

**MINUTES
LINCOLN-LANCASTER COUNTY CONSOLIDATION TASK FORCE
COUNTY-CITY BUILDING
555 SOUTH 10TH STREET, ROOM 303
FRIDAY, NOVEMBER 8, 2013
8:30 A.M.**

Committee Members Present: Ann Post, Chair; Russ Bayer; Dick Campbell; Mike DeKalb; Dale Gruntorad; James Jeffers; Larry Lewis; Jean Lovell; Larry Melichar; W. Don Nelson; and Trish Owen (Ex-Officio)

Committee Members Absent: Jan Gauger; Darl Naumann; Kerry Eagan (Ex-Officio); and Amanda McGill

Others Present: Laurie Holman, Legal Counsel for the Legislature's Urban Affairs Committee representing Senator Amanda McGill; and Cori Beattie, Deputy Lancaster County Clerk

The Chair called the meeting to order at 8:30 a.m.

NOTE: A list of suggested criteria for potential recommendations was provided to the Task Force prior to the meeting (Exhibit A): 1) Creates quantifiable financial savings; 2) Promotes operational efficiencies; 3) Level of service stays the same or improves; 4) Allows transparency and accountability to the public and to elected officials; 5) Politically realistic; 6) Feasible under current state law; and 7) There is a "champion" willing to help implement the recommendation.

1 APPROVE MINUTES OF OCTOBER 25, 2013 MEETING

MOTION: DeKalb moved and Nelson seconded approval of the October 25, 2013 minutes. Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Melichar, Nelson and Post voted aye. Lovell abstained from voting. Gauger, Naumann and McGill were absent from voting. Motion carried 9-0, with one abstention.

2 SUBCOMMITTEE REPORT ON CONSOLIDATION OF CITY PROSECUTION FUNCTION WITH COUNTY ATTORNEY

Present for the discussion were Rod Confer, Lincoln City Attorney; John McQuinn, Chief Assistant City Prosecutor; and Terri Storer, Executive Assistant, City Attorney's Office.

Lovell presented the Subcommittee's report on consolidation of the City Attorney's prosecution functions with the County Attorney (Exhibit B). **NOTE:** The Subcommittee consisted of Lovell, Post and Eagan. Lovell noted the City Attorney and County Attorney gave a presentation to the Task Force at the July 12th meeting that focused on what happens in the Juvenile Court and said the Task Force agreed it would be a good idea to turn the City Attorney's prosecution role in Juvenile Court over to the County Attorney's Office. Lovell said the County Attorney currently does not have the resources to assume the additional caseload but said the Task Force is not in a position to address that issue. Lovell said another issue is whether there should be consolidation of misdemeanor cases in the County Court and said the Subcommittee looked at that issue applying the criteria in Exhibit A. She said the Subcommittee's recommendation is to proceed with consolidation of Juvenile Court matters and reserve further consolidation for such a time that more systematic consolidation is possible.

MOTION: Campbell moved and DeKalb seconded to accept the Subcommittee's report. Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Nelson and Post voted aye. Gauger, Naumann and McGill were absent from voting. Motion carried 10-0.

The Chair asked whether the Task Force would prefer to agree on what it would like to do by consensus, rather than making preliminary recommendations. **NOTE:** The Task Force plans to finalize their recommendations in December.

Campbell felt the Task Force should keep things as they are until the final report is released and believes the Task Force should brief the City-County Common before making a public presentation. Nelson concurred, adding he felt the Task Force should hold off on making any recommendations until the end.

There was consensus to move to consensus recommendations. There was also consensus to support the Subcommittee's recommendation to not move City prosecution to the County Attorney's Office.

Nelson exited the meeting at 8:51 a.m.

3 CONSOLIDATION/COOPERATION OPPORTUNITIES FOR COUNTY CLERK AND CITY CLERK

Present for the discussion were Dan Nolte, Lancaster County Clerk; and Teresa Meier, Lincoln City Clerk.

DeKalb identified three issues regarding consolidation/cooperation opportunities for the County Clerk and City Clerk: 1) Two different databases; 2) City Clerk is part of the City Finance Department and the County Clerk is an elected position; and 3) No quantifiable savings by combining the offices.

Nelson returned to the meeting at 8:54 a.m.

Bayer said this might be the one area that meets the Task Force's criteria for recommendations and said he believes the Task Force should recommend consolidation of the two departments. He added he is disappointed that some sponsors of the Task Force appointed individuals to positions and made certain decisions with the knowledge that the Task Force was in process of looking at consolidation. Melichar, Campbell and Nelson also indicated support of consolidating the two offices. Jeffers said he looks at how it affects individuals using those services and would not recommend a change right now. Campbell felt consolidation could simplify things for the public, such as one location to access records, permits, etc.

Nelson exited the meeting at 9:02 a.m.

Post and Lewis stressed the need for the two offices to get on the same database to improve the public's access to records. Lewis added he is still undecided about total consolidation of the two offices. Gruntorad felt many things could be accomplished through interlocal agreements. DeKalb felt it would be relatively simple for the City to enter into an interlocal agreement with the County and have the County Clerk pick up the responsibilities of the City Clerk, but did not feel there would be significant savings. He said the purchase of software licenses to provide access to both databases could also be costly.

Nelson returned to the meeting at 9:05 a.m.

MOTION: Campbell moved and Bayer seconded to recommend the City Clerk's Office be consolidated into the County Clerk's Office and the functions for both will determine the staffing requirements.

Gruntorad asked whether any state laws would need to be addressed. Campbell said the County Clerk is an elected position so the City Clerk, which is an appointed position, would have to move to the County side.

ROLL CALL: Bayer, Campbell, Melichar, Nelson and Post voted aye. DeKalb, Gruntorad, Lewis, Lovell and Jeffers voted nay. Gauger, Naumann and McGill were absent from voting. Motion failed 5-5, due to the lack of a majority.

Bayer felt the vote was inconsistent with action taken at the October 25th meeting to recommend that the County Board consider appointing the City Engineer on an interim basis to fill the County Engineer vacancy in an attempt to open up public discussion on consolidation.

MOTION: Nelson moved and Lovell seconded to table the discussion until a full complement of the Task Force is present. Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Nelson and Post voted aye. Gauger, Naumann and McGill were absent from voting. Motion carried 10-0.

Post asked how the Task Force would like to proceed if a full complement is not present at the next two meetings.

FRIENDLY AMENDMENT: DeKalb offered a friendly amendment to carry the discussion forward to the next meeting.

Lovell seconded the friendly amendment.

ROLL CALL: Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Nelson and Post voted aye. Gauger, Naumann and McGill were absent from voting. Motion carried 10-0.

Nelson felt the Task Force should recommend that the appointing authorities (County Board, City Council and Mayor) follow-up with an information technology (IT) consolidation study. Melichar said he agrees that the City and County need to be on the same technology platform going forward.

MOTION: DeKalb moved and Lewis seconded to recommend that the City and County look at merging their software infrastructure.

Campbell felt the recommendation should be to appoint an IT Task Force to come up with a recommendation for unification of software systems. DeKalb said his motion is broad enough to be inclusive of those resources.

Bayer said he is resistant to having consultants work with Steve Henderson, Chief Information Officer, Information Services (IS) because there is "turf protection" discussion going on. He felt the ultimate goal for many on the Task Force is a unified government, because that will resolve many of these problems, but said it appears that the City is "winning all the battles" and said there will never be County support as long as that is the case. Bayer said he believes there is a need for third party individuals to be involved in these types of evaluations who have no affiliation with either the City or County. Nelson said he agrees with all Bayer's comments except in regards to who "won" the IT battle. He said it is his understanding that the County system is "riddled" with problems and it will be costly and time consuming to get them resolved. Bayer said that was not his impression at all. Post said the County feels it has a wonderful system which has the capability to serve as enterprise management software. She said Gwen Thorpe, Deputy Chief Administrative Officer and Administrator of the TRIM Electronic Records Management System, has indicated the main problem is not enough support from the IS Department.

Returning to the motion, Post felt it was too vague.

Nelson proposed that the Task Force recommend that the City and County look at the information technology (IT) systems of each governmental body and the possibility of coming up with a unified system.

The maker of the motion said he would accept Nelson's language as a rephrasing of his motion.

Cori Beattie, Deputy Lancaster County Clerk, suggested it might be better to withdraw the motion and consider a new motion.

The maker of the motion and the seconder withdrew their motion.

MOTION: Nelson moved and DeKalb seconded to recommend that the City and County look at the information technology (IT) systems of each governmental body with the goal of a consolidated system.

FRIENDLY AMENDMENT: Post offered a friendly amendment to add specifically including a records management system.

The maker of the motion accepted the friendly amendment.

Post felt the Task Force should "hedge a little bit" in making the recommendation.

Bayer called the question.

ROLL CALL ON THE MOTION AS AMENDED: Bayer, Campbell, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Nelson and Post voted aye. Gauger, Naumann and McGill were absent from voting. Motion carried 10-0.

Campbell exited the meeting at 9:45 a.m.

4 REVIEW OF DECISION-MAKING CRITERIA

Post reviewed the criteria for potential recommendations which was provided to the Task Force prior to the meeting, noting no weight was assigned to any of the recommendations.

5 PREVIEW OF FINAL TWO MEETINGS

Post noted there are two meetings remaining: November 22nd and December 13th and said the December 13th meeting will likely be longer in length. She indicated the Task Force will revisit the recommendation regarding the City Clerk and County Clerk's Offices and discuss the draft final report at the November 22nd meeting.

MOTION: Bayer moved and Lovell seconded to move the December 13th meeting to December 6th so the Task Force's final report can be presented to the City-County Common at their meeting on December 9th.

Nelson said he would prefer to keep to the original schedule and present the final report to the City-County Common in January, if they have time available on the agenda. Bayer suggested the Chair speak to the Chair and Vice Chair of the City-County Common about the timing of the presentation to that body and release of the final report.

The maker of the motion and the seconder withdrew their motion.

There was consensus to allow follow-up questions to staff in attendance on items on the agenda, provided the questions and responses are offered openly so that all of the Task Force members can hear the information.

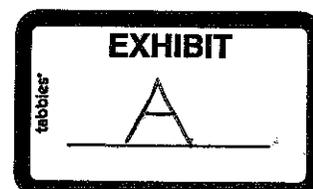
The Chair asked Task Force members if there are any items they feel still need to be addressed under the charge to the Task Force. Gruntorad felt there should be further discussion regarding Section XV-18 (Governmental powers and functions; intergovernmental cooperation; Legislature may limit; merger or consolidation of counties or other local governments authorized) of the Nebraska Constitution. Nelson said former State Senator Bob Wickersham sponsored that piece of legislation and is willing to address the Task Force. He said the legislation stemmed from repeated attempts at consolidation in Omaha and Douglas County. Bayer said he would want the conversation to relate to City/County consolidation, not individual departments. There was consensus to invite Wickersham to the November 22nd meeting.

6 ADJOURNMENT

MOTION: Nelson moved and Bayer seconded to adjourn the meeting at 10:02 a.m. Bayer, DeKalb, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Nelson and Post voted aye. Campbell, Gauger, Naumann and McGill were absent from voting. Motion carried 9-0.

Submitted by Ann Taylor, Lancaster County Clerk's Office.

Suggested Criteria for potential recommendations	Yes, make this a priority	No, don't use this one
1. Creates quantifiable financial savings		
2. Promotes operational efficiencies		
3. Level of service stays the same or improves		
4. Allows transparency and accountability to the public and to elected officials.		
5. Politically realistic: - There exists (at least some) support from public at large, the department being impacted, and elected officials		
6. Feasible under current state law		
7. There is a "champion" willing to help implement the recommendation.		



The Subcommittee Discussed the idea of consolidating the City Attorney's prosecution division with the County Attorney's office.

Measured this against the committee criteria of

1. **Creates quantifiable financial savings.** Yes, financial savings would be achieved in the form of reduced salaries. City attorneys are paid much higher salaries than county attorneys and if the city prosecution was merged into the county it would create savings.
2. **Promotes operational efficiencies.** Consolidation is not likely to promote operational efficiencies. If the prosecution function is moved to the county the newest and least experienced county attorneys would likely be handling the city matters. Experienced attorneys can handle cases much more quickly and efficiently than new attorneys. Further, different offices hold different philosophies as to when to settle matters and this may affect how efficiently cases can be handled.
3. **Level of services stays the same or better.** Matter of perspective. County attorney, sued to more serious crimes, has a tendency to prosecute more fully while the city attorney with less serious crimes and a high case volume has a the tendency to negotiate. Under a different office the philosophy could change in a way that prosecuted more fully yet also increased the volume to the court and extended the amount of time to deal with each matter.
4. **Allows transparency and accountability to the public and to elected officials** - no major overall effect
5. **Politically Realistic.** This type of recommendation would receive considerable push back. Attorneys from city would likely be fired instead of transferred to the county. City attorneys would be let go by seniority instead of by department.
6. **Feasible under the current state law.** This is feasible under current state law. Attorneys could be cross deputized to handle city and county matters
7. **Champion**

Subcommittee Recommendation: to proceed with consolidation of juvenile court matters and reserve further consolidation for such a time that more systematic consolidation is possible