 2016 collection) will cover \$155,000 for USA Roller Sports and \$20,000 for World Ten Pin Bowling for a total request of \$175,000. Maul presented a sample motion as part of the request document. Ireland asked for a motion and Morgan made the motion that the VPC determines the facilities in Lancaster County as adequate and approves the use of improvement fund dollars for promotion as presented by the CVB in the amount of \$175,000. It was seconded by Dickerson and motion carried. Maul thanked the group and stated that these funds will help keep Lincoln competitive.

The VPC has made a determination that the facilities in Lincoln are adequate in order to request these lodging tax funds. In order for us to continue our bid process in attracting new events and securing existing relationships with organizers, we ask that the approved funds be released to the CVB. We have past and existing fees that will need to be paid.

NEW request for ½% lodging tax (July 2016-October 2016 collection)

- a. \$155,000.00 (USA Rollersports)
- b. \$20,000.00 (World Ten Pin Bowling)

Total Request: \$175,000.00

Youth Services Transport

Review of YSC Transport
November 2015- November 2016



The Mission of Lancaster County Youth Services Center

The mission of the Youth Services Center is to protect the interest and safety of the community and the resident by providing a secure, safe and structured environment for youth.

Safety and security are the priority and forefront of YSC's decision making.



People Contacted for Review

- Judges Roger Heideman, Linda Porter, Reggie Ryder, and Toni Thorson
- Deputy Attorney Bruce Prenda
- Public Defenders Joe Nigro, Margene Timm
- CPT Jerry Witte, Sheriff Terry Wagner
- Juvenile Probation Director Lori Griggs
- Youth Services Center Director Sheli Schindler
- Jeanne Brandner, Deputy Administrator, Juvenile Services Division, Office of Probation Administration



July 23, 2015 Board Discussion

- Nebraska Revised Statute 43-290.01 – State is responsible for transportation of post-adjudicated youth.
- County is not receiving full per diem of \$307 for housing state youth who are post-adjudicated or post-disposition.
- Two more employees needed at YSC if the county continues to provide transport, each costing \$80,000.
- Recommendation by YSC – private agency would be more efficient for state probation to transport the youth for whom they are legally responsible.



Result of July 23, 2015 Discussion

- Consensus of Board of Commissioners was that the YSC cease providing transportation for post-adjudicated youth as of September 1, 2015.
- Board of Commissioners directed staff to prepare a letter to notify Jeanne Brandner of their decision.
- YSC confirmed that it would still do transports of county's pre-adjudicated youth.



October 29, 2015 Board Discussion

- County still has no contract with Office of Probation Administration for holding post-adjudicated youth in YSC.
- Transportation has always been part of previous contracts.
- County is not receiving full per diem from NE.
- Fiscal impact of youth transportation is estimated to be \$10,000 a month.

October 29, 2015 Board Discussion (cont)

- YSC uncomfortable with doing unrestrained transports.
- County has not agreed to do transports.
- Transportation is not a function of detention.
- Sheriff's office – problematic to use armed law enforcement officer to transport youth.
- Utilizing law enforcement officers more expensive than using detention staff.
- Consensus of Board of Commissioners was that county will cease transportation of post-adjudicated youth effective Nov 2015.



Result of October 29, 2015

Discussion

Board of Commissioners directed staff draft a letter to the Office of Probation Administration that will:

- Incorporate the order amending NE Re. St. 43-290.01 and describe the impact it has had on YSC,
- Explain the County's concern that it is not in the best interest of the youth to be transported by an armed law enforcement officer,
- Indicate that the County will cease providing transportation to post-adjudicated youth on Nov 13, 2015.



Letter to Probation Nov 5, 2015

- Board of Commissioners regrets inconvenience.
- Neb Rev Stat 43.290.01 – Clearly shows that Office of Probation Administration is responsible for transportation costs of post-adjudicated youth.
- County will not transport such youth without full per diem compensation.
- To comply with additional restrictions on use of restraints would require county to employ two additional employees.
- Transportation alone could have annual fiscal impact on county of \$120,000.



Current Environment

- Pre-adjudicated youth –County is transporting “county youth.”
- Post-adjudicated youth – State probation is contracting with Midwest Transport to transport “probation youth.”
- State is still reimbursing at \$276.00
- County’s per diem rate is still \$307.00



Current Environment (cont)

- Still no contracts with DHHS or with Office of Probation Administration.
- State has paid \$3,699,849 in per diem rates to Lancaster County in 2015-2016, a decrease from previous years due to reduced number of youth.
- State has paid Lancaster County \$1,254,282 in per diem rates since July, 2016.
- Youth are exiting the detention center because of positive results of juvenile detention alternatives.



Safe Assumptions

- Per diem rates of county will go up if numbers of state probation youth continue to go down.
- Unlikely that the state will pay increased per diem rates. Lancaster County receiving highest per diem among all counties housing probation youth.
- County refuses to transport youth because transportation is not required by state statute and county is not receiving full per diem.



Causes of Stalemate

- Per diem rate
- Legal interpretation



Reality of Midwest Transport

Midwest Transport personnel:

- not trained in handling dysfunctional adolescents,
- don't know the youth,
- don't know how to de-escalate, defuse bad situations,
- can't prepare youth for the upcoming hearings,
- don't know the reasons for the court proceedings,
- have no rapport with the youth,
- are not familiar or trusted faces,
- are strangers transporting them to a court hearing,
- are not available for immediate transport,
- must utilize county law enforcement personnel to control youth who often become confrontational and uncontrollable in transit and in courtroom.



Reality, (cont)

- MT staff --3 hours away and not available for emergency or immediate transport.
- MT personnel – unfamiliar with shackling, often incorrectly shackling a youth, resulting in flights.
- MT driver at one time directed a youth to shackle himself.
- Sheriff's department -- armed and more expensive. (Chief Bliemeister, in October, said that armed deputies transporting unrestrained youth is problematic and would cost more than the \$10,000 that YSC estimates is cost per employee.)



Conversation with Sheli

- Agreed that concerns surrounding Midwest Transport are probably valid.
- If directed by the Board of Commissioners, YSC would begin to do transport of all youth again.
- Two more staff would be required.
- More liability would accrue to Board of Commissioners due to transport risks.
- May be forced to do “lockdown” if staff is needed to transport youth.



Recommendations from judges, attorneys, public defenders, sheriff's personnel, and probation

- Lancaster County Youth Services Center should again provide transportation for all youth regardless of status.
- YSC Staff are acknowledged by all as highly skilled professionals trained to deal with adolescent youth.
- Video hearings for youth with selected situations could be initiated, cutting down on transport.



Question for Board to Answer

Should Lancaster County provide transportation for troubled youth who are legally state probation's responsibility if county is/has

- Not receiving full per diem?
- No statutory requirement to do so?

Thoughts?



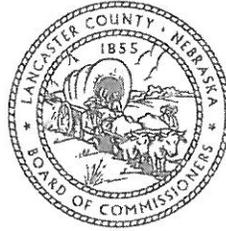
Questions, (cont)

- Does the provision of safe and secure transportation with knowledgeable and skilled professional youth workers fit into the mission statement of safety and security of resident?
- Because the YSC Staff is skilled and trained to work with youth in demanding situations, shouldn't they be the ones to transport these youth to court?
- Does the transport of youth by unskilled people threaten the well-being of the youth by breaking a trusting relationship with youth and care providers?



Questions, (cont)

- Do more legal issues for confrontational youth arise because of private transport's shortcomings?
- Are the financial and legal concerns the only ones we should consider when dealing with these youth?
- Do other paradigms exist that we can explore and perhaps utilize, e.g. a juvenile courtroom in the Youth Services Center, video-conferencing of routine hearings, etc?



LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgen Bill Avery
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

Jeanne K. Brandner, Deputy Administrator
Juvenile Services Division
Office of Probation Administration
521 S. 15 St.
Lincoln, NE 68508

November 5, 2015

Dear Ms. Brandner;

You were previously notified that beginning September 1, 2015, the Lancaster County Youth Services Center would no longer transport any youth under the supervision of the Office of Probation Administration to and from Lancaster County Juvenile Court. This action was delayed by the Lancaster County Board to allow additional discussion by the parties to work out a suitable solution. However, no progress has been made on implementing a transportation alternative, and beginning November 20, 2015 Youth Services personnel will no longer transport any Probation youth to and from Juvenile Court.

The Lancaster County Board regrets any inconvenience this action may cause. However, Neb. Rev. Stat. §43.290.01 provides the Office of Probation Administration is responsible to pay the costs of transportation after adjudication, and Lancaster County can no longer provide transportation services for adjudicated youth without adequate compensation. Further, the additional responsibilities imposed by LB 482, and the October 19, 2015 Amended Order from the Separate Juvenile Court of Lancaster County placing additional restrictions on the use of restraints with certain transports, would require the County to use additional employees to continue transporting Probation Youth, and could have an annual fiscal impact on the County of \$120,000.

Sincerely,

Roma Amundson, Chair

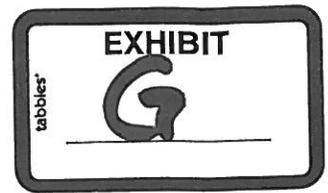
Larry Hudkins, Vice Chair

Deb Schorr

Bill Avery

Todd Wiltgen

cc: Michelle Schindler, Youth Services Center Director
Sheriff Terry Wagner and Chief Deputy Sheriff Jeff Bliemeister
Theresa Emmert, Juvenile Court Administrator
Lori Griggs, Chief Probation Officer, Juvenile Probation



LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgren Bill Avery
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

March 24, 2015

Honorable Mike Heavican, Chief Justice
Nebraska Supreme Court
State Capitol, Room 2413
P.O. Box 98910
Lincoln, NE 68509-8910

RE: Agreement with the Lancaster County Youth Services Center for Juvenile Detention Services.

Dear Chief Justice Heavican:

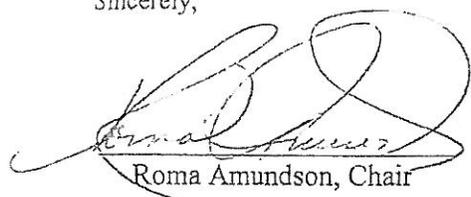
As you are aware, Lancaster County and the Nebraska Office of Probation have been unable to agree on the appropriate per diem for youth under the responsibility of Probation who are housed at the Lancaster County Youth Services Center. Lancaster County's proposed rate is \$307 per day, but Probation continues to reimburse the County at the rate of \$276 per day. As we explain below, the Lancaster County Board of Commissioners believes that \$307 is an accurate reflection of our actual cost in providing services at the Youth Services Center, and the Board respectfully requests the cooperation of the Probation Office covering these costs.

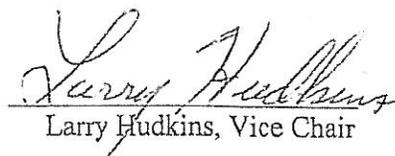
First, the cost of personnel is the largest expense in determining the per diem for our facility. Although the County makes every attempt to keep salaries in line, a recent decision of the Commission of Industrial Relations substantially increased our cost of labor. Second, the County operates the Youth Services Center in full compliance with the standards promulgated by the Nebraska Crime Commission. Safety is our highest priority. We maintain single room occupancy and a low staff-to-resident ratio. Finally, we carefully measure our indirect costs with an annual independent study, and our facility is well-maintained to keep pace with depreciation. A list of the factors used to calculate the per diem is included with this letter.

Additionally, Lancaster County provides funding for other juvenile justice services which benefit youth under the authority of Probation. The County supports the Lancaster County Juvenile Drug Court with \$48,389. The County also operates a program providing an array of detention alternatives, including reporting centers, Project Hire, home arrest with electronic bracelets, and the BEST Alternative School. The annual cost of this program is \$461,769, with \$188,000 of County funding and \$273,769 coming from the State's Community Based Aid Program. Although the County is not mandated to fund these programs we believe they are not only in the best interest of our youth, but also help reduce detention costs for both the State and the County. It should also be mentioned that the County spends \$182,726 per year for the unfunded mandate of providing office space for Juvenile Probation.

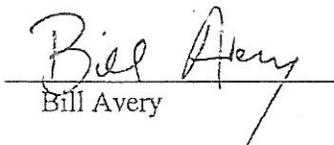
The County Board believes that a strong partnership between the State and local jurisdictions is essential to creating and maintaining an effective juvenile justice system. We are willing to dedicate extra funding to further this partnership. However, we are asking in return that the State fully fund its obligations. On average, between 80% to 90% of the youth in our facility are the financial responsibility of Probation. At the per diem rate of \$276 currently being paid by Probation, the County has lost over \$275,000 for services provided to Probation from July 1, 2014 through January 31, 2015. The Board believes these costs should be paid by the State rather than the property taxpayers of Lancaster County.

Sincerely,


Roma Amundson, Chair


Larry Hudkins, Vice Chair


Deb Schorr


Bill Avery

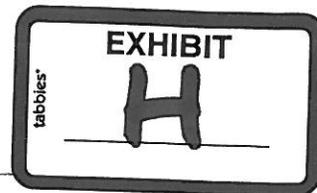

Todd Wiltgen

FISCAL YEAR 2014-2015 PER DIEM PROPOSALS

	FY15 Proposed Per Diem Rate Option 2
Expenditure Budget with wage adjustments	\$6,142,065
Less Education Program Reimbursed	\$872,212
Less School Lunch Program Reimbursed	\$82,855
Plus Indirect Costs	\$211,515
Plus Depreciation	\$200,704
Total	\$5,599,217
Budgeted Care Days (ADP 50)	\$13,250
Proposed Per Diem Rate	\$307

This option reflects a projected wage increase and back pay for some employees. This increase is estimated at \$123,013.

SUPREME COURT OF NEBRASKA



RECEIVED

APR 30 2015

LANCASTER COUNTY
BOARD

ADMINISTRATIVE OFFICE
OF THE COURTS & PROBATION

Corey R. Steel
State Court Administrator

Ellen Fabian Brokofsky
State Probation Administrator

April 28, 2015

Dear Lancaster County Board of Commissioners;

Thank you for your letter dated March 24, 2015 addressed to Chief Justice Heavican. The Administrative Office of the Courts and Probation is aware that since the enactment of juvenile justice legislative reform efforts there has been concern and confusion about the responsibility and cost for youth placed at the Lancaster County Youth Services Center.

With the passage of LB 561 in 2013, for the first time in its history, Probation was responsible for the cost of detention in a limited way. Prior to that time and similar to costs of incarceration for adults, juvenile detention costs for all youth on probation were the responsibility of the county unless the youth was a state ward. The state ward population was considerably smaller than the number of youth the county was fiscally responsible for. In LB 561, the legislature provided funding for detention based on the actual costs incurred by the Department of Health and Human Services for the previous years.

Prior to LB561 Lancaster's detention rate was \$236 per day. When Probation took on a financial responsibility for detention, a rate of \$276 was agreed to even though monies appropriated by the legislature to Probation were based upon the previous rate. However, even though there was no additional appropriation, Probation as a sign of good faith agreed to assume responsibility for a higher daily rate for detention. In 2014, with the passage of LB 464, Probation's responsibility for detention was maintained but the scope of responsibility was broadened.

No other detention facility in Nebraska is charging a rate anywhere near \$300 a day yet Lancaster County's proposed rate is \$307 per day. This is an over 30% increase in payment, in spite of the additional revenues being received by Lancaster County for the broadened population Probation is responsible to pay. To date, Lancaster County has been paid \$3,046,626 for detention for this fiscal year (July 1, 2014 – current). There are no funds available for an additional rate increase.

A strong partnership between Probation and local jurisdictions is essential to creating and maintaining an effective juvenile justice system. Probation is statutorily obligated to complete the detention intake function for youth who are not yet adjudicated or engaged in its services, and does this as a service for counties and juvenile courts across the state. With the legislative

Lancaster County Board of Commissioners

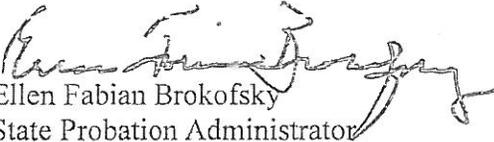
Page 2

April 28, 2015

changes that occurred Probation assumed a larger responsibility than the Department of Health and Human Services had in the past. These legislative changes shifted a large portion of detention payment responsibilities from the county to Probation and should be considered in current "rate" calculations.

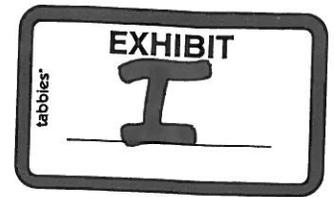
National research states there is a strong correlation between youth in detention and their propensity for future crime. Probation understands that detention should only be used when absolutely necessary and our partnership and participation in the National Juvenile Detention Alternative Initiative (JDAI) is a key way to portray this message. We strongly urge Lancaster County to become a partner in the JDAI Initiative. Probation will work with you and the Nebraska JDAI Steering Committee in an effort for Lancaster County to become the next JDAI Expansion Site in Nebraska if you so choose. Probation remains committed to strengthening its partnership with Lancaster County and will work with you to build community based resources as alternatives to detention for those youth who do not pose a community safety risk.

Sincerely,



Ellen Fabian Brokofsky
State Probation Administrator

C: Chief Justice Michael Heavican
Court Administrator Corey Steel
Deputy Probation Administrator Jeanne Brandner



LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgen Bill Avery
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

November 17, 2016

Senator Bob Krist
State Capitol
Room 2108
P.O. box 94604
Lincoln, NE 68509

RE: Lancaster County Juvenile Detention Per Diem

Dear Senator Krist:

Thank you for meeting with us on October 26, 2016. The Lancaster County Board of Commissioners appreciates your dedication to improving the juvenile justice system, and looks forward to working with you to achieve this important goal.

During the meeting you expressed concern with the fact that Lancaster County has the highest daily rate for juvenile detention of any county in the state. At your request, we have re-examined how we calculate the per diem for the Lancaster County Youth Services Center to make sure it is accurate and fair.

Lancaster County's policy on how the per diem is calculated is set forth in detail in a letter to Chief Justice Mike Heavican dated March 24, 2015. A copy of that letter is included with this correspondence. We continue to believe that the per diem should reflect the true cost of providing juvenile detention services. After further review of all expenses included in the per diem, we continue to maintain that \$307 per service day is an accurate reflection of the County's actual costs.

More importantly, the County believes that community-based alternatives to incarceration are more effective and can be provided at a fraction of the cost of incarceration, especially when you consider the true cost of detention. This opinion is based on two decades of experience. In the mid-1990's, the County's youth detention facility was at full capacity. As part of the planning process for constructing a new facility the County Board received advice from two nationally renowned juvenile justice consultants, Earl Dunlap and Karen Chinn. It should be noted that Mr.

Dunlap was the Executive Director of the National Juvenile Detention Association, which started the discussion leading to the formation of JDAI principles. They advised the Board on the importance of establishing a full range of community alternatives to juvenile incarceration, warning the County that without these alternatives the planned 80 bed facility would be full in less than 20 years. The County Board took this advice to heart, and alternatives to incarceration became the focal point of the County's juvenile justice system.

Moreover, we have accumulated a significant amount of data supporting this position, which has been provided to Dr. Anne Hobbs, Director of the Juvenile Justice Institute, for evaluation purposes to determine effectiveness of these programs. We continue to be in compliance with all reporting requirements for Community Based Aid and continue to support a majority of these programs with additional funding from our County's General Fund. Through our partnership with Dr. Hobbs, we have provided input and participated in discussions formulating common definitions, so data can be collected and shared in a meaningful method. We are also working on determining the actual cost of processing juveniles through our system, so we can contribute to discussions involving the significance of community-based funding.

Lancaster County shares your concern that the State's Community Based Aid Program may be threatened by revenue shortfalls. Please be assured the County will strongly support funding this program, as well as other legislative proposals designed to increase the availability of community programs and reduce the number of youth in detention.

Successfully serving this unique population requires a partnership between the counties and the State. We dedicate ourselves to furthering this important relationship.

Sincerely,



Deb Schorr



Todd Wiltgen

cc: County Board
Joe Kohout and Jono Bradford, Kissel E&S Associates
Sara Hoyle, Human Services Director
Sheli Schindler, Youth Services Director
Lancaster County Senators
Larry Dix, NACO Executive Director



LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Larry Hudkins Deb Schorr Todd Wiltgren Bill Avery
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Chief Administrative Officer*

March 24, 2015

Honorable Mike Heavican, Chief Justice
Nebraska Supreme Court
State Capitol, Room 2413
P.O. Box 98910
Lincoln, NE 68509-8910

RE: Agreement with the Lancaster County Youth Services Center for Juvenile Detention Services.

Dear Chief Justice Heavican:

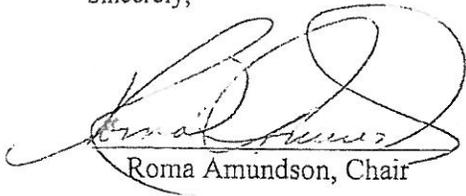
As you are aware, Lancaster County and the Nebraska Office of Probation have been unable to agree on the appropriate per diem for youth under the responsibility of Probation who are housed at the Lancaster County Youth Services Center. Lancaster County's proposed rate is \$307 per day, but Probation continues to reimburse the County at the rate of \$276 per day. As we explain below, the Lancaster County Board of Commissioners believes that \$307 is an accurate reflection of our actual cost in providing services at the Youth Services Center, and the Board respectfully requests the cooperation of the Probation Office covering these costs.

First, the cost of personnel is the largest expense in determining the per diem for our facility. Although the County makes every attempt to keep salaries in line, a recent decision of the Commission of Industrial Relations substantially increased our cost of labor. Second, the County operates the Youth Services Center in full compliance with the standards promulgated by the Nebraska Crime Commission. Safety is our highest priority. We maintain single room occupancy and a low staff-to-resident ratio. Finally, we carefully measure our indirect costs with an annual independent study, and our facility is well-maintained to keep pace with depreciation. A list of the factors used to calculate the per diem is included with this letter.

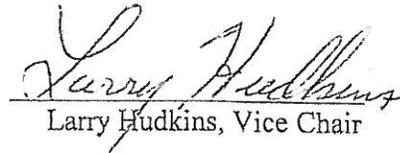
Additionally, Lancaster County provides funding for other juvenile justice services which benefit youth under the authority of Probation. The County supports the Lancaster County Juvenile Drug Court with \$48,389. The County also operates a program providing an array of detention alternatives, including reporting centers, Project Hire, home arrest with electronic bracelets, and the BEST Alternative School. The annual cost of this program is \$461,769, with \$188,000 of County funding and \$273,769 coming from the State's Community Based Aid Program. Although the County is not mandated to fund these programs we believe they are not only in the best interest of our youth, but also help reduce detention costs for both the State and the County. It should also be mentioned that the County spends \$182,726 per year for the unfunded mandate of providing office space for Juvenile Probation.

The County Board believes that a strong partnership between the State and local jurisdictions is essential to creating and maintaining an effective juvenile justice system. We are willing to dedicate extra funding to further this partnership. However, we are asking in return that the State fully fund its obligations. On average, between 80% to 90% of the youth in our facility are the financial responsibility of Probation. At the per diem rate of \$276 currently being paid by Probation, the County has lost over \$275,000 for services provided to Probation from July 1, 2014 through January 31, 2015. The Board believes these costs should be paid by the State rather than the property taxpayers of Lancaster County.

Sincerely,



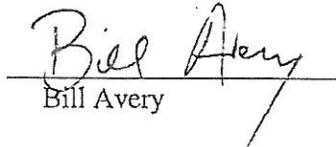
Roma Amundson, Chair



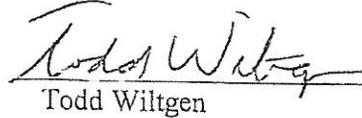
Larry Hudkins, Vice Chair



Deb Schorr



Bill Avery

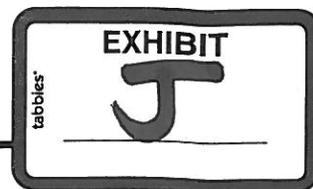


Todd Wiltgen

FISCAL YEAR 2014-2015 PER DIEM PROPOSALS

	FY15 Proposed Per Diem Rate Option 2
Expenditure Budget with wage adjustments	\$6,142,065
Less Education Program Reimbursed	\$872,212
Less School Lunch Program Reimbursed	\$82,855
Plus Indirect Costs	\$211,515
Plus Depreciation	\$200,704
Total	\$5,599,217
Budgeted Care Days (ADP 50)	\$13,250
Proposed Per Diem Rate	\$307

This option reflects a projected wage increase and back pay for some employees. This increase is estimated at \$123,013.



Todd J. Wiltgen

From: Minette M. Genuchi
Sent: Wednesday, November 30, 2016 1:18 PM
To: 'Bill Avery'; Bill P. Avery; Deb E. Schorr; Deb Schorr (debschorr@aol.com); 'Roma Amundson'; Roma B. Amundson; Todd J. Wiltgen
Subject: FW: Lancaster County Board Staff Meeting

FYI...

From: Sheli (Michelle) Schindler
Sent: Wednesday, November 30, 2016 12:29 PM
To: Minette M. Genuchi
Cc: Kerry P. Eagan
Subject: RE: Lancaster County Board Staff Meeting

I am out with my father and am not able to be at the meeting. I was not asked to be there but wanted people know sheli

Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "Minette M. Genuchi" <MGenuchi@lancaster.ne.gov>
Date: 11/30/16 11:15 AM (GMT-07:00)
To: "Alison N. Lotto" <ALotto@lancaster.ne.gov>, "Andy F. Stebbing" <AStebbing@lancaster.ne.gov>, "Angela C. Zocholl" <azocholl@lancaster.ne.gov>, "Ann C. Taylor" <ataylor@lancaster.ne.gov>, Annette Thompson <athompson@lancaster.ne.gov>, 'Bill Avery' <wavery06@yahoo.com>, "Bill P. Avery" <BAvery@lancaster.ne.gov>, "Bradley L. Johnson" <bjohnson@lancaster.ne.gov>, "Brent D. Meyer" <BMeyer@lancaster.ne.gov>, "Brian E. Pillard" <bpillard@lancaster.ne.gov>, Candace Meredith <cmeredith@lancaster.ne.gov>, "Carl B. Eskridge" <CEskridge@lincoln.ne.gov>, "Chad E. Blahak" <cblahak@lincoln.ne.gov>, "Chuck R. Salem" <CSalem@lancaster.ne.gov>, "Cori R. Beattie" <cbeattie@lancaster.ne.gov>, "Cynthia A. Covert" <ccover@lancaster.ne.gov>, "Dan F. Nolte" <dnolte@lancaster.ne.gov>, "Dave J. Shively" <dshively@lancaster.ne.gov>, "David A. Derbin" <DDerbin@lancaster.ne.gov>, "David R. Cary" <dcary@lincoln.ne.gov>, "Deb E. Schorr" <DSchorr@lancaster.ne.gov>, "Dennis M. Meyer" <DMMeyer@lancaster.ne.gov>, Don Killeen <dkilleen@lancaster.ne.gov>, "Doug D. Cyr" <dcyr@lancaster.ne.gov>, "Doug J. McDaniel" <DMcDaniel@lincoln.ne.gov>, "Geri K. Rorabaugh" <grorabaugh@lincoln.ne.gov>, James Davidsaver <JDavidsaver@lancaster.ne.gov>, Jared Gavin <JGavin@lancaster.ne.gov>, 'Jeff Curry' <jeff.curry@nebraska.gov>, 'Jennifer Brinkman' <jennifer.brinkman@gmail.com>, "Jennifer C. Kulwicki" <JKulwicki@lancaster.ne.gov>, "Joe P. Kelly" <JKelly@lancaster.ne.gov>, "Joseph D. Nigro" <jnigro@lancaster.ne.gov>, "Judy A. Halstead" <jhalstead@lincoln.ne.gov>, Judy Lewis-Cairns <JLewis-Cairns@lancaster.ne.gov>, Karen Eurich <keurich@lincoln.ne.gov>, 'Karen Wobig' <kwobig2@unl.edu>, "Kari J. Foote" <KFoote@lincoln.ne.gov>, "Kari P. Wiegert" <kwiegert@lancaster.ne.gov>, "Kelly S. Lundgren" <KLundgren@lancaster.ne.gov>, "Ken D. Schroeder" <kschroeder@lancaster.ne.gov>, "Kerry P. Eagan" <KEagan@lancaster.ne.gov>, "Kim G. Etherton" <ketherton@lancaster.ne.gov>, "Kristin D. Ceballos" <KCeballos@lancaster.ne.gov>, "Kristy R. Bauer" <KBauer@lancaster.ne.gov>, "Sue L. Eckley" <seckley@lancaster.ne.gov>, "Liz A. Thanel" <lthanel@lancaster.ne.gov>, "Mark D. Hosking" <MHosking@lancaster.ne.gov>, "Todd J. Wiltgen" <TWiltgen@lancaster.ne.gov>, "Tom J. Cajka"

<tcajka@lincoln.ne.gov>, 'Alan Wood' <wood@eslaw.com>, 'Amy Dickerson' <adickerson@lancastereventcenter.com>, 'Jane Swanson' <jswanson@journalstar.com>, 'Kelley Oelke' <KOelke@hickman.ne.gov>, 'KOLNKGIN' <assignment.desk@1011now.com>, 'KolnKgin news desk' <desk@1011Now.com>, 'liba' <cm@liba.org>, 'Nancy Hicks' <nhicks@journalstar.com>, 'Nick Bergin' <nbergin@journalstar.com>, 'Tim- LIBA' <Tim@liba.org>, Cyndi Lamm <CLamm@lincoln.ne.gov>, Jane Raybould <JRaybould@lincoln.ne.gov>, Jon Camp <jcamp@lincoln.ne.gov>, Leirion Gaylor Baird <LGaylorBaird@lincoln.ne.gov>, "Mary M. Meyer" <mmmeyer@lincoln.ne.gov>, "Maura T. Kelly" <mkelly@lancaster.ne.gov>, Nicole Fleck-Tooze <ntooze@lincoln.ne.gov>, "Norm H. Agena" <nagena@lancaster.ne.gov>, "Pamela L. Dingman" <PDingman@lancaster.ne.gov>, Pat Leach <p.leach@lincolnlibraries.org>, "Randall S. Jones" <RSJones@lincoln.ne.gov>, "Rhonda G. Ryan" <RGRyan@lancaster.ne.gov>, Richard Ringlein <rringlein@lancaster.ne.gov>, "Rob M. Ogden" <ROgden@lancaster.ne.gov>, "Robert L. Walla" <rwalla@lincoln.ne.gov>, 'Roma Amundson' <Roma.amundson@homerealestate.com>, "Roma B. Amundson" <RAmundson@lancaster.ne.gov>, "Roy A. Christensen" <RChristensen@lincoln.ne.gov>, "Ryan M. Mick Swaroff" <RMickSwaroff@lancaster.ne.gov>, "Sara J. Hoyle" <SHoyle@lancaster.ne.gov>, "Scott E. Etherton" <setherton@lancaster.ne.gov>, "Scott R. Gaines" <SGaines@lancaster.ne.gov>, "Sheli (Michelle) Schindler" <mschindler@lancaster.ne.gov>, Steve Henderson <shenderson@lincoln.ne.gov>, "Steve S. Henrichsen" <shenrichsen@lincoln.ne.gov>, "Terry T. Wagner" <twagner@lancaster.ne.gov>, "Theresa L. Emmert" <TEmmert@lancaster.ne.gov>, "Todd J. Duncan" <TDuncan@lancaster.ne.gov>, "Tory S. Carkoski" <TCarkoski@lancaster.ne.gov>, "Trenton J. Fellers" <TFellers@lincoln.ne.gov>, "Troy L. Hawk" <THawk@lancaster.ne.gov>, "Vicki M. Hansen" <VHansen@lancaster.ne.gov>

Subject: Lancaster County Board Staff Meeting

Please follow the link below to access the agenda and packet for the Thursday,

December 1, 2016 County Board Staff Meeting at 8:30 a.m. in Room 113, the

Bill Luxford Studio in the County-City Building, 555 S. 10th Street.

Please contact me if you have any questions.

Minette

<http://lancaster.ne.gov/clerk/agenda/2016sm/161201/sa161201.pdf>