

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, FEBRUARY 13, 2003  
8:30 A.M.**

Commissioners Present: Ray Stevens, Vice Chair  
Larry Hudkins  
Bob Workman  
Deb Schorr

Commissioners Absent: Bernie Heier, Chair

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

The Staff Meeting was called to order at 8:42 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE MID-YEAR BUDGET RETREAT,  
THURSDAY, JANUARY 30, 2003 (A.M. & P.M. SESSIONS) AND  
STAFF MEETING MINUTES OF TUESDAY, FEBRUARY 4, 2003**

Schorr asked that the minutes of the morning session be corrected to reflect that Stevens voted against and she voted for the motion to proceed with all submitted requests with the exception that one position be filled in the County Assessor/Register of Deeds Office and to allow the \$10,370 in additional appropriations for salaries for deputies and to hold the request for an additional employee in the County Treasurer's Office for one year.

**MOTION:** Workman moved and Hudkins seconded approval of the minutes of Mid-Year Budget Retreat of January 30, 2003 with that correction. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**MOTION:** Workman moved and Hudkins seconded approval of the minutes of the Staff Meeting minutes of February 4, 2003. Workman, Schorr and Hudkins voted aye. Stevens abstained from voting. Motion carried.

## 2 ADDITIONS TO THE AGENDA

- A. Village Health Insurance
- B. Lancaster Event Center

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

## 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

Hudkins expressed concern that Senator Hudkins was not informed that an amendment would be introduced to LB 80 (change tax sale procedures).

Kissel explained that he was unable to reach her, due to time constraints. He said he made Senator Raikes and George Kilpatrick, Legal Counsel to the Nebraska Legislature's Revenue Committee, aware of Lancaster County's concerns and said Senator Raikes had agreed to relay those concerns to the Revenue Committee when the amendment was introduced in Executive Committee. The Revenue Committee adopted the amendment, but it failed to advance.

Hudkins said an interim study may be appropriate.

Kissel reported that the City is seeking amendment of LB 661 (change provisions relating to zoning by county boards and highway nonfarm buildings).

Kerry Eagan, Chief Administrative Officer, said the "cleanest" approach is to amend the City's powers under Chapter 15 of the State Statutes to provide it with enforcement authority for homestead residences within its three-mile zoning jurisdiction.

**MOTION:** Hudkins moved and Workman seconded to accept the amended version of the bill and to direct Gordon Kissel, Legislative Consultant, to lobby for the bill. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

The Board also asked Kissel to monitor LB 754 (provide criteria to recognize livestock friendly counties and change requirements for livestock waste control facilities relating to zoning.)

Brief discussion took place on LB 614 (require electronic recording of custodial interrogations), with input from Gary Lacey, County Attorney, and Dennis Keefe, Public Defender. No decision was made on whether to support the bill.

Eagan said LB 330 (change provisions for the county visitors committee) was merged with LB 99 (change provisions relating to the Nebraska Visitors Development Act). He noted that the County has not taken a position on LB 99 because of strong opposition from the hotel industry.

Kissel said Senator Schimek is willing to try to find another place for the County's language, should LB 99 fail to gain support.

### **ACTION ITEMS**

- E. Letter in Opposition to Inheritance Tax Legislation

Eagan said the Nebraska Association of County Officials (NACO) is organizing opposition to Inheritance Tax legislation and distributed a sample letter of opposition (Exhibit B).

**MOTION:** Hudkins moved and Workman seconded approval of the letter. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

- 4 LEVEL V YOUTH IN LANCASTER COUNTY JUVENILE DETENTION CENTER; HIRING REQUESTS** - Dennis Banks, Lancaster County Juvenile Detention Center Director; Ron Ross, Nebraska Department of Health & Human Services (HHS) Director

### **Level V Youth in Lancaster County Juvenile Detention Center**

Item held.

### **Hiring Requests**

Dennis Banks, Lancaster County Juvenile Detention Center Director, asked that Juvenile Detention Center Officers be exempt from the hiring freeze. He noted that two Juvenile Detention Officer positions were cut at the beginning of the fiscal year, due to the budget shortfall. In addition three Juvenile Detention Officers and one Juvenile Detention Supervisor resigned, one employee was summoned for military duty and several employees were placed on modified duty, due to injuries. The vacancies have left minimal staff on several shifts, increasing the need for overtime and on-calls.

In response to a question from Schorr, Banks said the most critical need is for two Juvenile Detention Officers and one Juvenile Detention Supervisor.

**MOTION:** Hudkins moved and Schorr seconded to authorize Dennis Banks, Lancaster County Juvenile Detention Center Director, to hire up to three positions, two Juvenile Detention Officers and one Juvenile Detention Supervisor, with continuous recruitment at that level.

Workman said he believes the Board should exempt the Lancaster County Juvenile Detention Center from the hiring freeze, as it has Corrections, and leave hiring to the director's judgement.

**ON CALL:** Hudkins and Stevens voted aye. Schorr and Workman voted no. The motion failed.

**MOTION:** Workman moved and Schorr seconded to exempt Juvenile Detention Officers from the hiring freeze and to leave hiring to the discretion of the director, with an emphasis on saving funds in every area possible.

**FRIENDLY AMENDMENT:** Schorr offered a friendly amendment to authorize Dennis Banks, Lancaster County Juvenile Detention Center Director, to hire one Juvenile Detention Supervisor.

The maker of the motion agreed to the friendly amendment.

**ON CALL:** Workman, Stevens and Schorr voted aye. Hudkins voted no. Motion carried.

**5 REPORT ON .5 FULL-TIME EQUIVALENT (FTE) POSITION FOR GENERAL ASSISTANCE (GA) - Pat Lopez, Lincoln-Lancaster County Health Department; Georgia Glass, Personnel Director; Gary Chalupa, Veterans Service Officer; Dave Kroeker, Budget and Fiscal Officer**

Pat Lopez, Lincoln-Lancaster County Health Department, said a .5 full-time equivalent (FTE) Account Clerk position is needed to monitor General Assistance (GA) costs and to assist Corrections with billings. She suggested that this position be located at the Health Department for training and oversight until the Board makes a final decision regarding GA.

Eagan noted that the Health Department is currently responsible for the Primary Health Care Clinic for GA and said the position could be made a City employee initially and could be included in the interlocal agreement for that program. He said steps will have to be taken to insure that the individual does not lose any benefits if the position is moved to the County at a later date.

Georgia Glass, Personnel Director, said she has concerns about doing so.

**MOTION:** Schorr moved and Workman seconded to direct the Lincoln-Lancaster County Health Department to hire one .5 full-time equivalent (FTE) under an interlocal agreement with the City to be paid for with County funds until such a time as a decision is made to relocate the General Assistance (GA) Program, at which time the position will be transferred with the program. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**6 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney**

Mike Thew, Chief Deputy County Attorney, reported that Mohamed A. El-Tabech has filed a civil rights action and a tort claim against the County, noting the actions relate to the same set of facts. He said the tort claim will be scheduled on the County Board of Commissioners Meeting agenda for action.

**7 RECORDS CENTER SPACE AND POLICES - Brian Pillard, Records & Information Manager; Don Killeen, County Property Manager**

Brian Pillard, Records & Information Manager, reviewed storage capacity and holdings at the "K" Street Building and options to secure additional storage space on the fifth floor of the building (Exhibit C).

Pillard also submitted a draft of Lancaster County Records Center Policies (see Exhibit C).

Gwen Thorpe, Deputy Chief Administrative Officer, said there are steps that can be taken "to get a handle on" records storage, such as asking the Secretary of State to review the Retention Schedule.

**MOTION:** Workman moved and Schorr seconded to: 1) Encourage the Lincoln/Lancaster County Health Department and Lincoln Electric System (LES) to locate their records in the Records Center; and 2) Direct Brian Pillard, Records & Information Manager, and Gwen Thorpe, Deputy Chief Administrative Officer, to work with the County Attorney's Office to develop Records Center Policies for Board review. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

- C. Consultant Proposal from the Lincoln Convention & Visitors Bureau (CVB)

**MOTION:** Hudkins moved and Workman seconded approval of the addition to the agenda. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

Jim Fram, Lincoln Chamber of Commerce President, appeared and proposed sending out a Request for Proposals (RFP) for a consultant to analyze the performance of the Lincoln Convention & Visitors Bureau (CVB) and make recommendations regarding operations, marketing, staffing and budgeting. He requested authorization to expend up to \$50,000 for the analysis and consultant fees, noting the bulk of the expense will come in the next fiscal year.

Board consensus was to direct the CVB to operate within its existing budget and to seek a recommendation from the Visitors Promotion Advisory Committee (VPAC).

Eagan suggested exploring whether the tourist industry would also be willing to contribute to the cost.

**NOTE:** Sandi Witkowicz, Lincoln Convention & Visitors Bureau Director, and Wendy Birdsall, Lincoln Chamber of Commerce Senior Vice President, were also present for the discussion.

**8 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA) CONSULTANT RECOMMENDATION; HIPAA SEMINAR IN KEARNEY, NEBRASKA** - Diane Staab, Deputy County Attorney; Gwen Thorpe, Deputy Chief Administrative Officer

Diane Staab, Deputy County Attorney, reported a recommendation from the Health Insurance Portability & Accountability Act (HIPAA) Steering Committee to select HIPAA Academy of Clive, Iowa as the HIPAA consultant and to split the work into phases.

Gwen Thorpe, Deputy Chief Administrative Officer, recommended capping the first phase (training) at \$20,000.

Staab said initial training will be for key individuals. She said the City is interested in participating and in sharing the cost.

Thorpe noted that she and Staab plan to attend a HIPAA seminar in Kearney, Nebraska on February 28, 2003.

**MOTION:** Workman moved and Hudkins seconded to authorize: 1) Development of a contract with the HIPAA Academy for consulting work related to Health Insurance Portability & Accountability Act (HIPAA) compliance; and 2) Hotel, registration and incidental expenses related to attendance by Diane Staab, Deputy County Attorney, and Gwen Thorpe, Deputy Chief Administrative Officer, at a HIPAA seminar in Kearney, Nebraska. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**9 BODY PIERCING** - Dave Johnson, Deputy County Attorney; Scott Holmes and Mark Kenne, Lincoln-Lancaster County Health Department

Dave Johnson, Deputy County Attorney, gave a brief overview of proposed guidelines for body art and piercing (see agenda packet). A public hearing on the guidelines is scheduled on the February 25, 2003 Board of Commissioners Meeting agenda.

In response to a question from Stevens, Scott Holmes, Lincoln-Lancaster County Health Department, said the issue of temporary and mobile facilities, such as body art conventions, were not addressed in the code, due to time constraints.

**10 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) APPLICATION** - Don Thomas, County Engineer; Doug Pillard, County Engineering; Nicole Fleck-Tooze, City Public Works/Utilities

Eagan said the Nebraska Department of Environmental Quality (NDEQ) has indicated that it will not be able to make a determination on the Board's request for a waiver from the requirements of the Phase II storm water regulations of municipal separate storm sewer systems (MS4's) prior to the March 10, 2003 application deadline (see letter in agenda packet).

Doug Pillard, County Engineering, distributed a draft National Pollutant Discharge Elimination System (NPDES) Permit Application for Small MS4's and a map of Lincoln and the urbanized area (Exhibits D & E). He offered to complete the application for the County, noting review by the NDEQ is anticipated to take at least a year.

**MOTION:** Hudkins moved and Workman seconded to authorize the Chair, Vice Chair, Chief Administrative Officer and County Engineer to meet with Michael Linder, Nebraska Department of Environmental Quality Director, to explain the County's position and to request approval of the waiver from the requirements of the Phase II storm water regulations of municipal separate storm sewer systems before the March 10, 2003 application deadline.

In response to a question from Hudkins, Nicole Fleck-Tooze, City Public Works/Utilities, said the City's Storm Water Management Plan (SWMP) does not reference the three-mile zoning jurisdiction but recognizes that waters outside of Lincoln will drain into the City.

**ON CALL:** Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

## **11 ACTION ITEMS**

### **A. Hiring Requests:**

1. Clerk of the District Court - Clerk I
2. County Treasurer - Motor Vehicle Clerk

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

### **B. Ecological Advisory Committee Recognition Certificate**

**MOTION:** Hudkins moved and Workman seconded approval. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

### **C. Family Career and Community Leaders of America (FCCLA) Grant (\$500)**

**MOTION:** Hudkins moved and Schorr seconded approval, contingent upon submission of a final financial statement showing a loss. Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

### **D. Microcomputer Requests:**

1. C#2003-044 from Corrections, \$16,576.48 from the Microcomputer Fund for Seven (7) PC's, Related Equipment and Software

Eagan clarified that funding will be through the Corrections budget, not the Microcomputer Fund.

**MOTION:** Hudkins moved and Workman seconded approval. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

2. C#2003-048 from Clerk of the District Court for \$6,815.46 from the Microcomputer Fund for Five (5) PC's and Software

**MOTION:** Schorr moved and Hudkins seconded approval.



Stevens questioned the price quoted for monitors (see agenda packet).

Eagan agreed to follow-up on the matter.

**ON CALL:** Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

E. Letter in Opposition to Inheritance Tax Legislation

Item moved forward on the agenda.

F. Mid-Year Budget Instruction Letter

The Board requested changes to the letter (see agenda packet), to read as follows:

- \* Paragraph 1, Sentence 3 - *This potential loss of \$800,000 along with possible shifts to General Assistance and local funding for juvenile services will have a major impact on our FY04 budget.*
- \* Paragraph 5, Sentence 5 - *Non-General Fund agencies' tax requirements and inheritance tax requests for the current level of service budget should not be greater than 3.0% over that of FY03.*

## **12 ADMINISTRATIVE OFFICER REPORT**

A. Agency Tours

The Board tentatively scheduled additional tour dates: April 1, 2003 (10:30 a.m. and 3:00 p.m.) and April 15, 2003 (9:00 a.m.).

B. Pension Update

Eagan reviewed a pension plan update from Rod Crane, Segal Advisors (see agenda packet).

C. Meeting with Bryan/LGH Health System Regarding Parking

Kerry Eagan, Chief Administrative Officer; Don Killeen, County Property Manager; and Dean Settle, Community Mental Health Center Director, will meet with Brad Shear, Bryan/LGH Health System, on February 14, 2003 to discuss parking issues.

D. Report on Sheriff Cruiser Detailing

Item held.

E. Community Mental Health Center (CMHC) Advisory Committee  
Proposed Appointment

Item scheduled on the February 18, 2003 Board of Commissioners Meeting agenda.

F. Board of Zoning Appeals Appointment

The following names were suggested:

- \* Stan Matzke
- \* Scott Wieskamp

**13 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Parks & Recreation Advisory Board - Schorr

No report.

B. Public Building Commission - Hudkins, Workman

Hudkins reported on plans to expand the City Council offices out into the hallway. A proposal for a joint County Board/City Council receptionist and conference room will also be developed.

Hudkins and Workman also reported on approval of a commercial truck parking request, artwork for the County-City Building, the aquarium policy and the new food vendor in the County-City Building.

Brief discussion took place on County Board office traffic.

**MOTION:** Hudkins moved and Workman seconded to request that the Public Building Commission and Don Killeen, County Property Manager, move the information desk from its location in the main hallway to a location in front of the County Board offices as soon as possible. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

Schorr asked that consideration be given to displaying Lincoln Public Schools (LPS) Traveling Children's Banners in the County-City Building.

C. Board of Health - Hudkins

Hudkins said regulation of body art and piercing establishments was discussed.

D. Families First & Foremost (F<sup>3</sup>) Retreat - Schorr

Schorr said discussion focused on sustainability of the grant and optimum placement of case managers.

E. Homeland Security Advisory Committee - Hudkins

Hudkins said there was a presentation by the Lincoln Police Department.

**ADDITIONS TO THE AGENDA**

A. Village Health Insurance

Workman reported on discussions with Doug Rix, Waverly City Administrator/Clerk, regarding the possibility of including village government employees in the County's health insurance plan.

B. Lancaster Event Center

Schorr noted that the Board has received several complaints regarding the Lancaster Event Center.

**MOTION:** Hudkins moved to direct Gwen Thorpe, Deputy Chief Administrative Officer, to forward correspondence received by the Board to the Lancaster Event Center.

The motion died for the lack of a second.

Board consensus was to schedule discussion with the Lancaster Event Center's management and a representative of the Lancaster County Agricultural Society Board.

**14 ADJOURNMENT**

**MOTION:** Schorr voted and Hudkins seconded to adjourn the meeting at 1:08 p.m. Workman, Stevens, Schorr and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

