

**MINUTES  
TRI-COUNTY MEETING  
DOUGLAS, LANCASTER AND SARPY COUNTY BOARDS  
NEBRASKA SCHOOL ACTIVITIES ASSOCIATION (NSAA) BUILDING  
500 CHARLESTON STREET, LINCOLN, NEBRASKA  
THURSDAY, NOVEMBER 6, 2008  
8:30 A.M.**

Douglas County: Mary Ann Borgeson, County Commissioner; Clare Duda, County Commissioner; Chris Rodgers, County Commissioner; Kathleen Kelley, Chief Administrative Officer; Patrick Bloomindale, Deputy Chief Administrative Officer; Steve Walker, Fiscal Administrator; Rick Kubat, Administrative Specialist; Ellen M. Sechser, Administrative Assistant, Douglas County Clerks Office; Mike Kelley, Douglas County Lobbyist

Lancaster County: Bernie Heier, County Commissioner; Deb Schorr, County Commissioner; Ray Stevens, County Commissioner; Bob Workman, County Commissioner; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Dennis Meyer, Budget and Fiscal Officer; Minette Genuchi, Administrative Secretary to the County Board; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Ann Taylor, County Clerk's Office; Gordon Kissel and Joe Kohout, Lancaster County Legislative Consultants.

Sarpy County: Inez Boyd, County Commissioner; Joni Jones, County Commissioner; Deb Houghtaling, County Clerk; Fred Uhe, Chief Deputy County Clerk and Lobbyist; Mark Wayne, Board Administrator; Brian Hanson, Fiscal Administrator; Mike Smith, Deputy County Attorney

The Lancaster County Board met with representatives of Douglas and Sarpy Counties on November 6, 2008 at the Nebraska School Activities Association (NSAA) Building at 8:30 a.m. Also in attendance were Larry Dix, Nebraska Association of County Officials (NACO) Executive Director; and Andre Mick, Lincoln Independent Business Association (LIBA).

**1 RECEPTION & BREAKFAST**

Bob Workman, Lancaster County Board of Commissioners Chair, opened the meeting and announced the location of a copy of the Nebraska Open Meetings Act. A continental breakfast was served.

**2 WELCOMING REMARKS** - Dr. Jim Tenopir, Nebraska School Activities Association (NSAA) Director

Dr. Jim Tenopir, Nebraska School Activities Association (NSAA) Director, welcomed the group to the facility.

### 3 REVIEW OF LEGISLATIVE AGENDAS

#### A. Lancaster County

Kerry Eagan, Lancaster County Chief Administrative Officer, gave an overview of Lancaster County legislative priorities (Exhibit A):

- \* Property Tax Relief through Appropriate State Funding for County Government
- \* Authorize a Fee for Community Corrections
- \* Amend Nebraska Revised Statute §23-120(3)(b) to Authorize Twenty (20) Year Projects
- \* Investigate Creation of the Position of Magistrate
- \* Other Priorities
  - \* Allow Reuse of Bubble Packs by Jails
  - \* Authorize Transfer of Noncontiguous Residential Development Rights
  - \* Require Tax Stickers on Mobile Homes

Kathleen Kelley, Douglas County Chief Administrative Officer, said Douglas County asks participants in Community Corrections to pay a fee.

Eagan said it is not authorized in statute.

K. Kelley said it is her understanding there is already statutory authority for a magistrate system.

#### B. Douglas County

Mike Kelley, Douglas County Lobbyist, said jail reimbursement will be a priority issue for Douglas County.

K. Kelley said Emergency Protective Custody (EPC) funding is also an area of concern and said the Governor and the Nebraska Department of Health and Human Services (HHS) may try to shift the costs to counties administratively.

It was noted Mike Boyle, Douglas County Commissioner, would like to look at the issue of county ordinance authority.

Eagan said Legislative Bill (LB) 961 calls for studies of the legal defense system and the guardian ad litem system. He said he was informed that Douglas County had opposed the legislation and asked the reason for that position.

K. Kelly said the Douglas County Board did not take a position on the bill but said Tom Riley, the Douglas County Public Defender, may have. She said there are a number of issues of concern, including the role of the guardian ad litem system.

#### C. Sarpy County

Fred Uhe, Chief Deputy County Clerk and Lobbyist, gave an overview of the Sarpy County legislative agenda (Exhibit B):

- \* Funding County Government
- \* Economic Development
- \* County Ordinance Authority
- \* Other Areas of Interest/Concern
  - \* Storm Water Runoff Fees
  - \* Flood Control Issues

#### D. Nebraska Association of County Officials (NACO)

Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, gave an overview of legislative issues NACO plans to pursue (Exhibit C):

- \* Examine jail reimbursement, county property tax relief and other mechanisms for providing state aid to counties
- \* Eliminate reference to the issuance of distress warrants on real property
- \* Provide for the transfer of a homestead exemption when residence changes but the parcel is not sold
- \* Provide for voluntary issuance of receipts for property tax payments
- \* Enact residency requirements for clerks of the district court
- \* Adopt specifications for filed documents
- \* Require property taxes to be paid before parcels are split, replatted or combined
- \* Authorize treasurers to cancel motor vehicle registrations upon receipt of a bad check
- \* Revise procedures to change from township to commissioner form
- \* Harmonize sanitary and improvement district election time lines
- \* Expand the hours that polling places are open for drainage district elections
- \* Increase sheriffs' fees for civil and criminal actions

Copies of the 2009 NACO Legislative Platform (Exhibit D) were also disseminated.

Dix noted efforts to remove the statutory cap on jail reimbursement last year were unsuccessful. A Joint Appropriations/Revenue Committee Study looked at state aid to counties and a couple of funding formulas were suggested that would hold counties harmless. He said he met with Governor Heineman and the Governor indicated he may be willing to put additional money into funding, if it eliminates jail reimbursement. Dix said he does not believe the Governor will bring forth an alternative. It would need to come from the counties.

Discussion followed with general consensus to propose funding under the heading of public safety. Funding in the amount of \$15 million, with a built-in inflation factor, was suggested.

#### **4 LOCAL PUBLIC AUTHORITY MANUAL FOR STATE ROAD PROJECTS** - Jim Wilkinson, Nebraska Department of Roads

Jim Wilkinson, Nebraska Department of Roads, said the Nebraska Department of Roads will now provide oversight for all Local Public Agency (LPA) Project Administration (city and county) projects to insure compliance with all applicable state and federal laws (see Exhibit E). He said there will be three areas of focus: 1) Bridges; 2) Environmental process; and 3) Right-of-way acquisition. Wilkinson said training for cities and counties will begin by February, 2009 and attendance will be a requirement for receipt of federal funds.

Deb Schorr, Lancaster County Commissioner, asked which staff should receive the training.

Wilkinson said that has not been determined yet. He added that the training would be beneficial for project consultants as well.

#### **5 OTHER BUSINESS**

##### **A. Emergency Protective Custody (EPC)**

Brief discussion took place regarding concerns that the State will discontinue funding for EPC costs.

##### **B. Pandemic Flu Policy**

Pandemic flu measures were discussed.

##### **C. Lancaster County Correctional Facility Joint Public Agency (JPA)**

Eagan relayed the reasons why the Lancaster County Board decided to form a Joint Public Agency (JPA) with the City for the purpose of funding a new jail.

## **6 LUNCH (OPEN DISCUSSION)**

Topics discussed were greenbelt exemptions, tax exemptions, special permit regulations, a purchase card program and possible introduction of legislation to make changes to the Commission of Industrial Relations (CIR) to allow an exception for ability to pay and comparability to similar jobs in the local community.

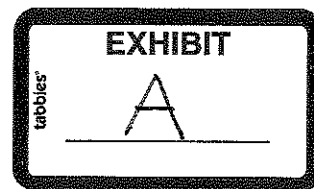
## **7 TOUR OF HAYMARKET PARK** - Charlie Meyer, Lincoln Saltdogs Baseball President

Charlie Meyer, Lincoln Saltdogs Baseball President, conducted a tour of Haymarket Park for meeting participants.

There being no further business, the meeting was adjourned.

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Dan Nolte  
Lancaster County Clerk



## 2009 LANCASTER COUNTY LEGISLATIVE PRIORITIES

### 1. Property Tax Relief through Appropriate State Funding for County Government

Property tax growth cannot be controlled without a well-designed and reliable state aid program for counties. State funding should be directed where it is needed most, especially where it can increase the effectiveness of state and local cooperation. For Lancaster County, state funding is needed to help offset the cost of holding state prisoners, meet the increasing demand for roads, and cover the cost of new mandates in the area of juvenile court proceedings. Also, the community-based mental health system is a state responsibility which should not be funded with property tax. The County is a willing partner in providing mental health services, but adequate state funding must be provided for these programs, as well as the related function of emergency protective custody.

### 2. Authorize a Fee for Community Corrections

The Lancaster County Community Corrections Department is helping reduce jail overcrowding. However, the Department is operating at full capacity and must be expanded to meet demand for services. Imposition of a fee for participation in community corrections programs would provide some of the funding needed to expand services to accommodate existing and future needs, without raising taxes.

### 3. Amend Neb. Rev. Stat. §23-120(3)(b) to Authorize Twenty (20) Year Projects

Given the increase in construction costs, the annual 5.2¢ levy under §23-120(3)(b) is not adequate to finance construction of essential government buildings in ten (10) years.

### 4. Investigate Creation of the Position of Magistrate

The County supports a legislative study to examine creation of the position of magistrate. The principal function of the magistrate would be to provide an independent, unbiased, review of complaints brought to the office by law enforcement and citizens. A magistrate is specially trained to issue search warrants, subpoenas, arrest warrants, summonses, and set bail. The magistrate would be a state employee under the supervisory control of the judiciary. This position could reduce the need for adding judges and could help reduce the jail population by expediting the release prisoners when appropriate.

### 5. Other Priorities

- A. Allow reuse of bubble packs by jails
- B. Authorize transfer of noncontiguous residential development rights
- C. Require tax stickers on mobile homes

## Sarpy County 2009 Legislative Agenda

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### Funding County Government

Increased State aid to Counties-preferably through a new program that is fair, equitable and sustainable to all counties.

Increases in county fees, i.e. Sheriff fees for civil and criminal actions, vehicle title fees and 911 surcharges.

Increase in highway funding to ensure that future construction needs and not just maintenance needs can be met.

### Economic Development

Support additional tools such as "STAR" bonds or county TIF authority.  
Explore State funding for infrastructure and/or tourism destinations.  
Possibility of new baseball stadium in Sarpy County offers opportunities and challenges for ongoing economic development.

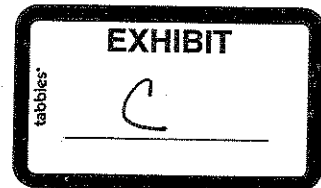
### County Ordinance Authority

Seek ordinance authority for counties to meet the needs of citizens living outside of municipal boundaries. According to 2007 Census estimates Sarpy County has over 51,000 residents living outside of our cities, most of these in SIDs and/or developments that are primarily urban/suburban in nature. We are powerless in areas of regulating public nudity, declaring snow emergencies, youth curfews, false alarm fees, animal control (we have authority over dogs only), and many others. We may consider requesting this for counties over 100,000 population only. This would be optional and counties could enact ordinances to only meet specific needs in the communities.

### Other Areas of Interest/Concern

Storm-water Runoff Fees

Flood Control Issues



# 2009 NACO Legislative Platform

## Budget/Taxes/State Aid

**1. Oppose elimination or reduction of county's share of inheritance taxes**

Counties spend inheritance tax dollars on projects for which no property tax dollars are available, including courthouse renovation, indigent defense, general assistance, and bridges, and depend upon inheritance taxes to create cash reserves for emergencies and special projects. Elimination or reduction of inheritance tax dollars that would result in increased property taxes or a reduction in services are opposed.

**2. Support an increase in reimbursement for state prisoners**

When the jail reimbursement program began in FY99-00, \$6.8 million was appropriated annually to reimburse counties for holding state prisoners. Since that time, the total amount of reimbursement has been reduced by \$3 million. Although a deficit appropriation was made in 2003 to pay amounts owed from prior years, state statute limits jail reimbursement to an annual appropriation determined by the Legislature but not exceeding \$3.91 million statewide. Because these prisoners are being held by counties for the state, full reimbursement at the statutory rate from the time of arrest until placement at a state facility should be provided to counties.

**3. Support continued appropriations for County Property Tax Relief**

The County Property Tax Relief Program was enacted in 1998 as a companion to jail reimbursement. In FY98-99, \$5.5 million was appropriated for counties using a formula based upon the miles of roads maintained by counties. Funding was reduced and later eliminated during the state budget crunch in 2003. Funding of \$1.5 million was restored in FY07-08 and distributed under a revised formula that includes a minimum levy adjustment. Counties support continued appropriations for the program.

**4. Support increased county authority to levy local option sales taxes**

Counties are currently authorized to levy a local option sales tax for limited public safety purposes. If a city also levies a sales tax, counties collect taxes only on those purchases made outside of the city. Expanding county sales tax authority to include sales within municipal boundaries or dividing a city-enacted sales tax could relieve some of the burden on property tax payers.

**5. Support alternative sources of funding for counties**

Although county operations are funded primarily by property taxes, counties generate limited revenues by serving as the taxing and collecting entity for property taxes, providing motor vehicle services on behalf of the state, accepting filings, serving process, and issuing licenses. Generally the dollar amounts generated by these means are relatively small. NACO supports the use of alternative funding sources, preferably targeted directly toward users of county services, to help offset the cost of related county functions and to provide funding for specific projects and purposes. NACO also supports a periodic review of all legislation setting fees or providing for administrative costs to be collected by counties. All such fees and costs should reflect the actual cost of providing services.



**6. Support periodic reviews of the property tax system**

Because county operations are funded almost entirely through property taxes, a broad tax base and equitable valuations are essential. NACO encourages continuing efforts to revise and improve all aspects of the property tax system, including developing funding for appraisals and balancing the authority of state and local agencies.

**7. Oppose state unfunded mandates**

Tight state and federal budgets have resulted in many responsibilities being passed down to counties. However, necessary funding has not always accompanied the new responsibilities. Counties support state funding of existing and future unfunded state mandates in recognition of the state/local partnership.

**Government Operations**

**8. Support local control of local issues, including cooperative efforts**

Because forced combinations do not necessarily result in efficiencies, counties should receive encouragement and incentives for joint efforts but should not be penalized for failing to consolidate. Any alteration in the form of local government should be undertaken only after a vote of the affected citizens. For example, elimination of the township form of government or changing the number of county board members are decisions that should be made locally. NACO opposes any legislation that would authorize state or federal agencies to determine minimum levels of county employee compensation.

**9. Oppose efforts to increase the financial exposure of counties under the Political Subdivisions Tort Claims Act**

Legislation is introduced regularly that would increase the dollar amounts of county liability for tort claims. Compared to other states, Nebraska law already provides for the recovery of exceptionally generous amounts from local governments. NACO opposes increasing the financial exposure of counties through expansion of the Political Subdivisions Tort Claims Act.

**10. Support regulation of water resources**

State and local water policies need to provide flexibility for continued development of appropriate water resource programs taking into consideration hydrology, existing water rights, potential development, interstate compact obligations and the public interest. Before significant actions are taken, a review of all the relevant scientific and socioeconomic implications of such action should be made and affected counties consulted.

**Roads/Highway Trust**

**11. Support continued or increased county road funding**

In 2008, the Legislature adopted a fuel tax increase and implemented a wholesale fuel tax to generate additional funds for roads. However, federal, state and local fuel tax receipts have

decreased due to a reduction in fuel purchases by consumers. Counties support the allocation of existing resources under the Highway Trust Fund and encourage the examination of alternative road funding sources.

**12. Support retention of full county authority over county roads and rights-of-way including the local determination of best public uses**

Counties own substantial amounts of public rights-of-way. These are valuable local government real estate assets that are held in trust by local governments to benefit the local community. State law should recognize the authority of local governments to protect the public investment, to balance competing demands on this public resource and to require fair and reasonable compensation from utilities, including communications providers, for use of the public rights-of-way on a nondiscriminatory (but not necessarily identical) basis. Because disruption to streets, businesses and agriculture can have a negative impact on public safety and industry, local governments should have control over allocation of the rights-of-way and be able to ensure that there is neither disruption to other "tenants" or transportation nor any diminution of the useful life of the right-of-way. Local governments should have the right to analyze the legal, financial, and technical qualifications of any provider wanting to use the public right-of-way and should have the right to regulate access to rights-of-way.

### Corrections/Courts

**13. Support continued or increased state assistance for indigent defense and the Public Advocacy Commission**

The Public Advocacy Commission was created in 1995 to provide relief to property taxpayers by providing state assistance to counties for indigent defense. As originally created, the Commission was intended to defend poor people accused of first-degree murder, but has since been expanded to include low-income civil cases and certain inmate DNA testing. In 2003, court fees were increased to help fund the Commission and create a new violent crime and drug defense division. Fees were raised again in 2006 to help fund civil legal services provided by the Commission. Funding for the Commission should be continued or increased.

**14. Support funding alternatives for inmate health care**

Although Nebraska law authorizes counties and health care providers to seek reimbursement from insurance companies, federal programs and other sources, it is rare for counties to receive any outside payments for inmate medical costs. Some counties purchase specialized insurance to help cover the costs of catastrophic health care needs of inmates. Some states authorize prisoner co-payments for medical care. Regardless of the payor, the due process clause of the Constitution prohibits the denial of health care to prisoners on the grounds of cost. NACO supports efforts to reduce costs to counties for inmate health care and encourages finding alternative means to help fund these costs.

**15. Support the expansion of programs for juveniles offenders and provide a continuum of services**

Home detention, electronic monitoring, day reporting, drug courts, and community service programs cost substantially less than secure detention for juveniles. These options, as well as intervention and prevention efforts, should be expanded and funding should be provided to facilitate alternatives for juvenile offenders. Secure detention should only be used for youth who pose a risk to the community.

### **Zoning**

**16. Support local control of all county land use and planning decisions through zoning, including appropriate remonstrance procedures**

Local governments have been granted the authority to control development of land and property within their jurisdictions. Such authority properly assumes that local elected officials are best suited to make decisions affecting land use for their communities. Statutory overrides of local zoning ordinances impose arbitrary standards without regard for local circumstances. All land use, zoning, and annexation decisions should remain at the local level with appropriate remonstrance procedures.

### **Health and Human Services**

**17. NACO urges local, state and federal government agencies to be responsible partners in providing adequate and equitable health and human services.**

### **Motor Vehicles**

**18. Support efforts to increase legal documentation of motor vehicles**

For more than 15 years, counties and the Department of Motor Vehicles have been examining methods to increase motor vehicle sales tax collections, prevent uninsured and underinsured motorists, decrease the number of unlicensed drivers, and prevent title jumping, as well as other enforcement issues. NACO supports continued efforts in these areas.

### **Elections**

**19. Support federal and state reimbursement to counties for the expense of conducting federal and state elections**

Cities, schools and other local entities which place issues on the ballot help pay for the election through a calculation based on the cost of printing the ballots. NACO supports reimbursement from the state or federal government for constitutional amendments placed on the ballot by the Nebraska Legislature or U.S. Congress. NACO supports adequate federal funding to fulfill the requirements of the Help America Vote Act (HAVA).

## 2009 NACO Legislation to Pursue

- Examine jail reimbursement, county property tax relief and other mechanisms for providing state aid to counties
- Eliminate reference to the issuance of distress warrants on real property.
- Provide for the transfer of a homestead exemption when residence changes but the parcel is not sold.
- Provide for voluntary issuance of receipts for property tax payments.
- Enact residency requirements for clerks of the district court.
- Adopt specifications for filed documents.
- Require property taxes to be paid before parcels are split, replatted or combined.
- Authorize treasurers to cancel motor vehicle registrations upon receipt of a bad check.
- Revise procedures to change from township to commissioner form.
- Harmonize sanitary and improvement district election time lines.
- Expand the hours that polling places are open for drainage district elections.
- Increase sheriffs' fees for civil and criminal actions.

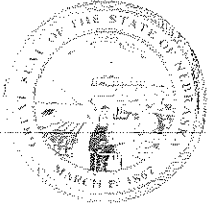


EXHIBIT  
E

STATE OF NEBRASKA

Dave Heineman  
Governor

DEPARTMENT OF ROADS  
John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759  
Phone (402)471-4567 • FAX (402)479-4325 • www.dor.state.ne.us

DATE: October 6, 2008  
TO: Nebraska Department of Roads – Distribution “B”  
All Nebraska Cities – Mayors  
All Nebraska Counties – Chair of Board of Commissioners/Supervisors  
SUBJECT: LOCAL PUBLIC AGENCY (LPA) PROJECT ADMINISTRATION

Effective immediately, the Nebraska Department of Roads will provide oversight for all LPA (city and county) projects with equal diligence to that of state projects and in full compliance with all applicable state and federal laws. Concurrently, I expect cities and counties to exercise that same diligence and in full compliance with all applicable state and federal laws.

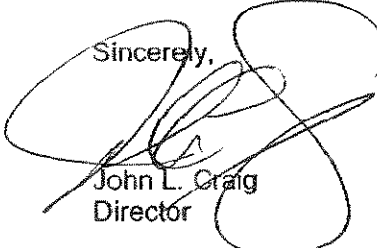
To assist in this effort, the Department will provide the following:

1. A new LPA Manual will be provided to all cities, counties and the Department of Roads by January 30, 2009.
2. Training for all cities and counties will begin by February 2009 and attendance will be a requirement for receipt of federal funds.
3. A team of auditors will be developed by January 1, 2009 and begin a systematic audit of LPA project administration by the Department, cities and counties. That effort will continue into the foreseeable future.

The State of Nebraska, to include the Department, all cities and all counties, has a long and proud history. We have met many challenges and improved our performance in many areas to the best on record. We will do the same in this area. Jim Wilkinson, Local Projects Section Engineer who reports directly to the Deputy Director of Engineering, is my personal representative and lead in this effort. He has my full support to take all actions necessary to achieve my desired result.

I know that many difficulties and challenges may be encountered and that projects may be delayed.

If I have described LPA Project Administration as a serious and priority matter, then I have made myself clear.

Sincerely,  
  
John L. Craig  
Director

JLC:CRA5-SU

- cc: League of Nebraska Municipalities  
Nebraska Association of County Officials  
Federal Highway Administration  
Local Technical Assistance Program  
American Council of Engineering Companies