

TRI-COUNTY MEETING AGENDA
LANCASTER, SARPY & DOUGLAS COUNTY BOARDS
THURSDAY, NOVEMBER 3, 2011 - 8:30 A.M.
THE LODGE - WILDERNESS RIDGE GOLF COURSE
1800 WILDERNESS WOODS PLACE - LINCOLN, NE

1. 8:30 AM **RECEPTION & CONTINENTAL BREAKFAST**

2. 9:00 AM **REVIEW OF LEGISLATIVE AGENDAS**
 1. LANCASTER COUNTY
 2. DOUGLAS COUNTY
 3. SARPY COUNTY
 4. NACO - Larry Dix, NACO Executive Director

3. 10:45 AM **BREAK**

4. 11:00 AM **EFFECT OF ENVIRONMENTAL REGULATIONS ON COUNTY ROAD PROJECTS** - Don Thomas, Lancaster County Engineer; Don Kutilek, Douglas County Engineer's Office

5. 11:30 AM **COUNTY MENTAL HEALTH SERVICES**

6. NOON **LUNCH (OPEN DISCUSSION)**

7. 1:00 **OTHER TOPICS**
 - (A) HEALTH CARE COSTS
 - (B) PRELIMINARY VALUATION NOTICE HEARINGS (2011 NEB. LAWS LB384)
 - (C) ASSESSOR REVIEW OF TAX EXEMPTION REQUESTS
 - (D) COUNTY CONTRIBUTION TO AGENCIES ON AGING, DEVELOPMENTAL DISABILITY SERVICES, AND BEHAVIORAL HEALTH/SUBSTANCE ABUSE

8. 3:00 **TOUR OF THE NEW ADULT DETENTION FACILITY**

**MINUTES
TRI-COUNTY MEETING
DOUGLAS, LANCASTER AND SARPY COUNTY BOARDS
THE LODGE AT WILDERNESS RIDGE
1800 WILDERNESS WOODS PLACE, LINCOLN, NEBRASKA
THURSDAY, NOVEMBER 3, 2011
8:30 A.M.**

Douglas County: Mary Ann Borgeson, County Commissioner; Mike Boyle, County Commissioner; Clare Duda, County Commissioner; Marc Kraft, County Commissioner; P.J. Morgan, County Commissioner; Pam Tusa, County Commissioner; Kathleen Kelley, Chief Administrative Officer; Patrick Bloomindale, Deputy Chief Administrative Officer; Joe Lorenz, Budget & Finance Director; Rick Kubat, Assistant County Manager; Ellen M. Sechser, Administrative Assistant, Douglas County Clerk's Office; Mike Kelley and Sean Kelley, Douglas County Lobbyists

Lancaster County: Bernie Heier, County Commissioner; Larry Hudkins, County Commissioner; Jane Raybould, County Commissioner; Deb Schorr, County Commissioner; Brent Smoyer, County Commissioner; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative 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, Lancaster County Lobbyist

Sarpy County: Rusty Hike, County Commissioner; Jim Nekuda, County Commissioner; Tom Richards, County Commissioner; Jim Thompson, County Commissioner; Jim Warren, County Commissioner; Deb Houghtaling, County Clerk; Fred Uhe, Chief Deputy County Clerk and Lobbyist; Mark Wayne, County Administrator; Scott Bovick, Deputy County Administrator; Brian Hanson, Fiscal Administrator; Mike Smith, Deputy County Attorney

Also in attendance were Larry Dix, Nebraska Association of County Officials (NACO) Executive Director; and Mike Koberlein, Lincoln Independent Business Association (LIBA).

1 RECEPTION & BREAKFAST

Deb Schorr, Lancaster County Board of Commissioners Chair, opened the meeting at 8:56 a.m. and announced the location of a copy of the Nebraska Open Meetings Act.

2 REVIEW OF LEGISLATIVE AGENDAS

A. Lancaster County

Kerry Eagan, Lancaster County Chief Administrative Officer, gave an overview of Lancaster County's legislative priorities for 2012 (Exhibit A):

1. Reduce county pension match for new employees
2. Extend 2011 Legislative Bill (LB) 465 (eliminate provisions relating to eligibility of non-United States citizens for public assistance) to include General Assistance (GA)
3. Increase funding for sex offender treatment and tracking
4. Definition and oversight for staff secure juvenile detention facilities
5. Review all county fees and raise where appropriate

Other Priorities

- Amend Nebraska Revised Statute §29-2022 to give judges discretion on jury sequestration
- Authorize deduction of court costs and fines from cash bonds under Neb. Rev. Stat. §29-2022
- Allow jurors to waive fee required under Neb. Rev. Stat. §33-138
- Restore the 2.5% cut in Medicaid funding for behavioral health, and maintain adequate funding for the behavioral health regions
- Clarify financial responsibility for detainees needing medical care when lodged

Marc Kraft, County Commissioner, asked whether reducing county pension match for new employees would skew Lancaster County's actuarials. Eagan said that would apply more to a defined benefit plan. Lancaster County has a defined contribution plan.

Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, said his organization is working with State Senator Amanda McGill on county fees.

Mike Boyle, County Commissioner, said he agrees with the concept of giving judges discretion on jury sequestration but suggested it may be better to limit it to misdemeanor and civil cases and allow the attorneys discretion in felony cases.

Sean Kelley, Douglas County Lobbyist, noted that Senator Pahls introduced legislation last year on behalf of Douglas County that may address the issue of clarifying financial responsibility for detainees needing medical care when lodged. That legislative bill (LB 545) is held in the Judiciary Committee.

Gordon Kissel, Lancaster County Lobbyist, said in relation to Priority No. 1, the Legislature has an interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board (Legislative Resolution (LR) 210) and suggested it would be beneficial to have someone testify on behalf of Lancaster County. He added he is working with State Senator Colby Coash to get legislation introduced that will address Priority No. 4.

B. Douglas County

Rick Kubat, Douglas County Assistant County Manager, reviewed Douglas County's legislative initiatives (Exhibit B):

Support

1. Withhold court costs from cash bonds posted by defendants in criminal cases
2. Review all county fees and raise where appropriate
3. LB 66 (Change provisions relating to DNA collection)
4. LB 545 (Establish a co-pay for medical services provided at a correctional facility)
5. Medicaid rate for persons in emergency protective custody or confined at a detention facility

Oppose

1. LB 685 (Change provisions of the Nebraska Visitors Development Act relating to the use of funds and the members of committees)
2. LB 344 (Change provisions relating to municipal counties and merger of governmental services)
3. LB 536 (Adopt the Nebraska Uniform Real Property Transfer on Death Act)

Dix referred to LB 536 and said if someone files this type of real estate document, it will force the creation of a 521 Real Estate Transfer Statement and the County would be able to pursue the inheritance tax capture.

Boyle noted some states allow judges to sentence offenders with lessor crimes to the correctional facility. The correctional facility then determines the penalty. He asked the other commissioners to consider this idea and possible introduction of legislation that would allow this to occur in Nebraska.

C. Sarpy County

Fred Uhe, Chief Deputy County Clerk and Lobbyist, presented Sarpy County's legislative priorities:

1. Seek expansion of county ordinance authority to include regulation of vendors and solicitors
2. Support legislation to clarify the issue of taxation of public facilities built under a lease/purchase program
3. Oppose repeal of LB 84 (Adopt the Build Nebraska Act and provide for distribution of sales and use tax revenue for road construction)
4. Monitor legislation dealing with the process and procedures regarding the valuation of, and equalization of, real property
5. Explore seeking additional economic development tools for counties
6. Seek legislative protection for counties where State contractors declare bankruptcy forcing counties to accept pennies on the dollar on funds owed and due the counties
7. Continue to seek passage of LB 66 (Change provisions relating to DNA collection)
8. Oppose changes to the Political Subdivisions Tort Claims Act

NOTE: Uhe submitted a written copy of Sarpy County's legislative priorities following the meeting (Exhibit C).

D. Nebraska Association of County Officials (NACO)

Larry Dix, NACO Executive Director, discussed legislation NACO is pursuing (Exhibit D):

Property Tax

1. Eliminate average level of value on change of value notices
2. Reduce publication requirements for delinquent taxes subject to sale
3. Revise school surety bond statutes to clarify county treasurer responsibilities
4. Provide for voluntary issuance of receipts for property tax payments
5. Authorize the payment of premiums on tax sales certificates
6. Clarify procedures for back taxes when there are no bidders at county foreclosure
7. Authorize treasurers to hold pledged collateral in their offices

Elections

8. Authorize the use of computer printouts for the permanent abstract of votes cast

9. Clarify timing of election of assessor in counties re-assuming the assessment function

Sheriffs

10. Revise delivery requirements for writ of replevin

County Operations

11. Revise frequency of payment of county board salaries in counties over 60,000
12. Clarify procedures to terminate inactive townships
13. Clarify election process for the position of elected county surveyor

Mark Wayne, Sarpy County Administrator, said he believes counties need economic tools such as Tax Incremental Financing (TIF) and Sales Tax Revenue Bonds (STAR) Bonds.

Dix said there are indications that State Senators Kate Sullivan and Galen Hadley plan to introduce legislation that will address that concern.

Boyle noted the Omaha Public Power District (OPPD) occasionally offers small denomination bonds to the general public and said that may be one approach to consider. Tom Richards, Sarpy County Commissioner, who works for OPPD, said the utility is limited in use of the bonds (electrical infrastructure and operation of the utility). He said some public power districts are more involved in economic development projects but said he is unsure how they have the authority to do that. Boyle felt there would be overwhelming interest on the part of the public in investing if counties could issue low denomination bonds for the purpose of economic development projects.

Mary Ann Borgeson, Douglas County Commissioner, said Douglas County would like to work towards consolidating offices and reducing the number of county officials and asked whether Lancaster and Sarpy County have looked at that issue. She said one suggestion has been to consolidate the County Clerk, Register of Deeds and County Assessor's Offices. Eagan said Lancaster County merged its County Assessor and Register of Deeds' Offices, which both worked with land-based records, under provisions in 1996 LB 1085, which provided that a county may consolidate the offices of the Clerk of the District Court, County Assessor, County Clerk, County Engineer or Register of Deeds (Nebraska Revised Statute §22-417). Deb Schorr, Lancaster County Commissioner, said Lancaster County has also discussed combining the County Clerk and City Clerk, as those offices have similar functions. Larry Hudkins, Lancaster County Commissioner, said the Lancaster County Board would also like to see the County Engineer and County Assessor be appointed positions. Jim Thompson, Sarpy County Commissioner, felt Sarpy and Douglas Counties should look at combining their assessor functions. It was suggested the Chairs of the Douglas and Sarpy County Boards meet to try to work out an agreement.

Schorr asked Dix whether NACO plans to take a position on Lancaster County's proposal to reduce the county pension match for new employees. Dix said it will depend on whether the legislation would apply to all counties or just Lancaster County.

Hudkins said he has received complaints that individuals were not able to bid on properties with delinquent taxes because large out-of-state companies have come in and purchased all of them. Dix said that is occurring across the state and said State Senator Dennis Utter plans to introduce legislation to reduce the interest rate (currently 14%). Hudkins said he would like to see counties be able to capture that revenue. Dix added that some states are looking at an on-line bidding process.

Discussion took place regarding the possibility of moving to mail-in elections and Dix said he believes legislation will be introduced this year to bring that concept forward. He said postage costs remain an issue but providing secure drop-off locations may be a way to reduce that expense. Kraft suggested that drop-off sites could be put out to bid to help offset costs. Boyle suggested that abolishing the practice of rotating names on the ballot could also reduce election costs.

Kathleen Kelley, Douglas County Chief Administrative Officer, said State Senator Brad Ashford, in conjunction with the Nebraska Department of Health and Human Services (DHHS) and State Probation, is preparing legislation that could have a significant impact on county governments. She said the legislation has three prongs: 1) The Department of Corrections would assume responsibility for the Youth Rehabilitation & Treatment Centers in Geneva and Kearney; 2) All Juvenile Court direct commitments will be referred to State Probation and the Office of Juvenile Services (OJS) will be eliminated; and 3) Lead agencies will no longer be responsible for law violators. Kelley expressed concern that if Probation runs out of funds, the counties will be responsible for costs.

3 BREAK

The meeting was recessed at 10:50 a.m. and resumed at 11:00 a.m.

4 EFFECT OF ENVIRONMENTAL REGULATIONS ON COUNTY ROAD PROJECTS - Don Thomas, Lancaster County Engineer; Doug Pillard, Design Division Head, Lancaster County Engineer's Office; Dan Kutilek, Engineering Manager, Douglas County Engineer's Office

Doug Pillard, Design Division Head, Lancaster County Engineer's Office, gave an overview of what he termed "environmental regulatory hoops" that must be followed on locally and federally funded county road projects (Exhibit E). He said environmental issues have really become the "driver" of projects over the last three to five years and caused many delays. Don Thomas, Lancaster County Engineer, said the process has become more important than the project.

In response to a question from Hudkins, Pillard said a certified biologist must conduct a survey and check for nests and any kind of activity that would be impacted before any trees may be removed or ground cleared for road projects, adding the survey is only good for seven days. Pillard said netting of the bottom of bridges is required on bridge projects to insure that birds are not impacted. Enforcement of the regulations is complaint driven. Pillard said there are also regulations that address critical habitat for threatened and endangered species. Boyle said environmental issues are of concern to the public and these regulations are in place to protect the public interests.

Dan Kutilek, Engineering Manager, Douglas County Engineer's Office, said one of the problems is staff turnover at the state and federal level during the time that it takes to get documents through the system and said their replacements may have different approaches or ideas that can cause further delays. He felt the Nebraska Department of Roads (NDOR) is working to resolve issues, noting its offer of a federal buyout program to counties. The buyout is at a reduced rate (80%) and NDOR will have the ability to use any federal aid funds it has purchased for its own purposes.

Boyle said these are federal issues and suggested the Boards need to contact their respective U.S. Representatives and Senators and ask them to support the President's initiatives to create public works projects. Richards said he believes the message should be to stop the over-interpretation of regulations.

5 COUNTY MENTAL HEALTH SERVICES

Eagan said the Lancaster County Board recently established the Community Mental Health Center (CMHC) Planning Committee to examine how the County is providing mental health services at the Lancaster County CMHC, the best model for providing services in the future and the proper role of the County in funding and providing these services. He noted counties are not mandated to provide community mental health services, other than a Crisis Center to serve individuals placed into emergency protective custody (EPC). Eagan said Lancaster County had budgeted approximately \$2,700,000 of property tax dollars for CMHC at the beginning of Fiscal Year (FY) 2010-11, in addition to the funding provided to Region V, the multi-county agency charged with providing mental health services in conjunction with the State. Eagan said CMHC made \$500,000 in reductions and this year funding not related to the Crisis Center was reduced to \$800,000. He said the CMHC Planning Committee has identified a number of issues and concerns (Exhibit F):

1. Clients from other counties
2. Indirect costs
3. General Assistance (GA)
4. Treatment of sex offenders
5. The cost to the County of not providing community mental health services
6. Funding concerns
7. Service models

Eagan said there is another important component to this process, the Community Health Endowment (CHE) of Lincoln hired Health Management Associates (HMA) of Chicago, Illinois as a consultant to study a broad integration of physical and mental health services. Lancaster County contributed \$5,000 towards that study. He said HMA's report is expected by the end of the year. Schorr noted the Committee is in the process of soliciting input from the community and stakeholders. Travis Parker, Lancaster County CMHC Deputy Director, appeared and said it has been a beneficial process for CMHC to look at efficiencies and how it provides county mental health services.

Borgeson said Douglas County has also created a committee to review operations at its Community Mental Health Center, as well as the Douglas County Health Center and Department of General Assistance. She said they hope to have recommendations back by January, 2012.

Parker said there are projections that Lancaster County could have 7,000 to 10,000 individuals by 2014 with Medicaid dollars attached to them that will need behavioral health services (mental health, substance abuse, etc.) and establishing a relationship with a federally qualified health center (FQHC) might allow for billing at an enhanced rate. Partnering with local hospitals may also provide the ability to pull down additional federal dollars. Borgeson said Douglas County is planning to bring the hospitals "to the table" to discuss how to partner and help each other. Jane Raybould, Lancaster County Commissioner, said the Lancaster County CMHC has partnered with the Seniors Foundation and Saint Elizabeth Regional Medical Center on a grant to assist elderly patients as they transition from their hospital stay in an effort to reduce their return rate. It was noted that hospitals must provide a community benefit and it was suggested that could be provided through a partnership with their respective county. Boyle said counties need to relay their perspectives to the State as a plan is developed to comply with the Affordable Care Act. Eagan stressed the importance of having the State continue to appropriate funds for the regions and community-based mental health services from the Health Care Cash Fund.

Also in attendance was Dean Settle, Lancaster County CMHC Director.

6 LUNCH (OPEN DISCUSSION)

The group took a thirty minute recess, beginning at 12:05 p.m., then resumed discussion.

7 OTHER TOPICS

A.) Health Care Costs

K. Kelley asked for suggestions on how to contain costs. Schorr said Lancaster County has tried to "tighten" its General Assistance (GA) Guidelines. Eagan said they are in the process of trying to contract with an urgent care facility in an effort to reduce the

number of Emergency Room visits. Lancaster County is also providing case management services through its Primary Health Care Clinic which is operated through the Lincoln-Lancaster County Health Department. He noted the Primary Health Care Clinic may shift to the People's Health Center (PHC), a Federally Qualified Health Center (FQHC), which would allow the County to leverage greater reimbursements. K. Kelley asked if Lancaster County assists clients in applying for Medicaid or Supplemental Security Income (SSI) benefits. Eagan said yes, if appropriate, adding Lancaster County's GA Guidelines require clients to apply for all resources for which they may be eligible. Lancaster County also contracts with providers for services.

B. Preliminary Valuation Notice Hearings (2011 Neb. Laws LB 384)

Discussion took place regarding LB 384 (Change property tax provisions and membership, powers, and duties of the Tax Equalization and Review Commission) which mandates certain responsibilities for counties, starting in 2014. One requirement is that the Assessor in counties with populations of at least 150,000 issue preliminary valuation notices. Property owners then have the right to schedule a meeting with the Assessor's Office to discuss their preliminary valuation. Eagan said Lancaster County has done this voluntarily several times and found it resolved many issues and saves the County money on the back-end, i.e., property valuation protest hearings and appeals to the Tax Equalization and Review Commission (TERC). He distributed a document with preliminary hearing information (Exhibit G). Kubat said Norm Agena, Lancaster County Assessor, told him additional funds were appropriated to his budget to enable him to perform this function. Agena also indicated it would take some time to "ramp-up". Eagan said some additional overtime was generated but that cost was covered by the Board of Equalization (BOE) budget. He said Agena had requested additional office space in anticipation of holding the preliminary valuation notice hearings but the Board denied his request. Boyle explained that Douglas County does not perform county-wide re-evaluations, instead it does sections at a time. He said Douglas County's Assessor has indicated that he lacks adequate staff to perform this additional duty and has estimated the budget impact at \$1,000,000. In response to a question from P.J. Morgan, Douglas County Commissioner, Kubat said staffing and budgets for the Douglas and Lancaster Assessor's Offices are comparable in size. It was estimated that Douglas County has 210,000 parcels and Lancaster has 120,000.

C. Assessor Review of Tax Exemption Requests

Morgan said Douglas County is in the process of reviewing tax exempt properties, starting with the hospitals. He said they plan to have "face-to-face" meetings with the hospital representatives and to discuss their exemptions.

Kraft said he would like the health care community to contribute funds as part of their community service component to help offset the \$10,000,000 deficit that resulted in part from Douglas County operating a community mental health center and long-term

care facility. He felt that is a reasonable request considering their property holdings and tax exempt status.

D. County Contribution to Agencies on Aging, Developmental Disability Services, and Behavioral Health/Substance Abuse

Kraft said he is aware there was dissension on the Lancaster County Board when it divested the County of its long-term assisted living facility (Lancaster Manor Nursing Home) and asked the Lancaster County Commissioners to discuss the pros and cons of doing so. Schorr said the facility has been updated and is serving more Medicaid/Medicare patients than when it was under County ownership. She noted there are plans to expand the facility and create more of a "lifestyle" setting. Schorr said in hindsight, there are things she would have changed about the process. Raybould said she supports privatization, when appropriate. She said her objections were based on the process and the terms of the contract. Raybould noted the buyer received a \$1,000,000 credit that is held in escrow for these improvements to the facility. She noted there was an additional \$1,200,000 reduction for operational deficiencies, such as not submitting Medicaid billings in a timely manner. Raybould felt the Board should have negotiated a better deal on behalf of the taxpayers. Borgeson asked whether it has had a positive outcome. Raybould said yes, but said she is concerned that the terms of the contract allow the buyer to reduce the number of Medicaid and Medicare beds over time, which could increase the County's costs. Hudkins said, "I think we got taken to the cleaners." He said it was a \$10,200,000 facility and the County will net less than \$2,000,000. Hudkins said the County ended up giving concessions that had not been considered, such as giving up a parking lot that served another County-owned building. He said Lancaster Manor had been considered a premier facility for the care of the elderly and felt most of its problems were related to management. Heier said the facility lost \$1,000,000 every year for the last seven years and attributed part of the problem to paying wages over market. Schorr added the County also had a high rate of workers' compensation claims. Kraft asked whether the facility is now turning a profit. Heier said it is, adding the facility is now on the tax rolls.

Boyle asked if the other two counties operate crime labs. Richards said Sarpy County contracts with Douglas County. Hudkins said Lancaster County uses the State Patrol's lab.

Boyle also inquired about computer operations. Brent Smoyer, County Commissioner, said Lancaster County had shared a mainframe with the City of Lincoln and Lincoln Electric System (LES). LES recently withdrew its share of funding and the City of Lincoln and Lancaster County are exploring other options such as "cloud computing" or using the State's mainframe. Eagan said Lancaster County has an interlocal agreement with the City of Lincoln for the provision of information technology services to the County. K. Kelley asked how much the County expends on those services. Eagan estimated the cost at \$2,100,000.

Schorr inquired about Sarpy County's rules regarding acreage development, noting Lancaster County has as "20-acre rule" (a buyer must purchase at least 20 acres to build a house). **NOTE:** There are exceptions to the "20-acre rule": 1) Agriculture (AG) cluster; 2) Farmstead exception (a split-off of a farmhouse in existence for more than five years that passes minimum housing code and health inspection of septic system and well); and 3) Two, three acre parcels within a 40 acre parcel. Heier said he opposes the rule because it takes too much land out of agricultural production and proposed language to amend the County's Zoning Regulations to include an option for 5-acre lots in the County's Agricultural (AG) zoning district at a ratio of one dwelling unit per 20 acres, per square mile, or 32 dwelling units per square mile. He said his proposal met resistance from the Planning Department but was approved by the Board on a 3-2 vote. Kraft asked how Lancaster County regulates placement of the house on the lot. Hudkins said they are required to have a driveway permit from the County Engineer. Boyle asked whether there are any state regulations. Heier said only in terms of sewage and water. Hudkins said three acres is considered sufficient for a septic or lagoon system and for water in most locations, adding rural water systems are available in some areas. Wayne said Sarpy County limits where acreages can be located through its Comprehensive Plan. In response to a question, Wayne indicated a buyer can purchase five acres by right in areas that are designated to remain rural. Clare Duda, Douglas County Commissioner, said Douglas County requires 10 acres.

Borgeson asked whether Lancaster County has greenbelting. **NOTE:** Greenbelting is valuing property as to its use, not on the price it would bring on the open market. To qualify for greenbelt status the property has to be zoned either Agricultural (AG) or Agricultural Residential (AGR). Hudkins said yes, agricultural land that qualifies is greenbelted.

Borgeson said consideration has been given to consolidating the offices of City Attorney and County Attorney. Schorr said it has been discussed but the two offices are opposed because the City and County's interests frequently conflict. Borgeson said Douglas County is considering combining the prosecution piece.

Boyle asked whether the Sheriffs in Lancaster and Sarpy Counties answer calls within the cities and towns. Hudkins said they can, noting many of Lancaster County's towns have contracted with the Sheriff's Office for law enforcement services. Boyle asked whether they respond to calls within Lincoln. Smoyer said they can, but usually only respond to calls for assistance.

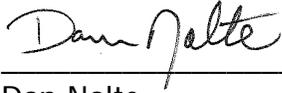
Borgeson encouraged Lancaster and Sarpy Counties to participate in the Courthouse Food Drive that will run from October 31st to November 21st.

8 TOUR OF THE NEW ADULT DETENTION FACILITY

Douglas County Commissioners Duda and Tusa joined Lancaster County Commissioner Heier, in a tour of the new Lancaster County Adult Detention Facility (LCADF) at 3801 West "O" Street.

9 ADJOURNMENT

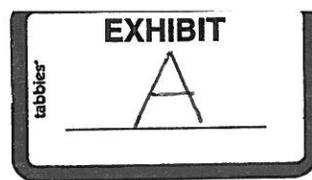
There being no further business, the meeting was adjourned at 2:09 p.m.



Dan Nolte
Lancaster County Clerk



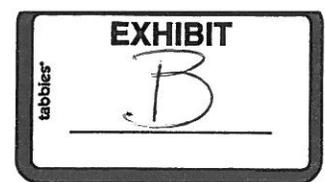
2012 LANCASTER COUNTY LEGISLATIVE PRIORITIES



1. **Reduce County Employee Pension Match for New Employees**
Under the County Employees Retirement Act (Neb. Rev. Stat. §§23-2301 et seq.) and Neb. Rev. Stat. §23-1118 the employer (county) contributes an amount equal to 150% of the employee's contribution. Reducing the county match to 100% for new employees would be more comparable to the private sector and would help counties stay within budget lids by controlling future personnel costs.
2. **Extend 2011 LB 465 to Include General Assistance**
LB 465 repealed Neb. Rev. Stat. §68-1070, which had the effect of making immigrants with legal permanent resident (LPR) status ineligible for Medicaid for the first five (5) years after they obtain LPR status. Since Medicaid is no longer available to this class of immigrants, General Assistance becomes the program of last resort to meet their medical needs. The financial burden on counties could be significant, and legislation is necessary to extend the effect of LB 465 to include General Assistance.
3. **Increase Funding for Sex Offender Treatment and Tracking**
All sex offenders are transferred to the Lincoln Regional Center prior to release from state custody. This policy results in a disproportionate number of sex offenders in our community. Since state policy is increasing the number of sex offenders in the County, additional funding should be provided by the State to address this problem. Also, the Lancaster county Sheriff is statutorily required to register sex offenders under the Sex Offender Registration Act, Neb. Rev. Stat. §29-4004 (Reissue 2008). The Sheriff devotes a full time employee to perform this mandated function. Likewise, the Corrections Department has additional duties under §29-4007. To help defray these costs sex offenders should be required to pay a registration fee.
4. **Definition and Oversight for Staff Secure Juvenile Detention Facilities**
Lancaster County has successfully operated a staff secure facility for preadjudicated juvenile detention since February of 2002. Staff secure detention provides an ideal solution for low-risk law violators and status offenders. Although the Nebraska Juvenile Code specifically refers to staff secure facilities as an authorized type of non-secure detention, there are no statutory provisions defining these facilities or how they should be regulated. Given the function of the staff secure detention, the County believes general oversight should be placed with the Jail Standards Division of the Nebraska Commission on Law Enforcement.
5. **Review All County Fees and Raise Where Appropriate**
A number of county statutory fees have not been raised for many years. Lancaster County should work with NACO to review all county fees and submit legislation proposing to raise fees which are too low or inadequate.

Other Priorities

- a. **Amend Neb. Rev. Stat. §29-2022 to give judges discretion on jury sequestration;**
- b. **Authorize deduction of court costs and fines from cash bonds under §29-2206;**
- c. **Allow jurors to waive fee required under Neb. Rev. Stat. § 33-138;**
- d. **Restore the 2.5% cut in Medicaid funding for behavioral health, and maintain adequate funding for the behavioral health regions; and**
- e. **Clarify financial responsibility for detainees needing medical care when lodged**



2012 Douglas County Legislative Initiatives

Support

1. Withhold Court Costs from Cash Bonds Posted by Defendants in Criminal Cases.

- borrowed from Lancaster

Convicted defendants are often ordered to pay court costs. Many fail to do so, and such costs are waived by the Court and paid by the County. A statutory change allowing courts to deduct costs from cash bonds posted by defendants would likely bring in significant revenue. Court costs in Juvenile Court are \$82 per case with \$32 of the \$82 being paid to the State for filing fees. In District Court, Court costs are currently \$82, \$35 of which is paid to the state for filing costs. Taking these funds out of posted bonds would allow the County to recoup filing costs and help pay the County's filing fees to the state

- approved via County Board Resolution on 11-1-11

2. Review all County Fees and Raise where Appropriate.

- borrowed from Lancaster

A number of County statutory fees have not been raised for many years. Douglas County along with NACO should review all county fees and submit legislation to raise fees which are too low or inadequate.

- Douglas County would like Legislative authority to set rates
- approved via County Board Resolution on 11-1-11

3. LB 66 Support DNA Provisions – Hearing held 1/19 – In Judiciary – change provisions to require state probation to collect DNA samples from offenders who are no longer in the custody of Douglas County Correctional Center.

- approved via County Board Resolution on 10-18-11

4. LB 545 Support – Establish inmate copay – Judiciary Committee – No hearing Date

- approved via County Board Resolution on 10-18-11

5. Medicaid Rate for persons in emergency protective custody or confined at a detention facility

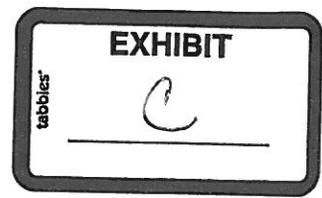
- approved via County Board Resolution on 10-18-11

Opposition

1. LB 685 – Oppose Advisory Board for VPC – Referred to GOVT committe

2. LB 344 Change provisions relating to municipal counties and merger of governmental services

3. LB 536 Change provisions for the transfer of Real Property on Death



2012 Sarpy County Legislative Priorities

- 1) Seek expansion of county ordinance authority to include regulation of vendors and solicitors. Several SIDs and citizens have expressed concerns with individuals posing as solicitors when in reality they are casing the neighborhoods.
- 2) Support legislation to clarify the issue of taxation of public facilities built under a lease/purchase program. Issue raised by Dept of Revenue regarding new city hall in Norfolk, NE.
- 3) Oppose repeal of LB84, Sen. Fischer's highway funding bill.
- 4) Monitor legislation dealing with the process and procedures regarding the valuation of and equalization of real property.
- 5) Explore seeking additional economic development tools for counties.
- 6) Seek legislative protection for counties where State subcontractors declare bankruptcy forcing counties to accept pennies on the dollar on funds owed and due the counties.
- 7) Continue to seek passage of our DNA bill (LB66)
- 8) Oppose changes to the Political Subdivisions Tort Claims Act.

2012 NACO Legislation to Pursue

Property Tax

1. Eliminate average level of value on change of value notices
2. Reduce publication requirements for delinquent taxes subject to sale
3. Revise school surety bond statutes to clarify county treasurer responsibilities
4. Provide for voluntary issuance of receipts for property tax payments
5. Authorize the payment of premiums on tax sales certificates
6. Clarify procedures for back taxes when there are no bidders at county foreclosure
7. Authorize treasurers to hold pledged collateral in their offices

Elections

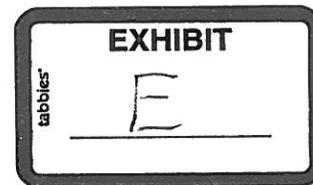
8. Authorize the use of computer printouts for the permanent abstract of votes cast
9. Clarify timing of election of assessor in counties re-assuming the assessment function

Sheriffs

10. Revise delivery requirements for writ of replevin

County Operations

11. Revise frequency of payment of county board salaries in counties over 60,000
12. Clarify procedures to terminate inactive townships
13. Clarify election process for the position of elected county surveyor



ENVIRONMENTAL REGULATORY HOOPS

Only Local Funds in Project

Flood Plain Permit (Local Jurisdiction)

NPDES Permit and SWPPP (NDEQ)

Wetland Delineation (USCOE)

Corps of Engineers Permit (USCOE)

Migratory Bird Treaty Act (USFW)

Threatened & Endangered Species Coordination (NGPC)

Cultural, Historical, Archeological Coordination (SHPO)

Federal Funds in Project

DR-530 LPA Project Planning Request Form (NDOR)

DR-53 NEPA Probable Class Of Action (NDOR)

Biological Evaluation Letter For T. & E. Species (NDOR)

Section 106 Letter For Cultural, Historical, Or Archeological Sites (SHPO)

Farmland Preservation Review (NRCS)

Environmental Document Review (NDOR/FHWA)

Permit Acquisition And Review (NDOR)

Green Sheet Review (NDOR)

Example Projects

Saltillo Road Overlay, PCE, 7 Months, \$0

West Denton Road Reconstruction, CE, 3 Years, \$9,500

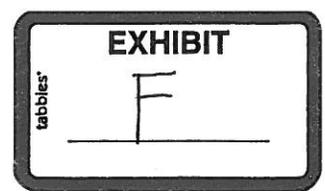
H-46, Concrete Box Replacement, CE, 8 Months, \$0

M-127, Bridge Replacement, CE, 3 Years, \$3,500

T-108, Bridge Replacement, CE, 3 Years, \$4,000

ACRONYMS

CE	Categorical Exclusion
FHWA	Federal Highway Administration
LPA	Local Public Agency
NDEQ	Nebraska Department of Environmental Quality
NDOR	Nebraska Department of Roads
NEPA	National Environmental Policy Act
NGPC	Nebraska Game & Parks Commission
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
PCE	Programmatic Categorical Exclusion
SHPO	State Historical Preservation Officer
SWPPP	Storm Water Pollution Prevention Plan
USCOE	United States Corps of Engineers
USFW	United States Fish & Wildlife



COMMUNITY MENTAL HEALTH CENTER PLANNING COMMITTEE DISCUSSION SUMMARY

INTRODUCTION

The Community Mental Health Center (CMHC) Planning Committee was established by the Lancaster County Board of Commissioners to examine the operations of the CMHC. The Board is interested in reviewing how the County is providing mental health services at the CMHC, what is the best model for providing services in the future, and what is the proper role of the County in funding and providing these services. The stated purpose of the Committee is to provide the Lancaster County Board with an effective, sustainable long-term plan regarding how CMHC services are provided.

Initial Committee discussions focused on reviewing the history of the CMHC, services provided, budget, and funding sources. The CMHC was established in 1976 through a federal grant under the Comprehensive Community Mental Health Centers Act (80% of the funding with a 20% local match). The grant mandated a list of required services. Today the three main service areas are medical management, community support, and the Crisis Center. A detailed list of all CMHC programs and services has been provided to the Committee. The Crisis Center is used by the County for emergency protective Custody (EPC) placements, and is the only service the County is statutorily mandated to provide.

The primary income sources for the CMHC are Medicaid, State funding through Region V, and Lancaster County property tax. For FY 10-11 the County originally budgeted approximately \$2.7 million of property tax support for the CMHC. This fiscal year the budgeted property tax has dropped to approximately \$2.2 million. Not counting the Crisis Center the County put in \$1.2 million of property tax last fiscal year, and has budgeted \$800,000 this budget year. The Committee has also been given information showing the amount of property tax directed toward each service offered by the CMHC.

The Committee received PowerPoint presentations on the People's Health Center (PHC) and the Region V Systems Provider Network and Service Array. The PHC provides services to the medically underserved. As a federally qualified health center (FQHC), the PHC is able to access favorable federal funding and grant opportunities.

The CMHC is an integral part of the Region V Systems Provider Network. The Committee received extensive information regarding all the mental health service providers funded by Region V Systems.

Another major source of information for the Committee to evaluate will be the report produced by Health Management Associates (HMA) on the medically underserved and medical safety net in our community. The report was commissioned by the Community Health Endowment (CHE), and the County contributed \$5,000 toward the funding of the study to address the needs and potential funding opportunities for the CMHC.

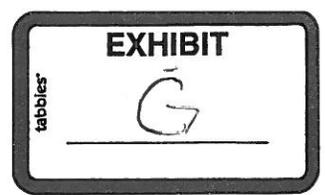
ISSUES AND CONCERNS

Based on this information and Committee discussions, the following issues and concerns have been identified by the Committee:

1. CMHC Clients from Other Counties
Although most CMHC clients indicate they now reside in Lancaster County, additional information is needed regarding the number of CMHC clients who originally resided in other counties but moved to Lancaster County seeking mental health services. The State prison and the Lincoln Regional Center also bring clients to this community from other counties.
2. Indirect Costs
Other County agencies provide approximately \$394,000 worth of services in support of the CMHC. Consideration of other service models must take these costs into account
3. General Assistance
The CMHC does not bill back mental health services provided to County General Assistance clients. If the CMHC is discontinued as a County agency these costs, estimated at over \$600,000 per year, will need to be provided and funded by the County.
4. Treatment of Sex Offenders
A disproportionate number of sex offenders live in Lancaster County. The CMHC is actively involved in treating this population. Concerns have been raised regarding whether State funding is adequate for this purpose, and whether treatment options available at the CMHC can be provided by non-governmental agencies.
5. The Cost to the County of Not Providing Community Mental Health Services
Although the County provides property tax funding for non-mandated community mental health services, will there be a greater cost to the County in the future if these services are not funded by the County.
6. Funding Concerns
Access to adequate funding is a major concern of the Committee. Is the CMHC receiving all funding to which it is entitled? Are State funding formulas fair? Will the CMHC lose funding because of rule and policy changes? State legislation is needed to allow same-day billing for medical and behavioral health services.
7. Service Models
The Committee has identified a number of different services models for providing mental health services. Additional information will need to be gathered by the Committee to determine which model is best for Lancaster County.

FUTURE DISCUSSIONS

As Committee discussion go forward the answers to these questions will help frame the final recommendation to the County Board. Also, the HMA report may prove extremely helpful is designing the best service model for providing community mental health services.



PRELIMINARY HEARING INFORMATION

Mailed 87,000 preliminary notices
Had 7,130 hearings
Number of appraisers 8
Time period was 7 weeks
Average number of hearings per appraiser was 891
Average number of hearings per day was 25
Each property owner was allowed 15 minutes either in person or phone call

510 of those that had a preliminary hearing filed a formal protest

The total number of formal protests filed was 3,055. In a typical reappraisal year there would be between 8 to 10% protest filings. (We mailed approximately 105,000 notices in 2009)

Our preliminary hearings saved 6,620 formal protest filings at a cost savings to the County of approximately \$600,000

The majority of the property owners were appreciative that they could sit down with someone from the Assessors Office to discuss their value and how it was established. We also did a number of interior inspections and corrected data regarding the property information in our system.

The process was very tax payer friendly

Saves the County BOE's money for formal hearings

Reduces the number of appeals to TERC