

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, MAY 17, 2018
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Chair; Jennifer Brinkman, Vice Chair; Roma Amundson; and Bill Avery

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; and Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on May 16, 2018.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

1. APPROVAL OF STAFF MEETING MINUTES FOR MAY 10, 2018

MOTION: Amundson moved and Avery seconded approval of the May 7, 2018 Staff Meeting minutes. Amundson, Avery and Wiltgen voted yes. Brinkman abstained from voting. Schorr was absent. Motion carried 3-0, with one abstention.

2. CIVIL PROTECTIVE CUSTODY (CPC) UPDATE – Sara Hoyle, Human Services Director; Tammy Stevenson, Executive Director, The Bridge Behavioral Health

Wiltgen said a conference call was held yesterday to discuss funding and licensure issues involving The Bridge Behavioral Health. Participants included Wiltgen, Kerry Eagan, Chief Administrative Officer; Sara Hoyle, Human Services Director; Tammy Stevenson, Executive Director; The Bridge Behavioral Health and members of her staff; representatives of the Nebraska Department of Health and Human Services' (DHHS') Divisions of Behavioral Health (DBH) and Medicaid and the Licensure Unit; Douglas County's Civil Protective Custody (CPC) Unit; Mary Ann Borgeson, Douglas County Commissioner; and Matt Miltenberger, the Governor's Chief of Staff. **NOTE:** The Bridge stopped receiving funding from Medicaid last year because it lacked a service definition and the University of Nebraska and DBH "stepped forward" and provided funding.

Wiltgen explained the practice has been for individuals who have been identified by the Lincoln Police Department (LPD), Sheriff's Office, or University of Nebraska Police Department to be intoxicated and a danger to themselves and others to be taken to The Bridge and placed in a treatment room.

Stevenson said DBH is now requiring that all programs receiving funding for treatment must be accredited beds. To be accredited as a substance use treatment center, seclusion should be used rarely, if at all. Stevenson said this is not possible given the volatility and unpredictability of these clients, explaining they are placed in treatment rooms with locked doors. She said The Bridge has a nurse on staff and treatment, visual and vital sign checks and interventions are provided. Approximately 40% of clients are released to a responsible party and no individuals are held more than 24 hours. Stevenson said accreditation would require physical changes to the facility and a security presence. She said The Bridge would have to severely limit who could be admitted into the program and expressed concerns regarding who would serve the remaining clients.

In response to a question from Wiltgen, Stevenson said the unit could be locked and it would still be an involuntary program, but clients could no longer be locked in a treatment room. She noted The Bridge currently takes juveniles but said she would not be comfortable placing them in the same environment as acutely intoxicated adults.

Wiltgen said it appears the State wants these individuals placed at The Bridge for social detoxification. Stevenson said that is correct, adding seclusion could only be used when necessary. She added if seclusion is used, the facility would be required to identify ways to avoid its use the next time.

Wiltgen said individuals who were combative would have to be placed in jail. Sara Hoyle, Human Services Director, added an alternative would be they would remain on the streets. Wiltgen pointed out that individuals have also been transported to The Bridge from the Crisis Center and asked what would happen to that population.

Stevenson pointed out that the issue of The Bridge's license has still not been determined. She said The Bridge has been licensed for more than 20 years and the regulations have not changed since 2004 but the State Licensure Unit is now communicating the beds need to be accredited to be licensed. Stevenson said The Bridge has never been accredited and that has always been communicated. The Licensure Unit was on-site in 2011 and observed operations but provided no findings. Region V has also been on-site every year performing audits and never indicated any concerns. Wiltgen said the Licensure Unit has indicated it would issue The Bridge a license but has not provided that in writing. He added that Medicaid has now indicated it will not provide any funding to The Bridge because the services are involuntary. Stevenson said Medicaid has been part of the service definition discussion for months and had never indicated it was unwilling to pay for involuntary services until now.

Wiltgen stressed the need for a community dialogue on how to proceed, pointing out there is no guarantee of funding even if The Bridge makes modifications to the facility and hires additional staff.

In response to a question from Brinkman, Stevenson said the program has always operated at a loss. She said they have used fundraising dollars and funds from other programs to supplement it. Medicaid funding had been between \$50,000-\$60,000 annually but stopped about 16 months ago. DBH has provided \$100,000 in funding annually. Brinkman asked if the facility could continue to operate at the same level if a funding strategy could be worked out. Stevenson said licensure remains a concern and she is not comfortable running an unlicensed program. Wiltgen pointed out it

could also jeopardize the licenses of staff working on the unit, such as nurses. He said Douglas County is experiencing similar issues since it took over CPC services and has been unable to secure a license.

Wiltgen noted Nebraska is one of the few states that has decriminalized public intoxication and said there would have to be other charges if these individuals were to be taken to the jail, i.e., trespassing, disturbing the peace, or resisting arrest. Those individuals would then become involved with the criminal justice system which would increase the County's costs. Brad Johnson, Corrections Director, appeared and said the care system at the Lancaster County Adult Detention Facility (LCADF) will have to be changed to accommodate the needs of these individuals. He said Nebraska Jail Standards will require that they be deemed fit for confinement and they will need to go to a hospital first and be evaluated by a physician. Todd Duncan, Chief Deputy Sheriff, said if the individuals are substance dependent and an immediate risk to themselves, they could be placed in emergency protective custody (EPC) at the Crisis Center.

Brinkman questioned whether there is any legal recourse to challenge the State's interpretation of the regulations. Wiltgen suggested the City Attorney and County Attorney get involved.

Avery suggested this might be a case of deliberate neglect by the State. Stevenson said she hasn't worded it in that way but has asked who would serve these clients if The Bridge was unavailable. She said the State's answer continues to be that they feel it is reasonable for The Bridge to continue to serve all the clients and that their consultation with the Commission on Accreditation of Rehabilitation Facilities (CARF), the accrediting agency, has led them to believe that The Bridge can pursue accreditation. Stevenson said The Bridge has received a very different message from CARF. She said she is not sure if the State fully understands the level of intoxication and behaviors that clients exhibit.

There was consensus to schedule further discussion at the June 4th City-County Common Meeting.

Also present for the discussion were: Pat Condon, County Attorney; Bruce Prenda, Chief Deputy County Attorney; Joe Nigro, Public Defender; Jeff Kirkpatrick, City Attorney; Kim Etherton, Community Corrections Director; Todd Duncan, Chief Deputy Sheriff; Scott Etherton, Mental Health Crisis Center Director; Mona Burton, Administrative Assistant to the Mayor; and C. J. Johnson, Region V Systems Administrator.

3. BOARD OF EQUALIZATION UPDATE – Tom Kubert, Great Plains Appraisal Company (Referee Coordinator); Cori Beattie, Deputy County Clerk

Tom Kubert, Great Plains Appraisal Company (Referee Coordinator), said the County Assessor's Office has issued some revised property values this year and he anticipates between 2,000 to 3,000 property valuation protests will be filed this year. He said the focus this year is on commercial properties which are more complex and require more extensive analysis. Kubert noted the County Board has elected to utilize the referee process instead of hearing all the protests and said in many ways, Lancaster County's process exceeds what is required by state statutes.

A. Referee Coordinator Agreement

Kubert said there is a slight rate adjustment at the referee coordinator and assistant referee coordinator level. He said those rates are 60-70% of their normal billing rate.

The Board will act on the agreement at the May 22, 2018 County Board of Commissioners Meeting.

B. Updated Referee Forms

Kubert said the forms have been updated to be more checkmark oriented. They have also been expanded so the referee can indicate how recent sales might apply.

Kubert said property owners are directed back to the County Assessor's Office if there is a listing error or if there are questions regarding the quality grade that has been assigned because the County Assessor's Office is best suited to review those. He said the referees are focused on value, not the listing.

Policies and Procedures

Kubert noted the practice has been to notify the property owner(s) of the referee's findings and give them the option to submit additional information. He noted that last year the Board of Equalization (BOE) accepted additional testimony at the final action meeting and said that can be problematic because he needs time for additional research and analysis before making a recommendation. Kubert explained that commercial cases require more extensive analysis and if the BOE decides to accept additional testimony at that meeting again this year, he may be unable to make a recommendation at that time. The property owner would still have the option to file an appeal with the Tax Equalization and Review Commission (TERC) and the County would be able to request relevant data through the discovery process to perform a valid valuation analysis.

Brinkman felt it was frustrating for the property owners who testified, noting the majority didn't bring new information even though the Board had tried to be clear what kinds of information would make changes possible.

Kubert said, should the Board decide not to take testimony at the final action meeting, it would be important to communicate that to the property owners in the referee recommended value letter, as well as the deadline for additional information to be submitted.

Wiltgen pointed out that the Board allows public comment on an agenda item or at the end of the meeting during the open comment period. Eagan explained the Board doesn't have to allow public comment at all meetings. He said the Board could make special rules for the final action meeting.

Brinkman suggested the Board hold a "hearing" on a day other than the final action meeting. There was consensus to allow property owners to comment on their protest filing during the BOE Meeting on Tuesday, August 7th and to schedule the final action meeting on Thursday, August 9th. Cori Beattie, Deputy County Clerk, cautioned that, because of the condensed schedule and timeliness of

mail delivery, some property owners may not have received their referee recommended value letters by August 7th. Brinkman suggested the letters be emailed if possible.

C. Resolution

The Board will act on the resolution at the May 22, 2018 County Board of Commissioners Meeting.

D. Letters

No further changes were suggested.

E. Policies and Procedures

Item was moved forward on the agenda.

F. Space Rental Agreement

Beattie said the referee hearings will be held at the Lancaster Event Center, 4100 North 84th Street. She said the facility will not be available in 2020-2021 and asked the Board to let her know if they have venue suggestions. Brinkman suggested the Pinnacle Bank Arena, 400 Pinnacle Arena Drive, as a possible location.

4. BREAK

The meeting was recessed at 9:50 a.m. and reconvened at 10:03 a.m.

5. DEPARTMENT BUDGET HEARINGS – Dennis Meyer, Budget & Fiscal Officer

A. Community Corrections – Kim Etherton, Community Corrections Director

Dennis Meyer, Budget & Fiscal Officer, said Community Corrections' expenditure budget is increasing by 16.9%.

Kim Etherton, Community Corrections Director, attributed the increase to the following:

- Match for the Bureau of Justice Assistance (BJA) grant (\$130,000).
- Drawdown for Safety Training Option Program (STOP) administrative costs (\$220,000).
- Fixed costs such as personnel increases, changes in health insurance, information technology (IT), etc.

In response to a question from Wiltgen, Etherton said she did not identify the STOP drawdown in prior budgets. She said it is intended to increase transparency but makes the budget look larger than it is.

Etherton said the full-time equivalent (FTE) numbers have shifted (see Page 3) because she has moved employees to the appropriate business units. There are two new employees in the Re-entry

Supervision business unit (6777) and one employee was promoted to Program Manager and is currently overseeing both the Drug Court and Re-entry Grant Programs.

Discussion then focused on revenues which are increasing by \$106,562. Etherton said there has been an increase in Probation's community service supervision component which has helped to increase revenues.

Meyer inquired about Etherton's request for a vehicle. Etherton said she did not purchase the vehicle as Amundson had asked her to consider removing it from the budget as there are plans to implement a new Car Pool Program. She said she used the funds to pay overtime associated with curfew checks instead.

Meyer asked about technology needs. Etherton said most of their software licenses have been upgraded.

Etherton said one of their field officers was recently reclassified due to technology support he has been providing the agency since implementation of the case management system. She said she would like to hire a field officer to replace him, explaining she would like that person to assist with the 24/7 Sobriety Program and evening and weekend needs. That position has not been included in the budget. Brinkman questioned whether the field officer who was reclassified is the best qualified person for the technology position or is he a better field officer. Etherton said he has taken a lot of initiative to improve his education and improve his understanding of systems. She added it is difficult to move upward in the County system and said he put in the effort to make that happen. The salary is market level for his level of education and expertise.

Wiltgen noted the budget is increasing by \$332,249 which will be offset by \$106,562 in additional revenues. Etherton said the revenues should look higher and said she will revisit the STOP transfer.

Meyer asked whether there are changes to the service based budget. Etherton said she updated the services.

Meyer then asked whether Community Corrections will need additional appropriations. Etherton said they will not.

General Assistance (GA) – Sara Hoyle, Human Services Director

Meyer noted there is a 15.8% decrease in the overall budget.

Sara Hoyle, Human Services Director, attributed the decrease to the following:

- Contract for primary care services, moved from the Lincoln Health Department to Bluestem Health, formerly known as the People's Health Center.
- Pharmacy cost saving measures such as signing up with the 340B Drug Discount Program.
- Sending individuals whose overarching medical need is behavioral health to Region V Systems and other providers in the community rather than paying for their room and board costs.

Meyer said tracking of actual costs has improved.

Hoyle said revenues are anticipated to decrease as they have collected most of the outstanding balance.

Meyer noted the lease agreement with the Department of Health and Human Services (DHHS) is paid out of the GA budget.

Hoyle was asked if there were any changes to the service based budget. She indicated there were not.

General Assistance (GA) Operating – Sara Hoyle, Human Services Director

Meyer said there is a 1.8% increase in the overall budget and attributed it to salaries and benefits.

Meyer inquired about technology needs. Hoyle said she replaces two computers per fiscal year so all her staff have an updated system in place. She wasn't sure if GA was impacted by that schedule this year.

Meyer said they are monitoring this year's budget and said an additional appropriation may not be necessary.

B. Human Services – Sara Hoyle, Human Services Director

Meyer said there is a 2.8% increase in the overall budget attributed to salaries and benefits. **NOTE:** The City of Lincoln picks up half of the Human Services budget with a couple of exceptions, i.e., grant transfers, educational services, and positions that are covered by other revenue sources.

Hoyle said one of the diversion officers is funded through a Justice Assistance Grant (JAG), however, that funding is being held up at the federal level because of a lawsuit. She said carryover funds have been used to cover the position up to now but there may not be funding to cover that position as of July 1st. Meyer said the revenue was built in with the hopes that the situation would be resolved.

Hoyle then discussed her request to add an Administrative Services Officer to assist with the budget and data collection. Hoyle estimated that she spends 8.25 hours each week dealing with budgetary issues. Wiltgen asked if the cost would be shared with the City. Hoyle said it would depend on the scope of work.

Meyer said this is another budget that will be close in terms of needing an additional appropriation.

C. General Assistance (GA) Operating – Sara Hoyle, Human Services Director

D. General Assistance (GA) – Sara Hoyle, Human Services Director

Items C & D were moved forward on the agenda.

6. ACTION ITEM

- A. Change Order to County Contract No. C-17-045 – Gana Trucking & Excavating for the Addition of High Porosity Silt Fence Along the Bridge Slopes for an Increase of \$704.00

MOTION: Brinkman moved and Amundson seconded approval of the change order. Brinkman, Avery, Amundson and Wiltgen voted yes. Schorr was absent. Motion carried 4-0.

Avery exited the meeting at 11:08 a.m.

7. CHIEF ADMINISTRATIVE OFFICER REPORT

- A. Reimbursement of \$676.20 to Lancaster County from the Pension Expense Account for Airfare to the Prudential Retirement Client Conference Held May 9-11, 2018 in Naples, Florida

MOTION: Amundson moved and Brinkman seconded approval of the reimbursement. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

8. GENERAL ADMINISTRATIVE ITEMS

- A. Select Temporary Board Chair for the Week of May 28, 2018

MOTION: Brinkman moved and Amundson seconded to name Roma Amundson the temporary County Board Chair for the week of May 28, 2018. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

9. DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee (ISPC)

Meeting was cancelled.

- B. Parks & Recreation Advisory Board

Meeting was cancelled.

- C. Region V Meetings – Wiltgen

Wiltgen said Region V Services is still struggling financially with no reserves. He said Region V Systems has a budget shortfall of approximately \$300,000. He said they are operating under the assumption that there will be no reallocation of funds this year. Wiltgen said they also discussed civil protective custody.

D. Lincoln Independent Business Association (LIBA) Elected Officials Meeting –
Amundson

Amundson said Tom Casady, City Public Safety Director, discussed the City's plans to hire 15 new firefighters if Lincoln receives a federal grant. She said she reported on the County's Infrastructure Task Force and plans to sell Trabert Hall.

10. SCHEDULE OF BOARD MEMBER MEETINGS

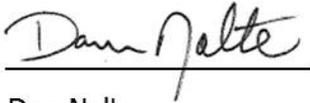
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11. EMERGENCY ITEMS

There were no emergency items.

12. ADJOURNMENT

MOTION: Brinkman moved and Amundson seconded to adjourn the meeting at 11:15 a.m. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk

