

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 12, 2019  
COUNTY-CITY BUILDING, ROOM 112  
10:00 A.M.**

Commissioners Present: Roma Amundson, Vice Chair; Deb Schorr, Sean Flowerday and Rick Vest

Commissioners Absent: Jennifer Brinkman, Chair

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Cori Beattie, Deputy County Clerk; and Leslie Brestel, 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 March 11, 2019.*

The Vice-Chair noted the location of the Open Meetings Act and opened the meeting at 10:00 a.m.

**AGENDA ITEM**

**1) APPROVAL OF STAFF MEETING MINUTES FOR MARCH 7, 2019**

**MOTION:** Schorr moved and Vest seconded approval of the March 7, 2019 Staff Meeting minutes. Schorr, Amundson, Vest and Flowerday voted yes. Brinkman was absent. Motion carried 4-0.

**2) LEGISLATIVE UPDATE – Joe Kohout and Brennan Miller, Kissel, Kohout, ES Associates LLC**

Joe Kohout, Kissel, Kohout, ES Associates LLC, reported testimony was received in support of LB267 (Provide a duty for the county board relating to deficient bridges and authorize a tax levy) from Commissioner Brinkman; Pam Dingman, County Engineer; Todd Wiltgen, Public Policy Specialist, Lincoln Chamber of Commerce; Ron Sedlacek, Vice President – General Counsel, Nebraska Chamber of Commerce and Industry; and Bill Miller, Associated General Contractors. The Lincoln Independent Business Association (LIBA) was opposed based on the possibility of a property tax increase. Two changes to the bill have been suggested, one where Section 2 mirrors Section 1 and one where counties are not obligated to, but may, repair scour critical bridges. Kohout has not received a final draft of the amendment.

LB726 (Require a protocol for individuals eligible for medical parole to apply for medical assistance) has been advanced by the Health and Human Services Committee. Senator Walz will request it be designated as a Speaker Priority Bill.

LB609 (Provide for reimbursement of actual costs of a rental vehicle by county and local governments) and LB525 (Change provisions relating to the sale of county land in fee simple) are on the Government, Military and Veterans Affairs Committee executive session agenda for today.

LB200 (Change provisions relating to licensure under the Health Care Facility Licensure Act of mental

health substance use treatment centers providing civil protective custody of intoxicated persons) was passed last Thursday and sent to the Governor.

The Board's letter of support for new vote tabulating machines has been submitted.

LB472 (Adopt the Qualified Judgment Payment Act and authorize a sales and use tax) will have a hearing on March 13 before the Revenue Committee.

Regarding LB718 (Require additional polling places prior to elections in certain counties), a letter of support from the Board has been submitted.

Kohout sent the Commissioners a link to an article in the Grand Island Independent regarding the background behind LB712 (Prohibit joint entities and joint public agencies from taking action against representative for their speech) (Exhibit A).

A request was made to the Department of Agriculture for the budget amount for the Riparian Task Force.

Speaker priority designation requests are due March 21 and Senators and committees must declare their priority bills by March 19.

The hearing on LB480 (State intent relating to appropriations to local public health departments) will be March 25.

Schorr will testify in support of LB327 (State intent to appropriate funds for an increase in rates paid to behavioral health service providers) on March 26.

When asked on the status of LB373 (Provide setback and zoning requirements for wind energy generation projects), Kohout responded it has not moved from committee.

## **CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT**

### **A. Revised Version of CAO Job Description**

The Commissioners discussed the interviewing and hiring schedule for the next Chief Administrative Officer (CAO). The consensus was to conduct interviews no later than mid-July with a potential start date of early to mid-September (contingent on the applicant). This would allow three months to train with the current CAO. Schorr said she will follow up with Doug McDaniel, Human Resources Director.

Regarding the CAO job description, the six years of experience in governmental administration at the division or department head level applies to both desirable education levels. Amundson will forward wording to Schorr regarding the CAO's responsibilities with the strategic plan.

Kerry Eagan, Chief Administrative Officer, recommended the Board formally approve the finalized CAO job description.

There was general discussion regarding the transition between Eagan and his successor. Eagan

indicated that he is already working on a list of items.

- B.** Claim for Review – PV # 639812 to LexisNexis VitalCheck Network from the Lancaster County Treasurer in the Amount of \$5,000. This Payment Requires a Purchase Order.

Dennis Meyer, Budget and Fiscal Director, described the VISA pilot program.

**MOTION:** Schorr moved and Vest seconded to move the claim to a Tuesday meeting as a regular claim.

When asked, Rachel Garver, County Treasurer, stated the \$5,000 is to help offset VISA debit card usage fees which are now a maximum of \$5.00 per transaction. A press release will be completed soon.

**ROLL CALL:** Schorr, Amundson, Vest and Flowerday voted yes. Brinkman was absent. Motion carried 4-0.

- 3) SEVERE WEATHER AWARENESS WEEK –** Jim Davidsaver, Lincoln/Lancaster County Emergency Management Director; and Mark Hosking, Deputy Emergency Management Director

Mark Hosking, Deputy Emergency Management Director, reviewed the severe weather awareness week presentation (see agenda packet).

A resolution will be scheduled on the March 19, 2019 County Board agenda for formal action.

### **ACTION ITEM**

- A.** Authorization for Lancaster County Board Chair to Sign Grant Applications for Lancaster County Juvenile Services Grants including:

- 1) The Asian Center
- 2) Boys & Girls Club – North Star
- 3) Boys & Girls Club – Park
- 4) Cedars
- 5) Girl Scouts
- 6) Lighthouse
- 7) Men with Dreams
- 8) Project Restore
- 9) The Bay

**MOTION:** Schorr moved and Flowerday seconded to authorize the Chair to sign the grant applications. Schorr, Amundson, Vest and Flowerday voted yes. Brinkman was absent. Motion carried 4-0.

## **DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

### **A. Region V – Brinkman**

Brinkman was absent.

### **B. PBC Chair Meeting with Mayor - Amundson**

Amundson said they discussed the Aging Partners building which will be vacated in 2020. She confirmed that Information Services employees are no longer occupying the 233 Building.

### **C. Chair and Vice-Chair Meeting with Mayor – Amundson**

Amundson conveyed concern about how to proceed with 98<sup>th</sup> Street from A to O Streets regarding environmental studies, design and construction.

### **CONTRACT FOR FULLTIME TEMPORARY ACCOUNTANT – Todd Duncan, Lancaster County Chief Deputy Sheriff; Kristy Bauer, Lancaster County Deputy County Attorney**

Todd Duncan, Lancaster County Chief Deputy Sheriff, described the need for a full-time temporary accountant due to an upcoming vacancy. Human Resources has recommended a local professional services firm. He expects the Sheriff's Office can cover the costs within their existing budget.

It was the consensus of the Board to support the Sheriff's Office in their search for an accountant.

### **4) PROCEDURES FOR RECONSIDERATION OF COUNTY ZONING RESOLUTION TEXT AMENDMENT #18016 (WIND ENERGY CONVERSION SYSTEMS) – Jen Holloway, Lancaster County Deputy County Attorney**

David Derbin, Lancaster County Deputy County Attorney, said the Planning Commission recommendation will be before the Board on March 19, 2019 as if no action was taken and he recommended following regular public hearing procedures. It was noted that previous testimony and evidence provided at the February 19, 2019 public hearing do not need to be redone as they are already in the record.

Tom Cajka, Lincoln-Lancaster County Planning Department, Planner II, reviewed the Planning Commission's recommendation.

### **5) CONTRACT FOR FULLTIME TEMPORARY ACCOUNTANT – Todd Duncan, Lancaster County Chief Deputy Sheriff; Kristy Bauer, Lancaster County Deputy County Attorney**

Item moved forward on agenda.

### **6) ACTION ITEM**

#### **A. Authorization for Lancaster County Board Chair to Sign Grant Applications for Lancaster County Juvenile Services Grants including:**

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Item moved forward on agenda.

**7) CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT**

- A. Revised Version of CAO Job Description
- B. Claim for Review – PV # 639812 to LexisNexis VitalCheck Network from the Lancaster County Treasurer in the Amount of \$5,000. This Payment Requires a Purchase Order.

Items A and B moved forward on agenda.

**8) DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

- A. Region V – Brinkman (Out of Town)
- B. PBC Chair Meeting with Mayor- Amundson
- C. Chair and Vice-Chair Meeting with Mayor – Amundson

Items A-C moved forward on agenda.

**9) SCHEDULE OF BOARD MEMBER MEETINGS**

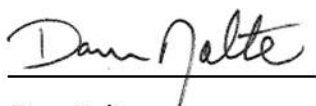
For informational purposes only.

**10) EMERGENCY ITEMS**

There were no emergency items.

**11) ADJOURNMENT**

**MOTION:** Schorr moved and Flowerday seconded to adjourn at 10:49 a.m. Schorr, Amundson, Vest and Flowerday voted yes. Brinkman was absent. Motion carried 4-0.



Dan Nolte  
Lancaster County Clerk





**! WEATHER**

## River Flood Warning until 8:30AM CDT WED

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[https://www.theindependent.com/news/local/agency-on-aging-s-bylaws-approved-on---vote/article\\_af4b1bda-f9d0-11e8-9730-0f13bddc4cb3.html](https://www.theindependent.com/news/local/agency-on-aging-s-bylaws-approved-on---vote/article_af4b1bda-f9d0-11e8-9730-0f13bddc4cb3.html)

### Agency on Aging's bylaws approved on 8-3 vote

By Jeff Bahr  
jeff.bahr@theindependent.com Dec 6, 2018

HASTINGS — The chairman of the Midland Area Agency on Aging's governing board, which formally updated its bylaws Thursday, believes the new bylaws in no way try to take away anyone's freedom of speech.

Charles Neumann made that comment before the updated bylaws were adopted. Neumann said the bylaws ensure that board members will speak in a truthful and factual manner. "It's not gagging anybody," he said. The change is not an attempt to curtail freedom of the press, Neumann said.

The bylaws were approved 7-1 in October. Following that action, the change was not to take effect for 30 days. The only board member who voted against the bylaw change in October was Pam Lancaster of Hall County. She was joined in opposition Thursday by fellow Hall County Supervisor Doug Lanfear, who did not attend the October meeting, and by Bobby Parks of Hamilton County.

According to the bylaw change, board members "who fail to perform the duties of a member or act in a manner contrary to the best interests of the agency may be subject to censure by the governing body."

If a board member is censured, notice of the censure "shall be sent to the county board that appointed the censured member requesting that another representative of that county board be appointed to replace the censured member," the updated bylaws say.

Scott Arnold, the third member of the Hall County delegation, voted in favor of the bylaws.

He pointed out that the MAAA governing board could not remove anyone on its own. If a member were censured, the board would request that the county's Board of Supervisors appoint a different representative.

Arnold said that people misinterpret what freedom of speech means. It doesn't mean being able to say whatever you want, whenever you want, he said.

An organization has the right to have guidelines for proper conduct, Arnold said. If a member were censured, MAAA board members would be telling the censured member they don't feel he or she complied with the rules, Arnold said.

Arnold said he'd be "really surprised" if the bylaw provision were ever used. But approving the change puts members on notice that certain behavior is expected.

"I feel differently," Lancaster said. She feels the bylaw change is a violation of the Open Meetings Law and the Constitution.

article continues below advertisement



Man killed in Harrisburg accident identified

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When elected officials take the oath of office, "we say that we will uphold the Constitution, and so I feel in my mind that that means protecting the freedom of speech," Lancaster said in an interview later.



People can say all they want that the bylaw isn't a violation or "we're not trying to limit what people say," Lancaster said. "Well, I think they are."

When a difference of opinion arises and board members share their feelings "with their board, with the media, whoever they share their feelings with, it may be contrary to what the administration feels but it doesn't necessarily make it wrong," Lancaster said in the interview.

MAAA Executive Director Casey Muzic said after the meeting that the bylaw changes "and our decision to have a spokesperson are best practices of any nonprofit organization. I greatly appreciate our board's support today for strengthening our organization's accountability to the public and the people we serve by adopting these changes."

The updated bylaws at least partially concern members' comments to the media. At the October meeting, Muzic said she felt that some information conveyed to newspapers had hurt the agency's reputation.

After Thursday's meeting, Muzic said all board members are encouraged to talk about MAAA programs and services in their counties to promote them. But if more specific information is needed, "we ask that they refer back to Chuck and I regarding specific rules and regulations."

According to a press/media policy approved earlier this year, Muzic and Neumann are the designated spokespersons for the agency.

The Midland Area Agency on Aging covers an eight-county area. Members of the governing board are supervisors or commissioners from each county.

Working together on a board has some benefits, Lancaster said. But she believes that her first responsibility is to the senior citizens of Hall County. Lancaster feels she should be able to say what she wants without fear of being chastised.

"I find it odd that there's a need to have the latitude to sanction someone for protecting their own county," Lancaster said.

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Jeff Bahr

Reporter

I am the Cops & Courts Reporter for the Grand Island Independent. I welcome news tips!