

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, SEPTEMBER 28, 2000  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Linda Steinman  
Bernie Heier  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,  
SEPTEMBER 21, 2000**

**MOTION:** Steinman moved and Heier seconded approval of the Staff Meeting minutes of September 21, 2000. Heier, Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Attendance at the Nebraska Association of County Officials (NACO) in Omaha, Nebraska - December 5-7, 2000
- B. Meeting on Civil Protective Custody - October 3, 2000
- C. Visitors Promotion Committee Appointments
- D. Report on Nebraska Association of County Officials (NACO) Board Conference Call
- E. Report on Park Futures Retreat
- F. Meeting on Joint Public Agency

**MOTION:** Heier moved and Workman seconded approval of the additions to the agenda. Heier, Workman, Hudkins, Steinman and Campbell voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

- A. Attendance at the Nebraska Association of County Officials (NACO) in Omaha, Nebraska - December 5-7, 2000

Board members indicated that they plan to attend but will wait to see the agenda before deciding which sessions.

- B. Meeting on Civil Protective Custody, October 3, 2000

Kit Boesch, Human Services Administrator, will represent the Board at the meeting.

- C. Visitors Promotion Committee Appointments

Eagan presented a recommendation from Mark Essman, Lincoln Convention & Visitors Bureau Director, that Pat Hardesty, Inn 4 Less, and Francis Erb, Hawthorne Suites, be appointed to the Visitors Promotion Committee (Exhibit A).

The Board will take action on these appointments at the Tuesday, October 3<sup>rd</sup> County Board of Commissioners meeting.

- F. Meeting on Joint Public Agency

Workman reported a recommendation from Bill Giovanni, Ameritas Investment Corporation, that security pledged for payment of the bonds be increased from the required .07 cents to 3.5 cents. He said this will help to secure a better bond rating and help to lower the lending rate.

Workman also reported that the Lancaster County Agricultural Society has asked that representation remain three from the Ag Society and two from the County Board and that it be allowed to retain one year's operating expenses in the case of a windfall, rather than applying the full amount towards bond repayment.

Hudkins stressed the need for an independent audit.

### **3 JOINT WELLNESS PROGRAM WITH THE CITY OF LINCOLN** - Bill Kostner, City Risk Manager; John Reid, City Safety & Training Coordinator; Pam Hoffman, Risk Management; Sue Eckley, Workers' Compensation & Risk Management Manager

John Reid, City Safety & Training Coordinator, reviewed *Wellness and Safety Services Proposal for Lancaster County* (Exhibit B).

Bill Kostner, City Risk Manager said the County is being asked to fund one third of the cost of the Wellness Program to correspond with the number of County employees that will be served by the program. He said it is difficult to determine the cost of safety services and suggested tracking of actual costs.

Reid gave an overview of the safety inspection program.

Steinman said it may be beneficial to address the issue of safety inspections with agencies at budget time.

Sue Eckley, Workers' Compensation & Risk Management Manager, said the County has a centralized safety committee in place, although it has not functioned well.

In response to a question from Hudkins, Eckley said individual safety issues should be addressed at the departmental level first.

Eagan said there is a specific provision in the American Federation of State, County & Municipal Employees (AFSCME) contract that addresses safety issues and provides for convening of a safety committee within a department for a specific issue, at the request of an employee or the union.

Eckley noted that a decision also needs to be made on wellness information mailings and suggested that information also be made available on the IntraNet.

**MOTION:** Steinman moved and Workman seconded to:

1. Request development of a contract for a joint City-County Wellness and Safety Program
2. Request assistance with the Safety Committee
3. Review costs at mid-year and determine whether costs should be included in agency budgets

Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

**4 FLEXIBLE BENEFITS FOR COUNTY EMPLOYEES** - Bill Kostner, City Risk Manager; Bill Thoreson, Benefits Specialist; Georgia Glass, Personnel Director; Tim Genuchi, Accounting Operations Manager, County Clerk's Office; Kevin Hitzemann, PayFlex Systems USA, Inc.

Kevin Hitzemann, PayFlex Systems USA, Inc., explained a proposal to provide Flex Convenience® cards (debit cards issued by MasterCard) to those enrolled in the Flexible Spending Account Program (Exhibit D). He said the card will allow an employee to deduct funds directly from their Flex account at the time qualified medical goods and services are purchased and will eliminate the need to submit paperwork and wait for reimbursement.

Bill Kostner, City Risk Manager, said the convenience of the debit card will likely result in increased enrollment in the plan. He said this should increase Federal Insurance Contributions Act (FICA) savings.

In response to a question from Campbell, Kostner said none of the dependent care facilities that were surveyed accept credit or debit cards at this time.

**MOTION:** Steinman moved and Heier seconded to adopt the Flex Convenience® card plan. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

Kostner said the City has increased its maximum pre-tax withholding amount to \$2,000.

**MOTION:** Hudkins moved and Workman seconded to prepare documents to increase the County's maximum pre-tax withholding amount to \$2,000, to coincide with the City. Hudkins, Workman, Heier, Steinman and Campbell voted aye. Motion carried.

**5 RURAL ENTERPRISE ASSISTANCE PROGRAM (REAP)** - Troy Gagner, Economic Development Coordinator; Jeff Reynolds, Center for Rural Affairs; Dave Johnson, Deputy County Attorney

The following documents were disseminated (Exhibits E & F):

- < *Lancaster County Community Development Block Grant (CDBG) Funds Availability*
- < A memo from Troy Gagner, Economic Development Coordinator, outlining the Lancaster County Rural Enterprise Assistance Program (REAP)
- < *History of Lancaster County REAP Loans*
- < *Charts detailing REAP Lending in Southeast Nebraska*

Troy Gagner, Economic Development Coordinator, said the County's two year contract with the Center for Rural Affairs to administer the REAP Program will expire on September 30, 2000. He said a second two year contract is proposed, at a cost of \$39,000 for the two year period.

Hudkins objected to that cost and said he would prefer to place those funds in the loan pool and request technical assistance from retired executives.

Gagner said part-time volunteers, such as those available through the Service Corp of Retired Executives (SCORE), do not deliver the same type and level of service.

Campbell noted there are now REAP Associations in three of the County's quadrants and a fourth is planned in the coming year in northwest Lancaster County. She said the REAP Program brings businesses together in small communities and helps those communities to be more successful.

Gagner said although the lending piece of the program was slow to start, the on-site technical assistance that Jeff Reynolds, Center for Rural Affairs, has provided to businesses in the program is invaluable.

Jeff Reynolds, Center for Rural Affairs, reported that six loans were facilitated during the two year contract period and six loans failed to make it through the process. He explained that he works closely with lending institutions and said bank leveraging furthers REAP lending efforts.

In response to a question from Workman, Reynolds said none of the loans are in default and one has been paid back in full. He also reported that the owner of At Home Hearing Services is back on track with his loan payments following health problems.

Heier expressed concern regarding the 11 percent interest rate.

Reynolds said this rate can be lowered, noting the average micro enterprise lending rate on the national level is 15 to 16 percent. He attributed this to the level of technical services that are provided.

**MOTION:** Heier moved and Hudkins seconded to prepare the contract indicating the Prime lending rate established by the Federal Reserve as the interest rate. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

**6 LANCASTER MANOR INSURANCE** - Larry Van Hunnik, Lancaster Manor Administrator; Sue Eckley, Workers' Compensation & Risk Management Manager; Mike Herring, UNICO; Doug Cyr, Deputy County Attorney

Sue Eckley, Workers' Compensation & Risk Management Manager, said US Risk has advised UNICO that the offer to insure Lancaster Manor is a workable quote.

Mike Herring, UNICO, reviewed the terms of the proposal, which was written by Lloyds of London (Exhibit G).

Larry Van Hunnik, Lancaster Manor Administrator, reported that an average of 5-6 industry lawsuits are filed each week in Nebraska, with an average nuisance settlement of \$25,000. He said the nursing home industry predicts that insurance costs will average \$250, per bed, if coverage is available.

Doug Cyr, Deputy County Attorney, recommended self-insurance, based on past claims experience and the terms of the proposal. He also suggested that a fund to cover claims be funded substantially the first few years.

Eckley concurred with Cyr's recommendation, noting self-insurance will provide greater control.

Eagan asked whether the County could self-insure to a certain amount and reinsure beyond that amount.

Herring said it is unlikely that reinsurance is available at this time.

In response to a question from Workman, Van Hunnik said Medicaid only reimburses for expenses paid out and said he was unsure whether a pass-through could be set up.

**MOTION:** Hudkins moved and Heier seconded to proceed with self-insurance for Lancaster Manor with re-evaluation when excess line coverage becomes available. Hudkins, Workman, Heier, Steinman and Campbell voted aye. Motion carried.

The Board asked Van Hunnik to work with Dave Kroeker, Budget and Fiscal Officer, on setting up a self-insurance fund with annual funding in the range of \$55,000 to \$70,000.

**7 TRADE LICENSURE IN THE COUNTY** - Mike Merwick, Building & Safety Director; Ron Peery and Chuck Zimmerman, Building & Safety

Ron Peery, Building & Safety, explained that one master license holder, per business, is required under the trade licensure requirements. Additional employees will be required to register as journeymen and/or apprentices. He recommended against "grandfathering" existing businesses, stating a period of compliance could be provided instead. Peery noted that once individuals obtain a license, they will also be permitted to work within Lincoln.

In response to a question from Workman, Mike Merwick, Building & Safety Director, said experienced individuals should not have difficulty passing the test. He added that the code has been in existence for many years.

Peery explained that individuals who fail or elect not to take the test will still be able to work within the incorporated villages or on acreages 20 acres or more in size. He said the test will be offered on a quarterly basis and individuals who fail on their first attempt will only be required to retest on the failing portions after a six month waiting period. Failure a second time will necessitate full testing on the next attempt, after a one year waiting period.

Chuck Zimmerman, Building & Safety, noted that the Plumbing Board makes up the test and is not seeking to restrict trade.

Peery added that applicants will be identified by number, not by name, on the test.

The Board asked that a letter of explanation be sent to the Village Boards, asking that information be passed on to businesses in their communities. Building & Safety was also asked to provide an evening orientation session.

**MOTION:** Workman moved and Steinman seconded to authorize an amended resolution to be prepared, postponing the date of licensing compliance to January 1, 2002. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

**8 CRISIS CENTER CONTRACT WITH OTHER COUNTIES** - Mike Thew, Chief Deputy County Attorney; Dean Settle, Community Mental Health Center Director; Bill Bonacker, Director of Outpatient Emergency Services; Kim Etherton, Crisis Center Director; Jill Rubottom, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program; Jim Ruby, Seward County Attorney's Office

Mike Thew, Chief Deputy County Attorney, expressed concern regarding a proposed contract with Region V in which the County would agree to hold at the Crisis Center individuals committed through mental health hearings or classified as Emergency Protective Custody (EPC). He noted that the State has repeatedly refused to accept post-commitments, due to lack of space in the Regional Center, and these individuals have been held in the Crisis Center longer than permitted by law. This practice has resulted in several lawsuits, which Lancaster County was forced to defend regardless of where the commitment originated. Thew recommended that the contract be revised to hold the committing county responsible for making other arrangements, seven working days following commitment, in the event that the State refuses to accept custody. He said if the committing county refuses to agree to this, the contract would stipulate that that county would be responsible for any and all damages resulting from failure to abide by the contract.

Dean Settle, Community Mental Health Center Director, reported 472 post-commitment days in the Crisis Center for the period of July 1, 2000 through September 21, 2000. He said he was also notified that another habeas corpus lawsuit will be filed on behalf of an individual currently held in the Crisis Center.

Jim Ruby, Seward County Attorney's Office, said the counties have nowhere else to send these individuals. He maintained that the State is legally responsible following commitment and said he will not advise his county to take custody back or to agree to the contract terms proposed by Thew. Ruby said Lancaster County could turn the individuals loose if the State refuses to accept responsibility.

Thew said that is not an option, as many of these individuals are dangerous and likely to re-offend.

Hudkins said the other counties need to support legislation that addresses this problem.

Ruby asked whether Lancaster County has sought reimbursement from the State on the habeas corpus actions.

Thew said no, the Supreme Court has held that the State has immunity.

Jill Rubottom, Region V, briefly explained the funding terms of the contract and said length of stay is not limited in the service definition. She said Region V's funds for emergency services are tied up in the contract with the Crisis Center and will be withdrawn if Lancaster County is unwilling to fulfill that commitment.

Thew said the contract is not enforceable if it holds Lancaster County to terms that are illegal.

Ruby said he believes there needs to be one contract, signed by all of the counties.

Board consensus to delay action for 30 days to allow Region V time to set up a meeting with the county attorneys of each of the counties that contract with the Crisis Center, with a report back to the County Board on October 26<sup>th</sup>.

## **9 ACTION ITEMS**

- A. Appointment of Larry Van Hunnik, Lancaster Manor Administrator, and Chet McPherson, Lincoln Information for the Elderly (LIFE), to City-County Long Term Care Request for Proposals (RFP) Review Committee

**MOTION:** Hudkins moved and Heier seconded approval. Hudkins, Heier, Steinman, Workman and Campbell voted aye. Motion carried.

- B. Microcomputer Requests:

- 1. C#2000-310 from District Court for \$578.40 from the Microcomputer Fund for Two (2) Microsoft Office PRO Licenses

**MOTION:** Hudkins moved and Heier seconded approval. Hudkins, Heier, Steinman, Workman and Campbell voted aye. Motion carried.

- 2. C#2000-312 from Public Defender for \$606.65 for Sound Card, Speakers and WordPerfect 2000 with Voice Recognition Upgrade

Board consensus to hold this item.



## 10 CONSENT ITEMS

A. Proxy for Neuberger Berman Funds

**MOTION:** Steinman moved and Heier seconded approval. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

## 11 ADMINISTRATIVE OFFICER REPORT

A. Policy for Payment of Wagey Drug for General Assistance Pharmacy Claims

**MOTION:** Steinman moved and Heier seconded to pay Wagey Drug at the time the initial request for payment is made. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

B. Open Enrollment for Health and Dental Insurance

Bill Kostner, City Risk Manager, presented the following materials (Exhibit C):

- < *Lancaster County Health Insurance Rate Analysis*
- < *Lancaster County Dental Insurance Rate Analysis*
- < A letter from Marsh, Inc. recommending a Preferred Provider Organization (PPO)/Health Maintenance Organization (HMO) dual option plan
- < An outline of health services covered under the plan

Georgia Glass, Personnel Director, noted that the County will be picking up a greater share of the premium as the result of labor negotiations.

Kostner reported that open enrollment will take place in October or November.

C. Addition of Gwen Thorpe, Deputy County Clerk, to Pension Review Committee

**MOTION:** Steinman moved and Heier seconded approval. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

D. Addition of Doug Thomas, Information Services Director, to Records Requests Policy Committee

**MOTION:** Hudkins moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

E. Meeting on LR 471 - Friday, September 29, 2000

Commissioner Steinman; Gordon Kissel, Legislative Consultant; Dean Settle, Community Mental Health Center Director; Bill Bonacker, Director of Outpatient Emergency Services; and Kim Etherton, Crisis Center Director, will attend.

The Board requested that written testimony (Exhibit H) delineate the number of out-of-county post-commitment bed days and indicate that Lancaster County has given the counties in Region V 30 days to address the problem.

F. Request from Lincoln Airport Authority Regarding Public Hearing on Greater Arnold Heights Neighborhood Plan Comprehensive Plan Amendment

The Board agreed to hold the public hearing open one week, at the request of the Lincoln Airport Authority.

## **12 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Monthly Meeting with Mayor Wesely - Campbell, Hudkins

Campbell said economic development issues were discussed, noting the City and County have agreed to split the cost of water line work on 98<sup>th</sup> Street, not to exceed \$80,000.

Campbell said discussion also took place on whether to explore consolidation of the offices of the City Clerk and County Clerk. She said Mayor Wesely indicated that he will consult the City Council and City Management Team on the issue and has requested a list of the County Clerk's duties.

Hudkins said it was also reported that Kawasaki wants Fletcher Avenue opened from the Highlands to the back side of the plant. He said there is resistance from the Highlands neighborhood to this proposal.

B. Community Mental Health Center Advisory Committee - Steinman

Steinman said there was an update on the Crisis Center situation. She also reported that Mental Health Awareness Week will take place October 1-7, 2000.

## **ADDITIONS TO THE AGENDA**

### **D. Report on Nebraska Association of County Officials (NACO) Board Conference Call**

Hudkins reported that the Nebraska Association of County Officials (NACO) Board voted unanimously to oppose Initiative Measure Number 415, which would limit members of the Nebraska Legislature to two consecutive terms. Support was also given to Proposed Amendment Number 3 (Part A - Add a new section to Article XVI (Amendments Article) to change the procedure to amend the Constitution; Part B - Amend Sections 1 and 5 of Article III (Legislative Power Article), by specifically defining the powers of the initiative (to propose statutes or constitutional amendments) and referendum (to approve or reject such proposals), and to remove some obsolete language pertaining to the former two-house Legislature; Part C - Amend Section 2 of Article III (Legislative Power Article) by increasing from four to nine months the time within which initiative petitions filed with the Secretary of State shall be submitted to the state's electors at a general election). Hudkins said \$35,000 was also approved for the remodel of a NACO owned building on 14<sup>th</sup> Street.

### **E. Report on Park Futures Retreat**

Workman said discussion focused on a future trails plan for the County and City, facility size and future fundraising efforts.

## **13 EMERGENCY ITEMS AND OTHER BUSINESS**

The Board scheduled a Staff Meeting immediately following the County Board of Commissioners meeting on October 17, 2000.

## **14 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk