

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 14, 2008
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Vice Chair opened the meeting at 8:34 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE THURSDAY, JANUARY 31, 2008 MID YEAR BUDGET RETREAT AND TUESDAY, FEBRUARY 5, 2008 STAFF MEETING

Stevens asked that Item 5A of the February 5, 2008 Staff Meeting Minutes be corrected to reflect that 25,000 of the payment for the Sheriff's Shooting Range will be upon signing of the contract and the remaining \$25,000 will be paid up to six months, not six weeks, after closing.

MOTION: Hudkins moved and Schorr seconded to approve: 1) Minutes of the January 31, 2008 Mid Year Budget Retreat; and 2) Minutes of the February 5, 2008 Staff Meeting, as prepared by Gwen Thorpe, Deputy Chief Administrative Officer (the County Clerk's Office was not able to produce minutes of this meeting due to the accidental destruction of written notes and the audio recording), as corrected. Hudkins, Schorr and Heier voted aye. Stevens abstained from voting. Workman was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Jail Tours (See Item 4)
- B. Microcomputer Request C#2008-073, \$605.79 from Juvenile Probation for One (1) 17" LCD Monitor and Computer Software (Exhibit A) (See Item14)

MOTION: Schorr moved and Stevens seconded approval of the additions to the agenda. Hudkins, Schorr, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Kristin Crawford, Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit B).

Kissel also reported on LB 1130 (Provide for the merger of adult probation and parole services) and said Senator Synowiecki, introducer of the bill, has indicated that the legislation should be revenue neutral.

ADMINISTRATIVE OFFICER REPORT

- H. Grant Contract with Southeast Community College (\$15,000 to Serve 40 Refugee Students and Targeted Assistance Discretionary (TAG) Grant - Item 5G on the February 12, 2008 County Board of Commissioners Meeting Agenda)

Tom Fox, Deputy County Attorney, noted that the contract was held over from the February 12th Board of Commissioners Meeting because there were questions regarding how many refugee students would be served by the grant this year and how many were served by a similar grant last year.

Kit Boesch, Human Services Administrator, appeared and explained it is a two-year plan and a total of 80 refugee students will receive services over that time span.

DISCUSSION OF BOARD MEMBER MEETINGS

- A. Nebraska Association of County Officials (NACO) Conference - Workman, Schorr

Hudkins reported there was legislative discussion.

Schorr gave a brief report on her attendance at NACO's Institute of Excellence.

B. Nebraska Innovation Zone Commission (NIZC) Monthly Meeting - Heier

Meeting was cancelled.

LONG TERM CARE UPDATE - Tim Genuchi, Accounting Operations Manager for the County Clerk's Office

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, noted that Prudential Insurance has been selected as the new long-term care provider (Aetna Insurance had been the provider). Employees who are currently enrolled in a plan with Aetna will have the option of staying with Aetna or moving to Prudential. Employees who elect to remain with Aetna will be billed directly (payment had been through payroll deduction). He said Prudential has also offered to provide direct billing and a discount for annual or semi-annual payment and asked whether the Board wants to continue the option of payroll deduction. Genuchi noted this is a joint plan with the City and said the City is eliminating the payroll deduction option.

MOTION: Hudkins moved and Schorr seconded to offer employees enrolled in the plan with Prudential Insurance the option of direct billing or payroll deduction. Hudkins, Schorr and Heier voted aye. Stevens voted no. Workman was absent from voting. Motion carried.

ADMINISTRATIVE OFFICER REPORT

- C. Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins
- D. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said security for the County-City Building was discussed. He also reported a one-year renewal of the lease for the 9th & J Street Building for space for the Human Services Department. Hudkins said Kit Boesch, Human Services Administrator, has indicated it is her intent to eventually move her department back into the City-County Building.

- E. Monthly Meeting of Chair, Vice Chair and Mayor - Workman, Heier

Heier said the adult correctional facility and Alvo Road project were discussed.

- F. Board of Health - Schorr

Schorr reported the following items were discussed: 1) The kenneling contract; 2) Rural teen driving; and 3) Burn permits for rural firefighters.

4 BOARD OF CORRECTIONS QUARTERLY MEETING - Mike Thurber,
Corrections Director

Separate minutes.

5 CITY WASTEWATER FACILITIES MASTER PLAN -Gary Brandt,
Utilities Coordinator; Brian Kramer, Superintendent of Wastewater
Collection

Gary Brandt, Utilities Coordinator, gave a PowerPoint presentation on the Wastewater Facilities Master Plan Update (Exhibit C).

6 SMOKING POLICY - Sue Eckley, County Risk Manager; Charlotte Burke,
Division Manager Health Promotion and Outreach; Lisa Henning,
WorkWell Executive Director; Tom Fox, Deputy County Attorney

Sue Eckley, County Risk Manager, asked whether the Board would like to proceed with a smoke free or tobacco free policy.

MOTION: Schorr moved and Stevens seconded to proceed with a tobacco free policy for county facilities. Stevens, Schorr and Heier voted aye. Hudkins voted no. Workman was absent from voting. Motion carried.

Heier and Hudkins requested a legal opinion on what type of policy can be instituted at Lancaster Manor.

Kerry Eagan, Chief Administrative Officer, said current residents who are smokers will be "grandfathered" (exempted from provisions). He added that Ron Feters, Lancaster Manor Administrator, has instituted a new policy to no longer admit individuals that smoke.

Enforcement was briefly discussed, particularly regarding smokeless tobacco products.

Charlotte Burke, Division Manager Health Promotion and Outreach, said city sidewalks are considered to be off property and suggested that cigarette butt receptacles be placed in strategic areas to accommodate smokers.

The Chair arrived at the meeting at 10:20 a.m. and assumed direction of the meeting.

Lisa Henning, WorkWell Executive Director, said it is beneficial to find out what the health risks are and suggested that the County participate in the Health Risk Appraisal (HRA) (there would be no cost to the County as a member of WorkWell). She said respondents would receive a personal report and the County would receive an aggregate report. All of the information is confidential. Henning said the survey is only available on-line at this time but temporary terminals could be set up for employees who do not have access to a computer. They could also take the survey at home.

MOTION: Hudkins moved and Schorr seconded to have all county facilities participate in the Health Risk Appraisal (HRA). Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

Henning recommended that blood draws be offered prior to the HRA so individuals will have that information (there will be a fee for the blood draws).

7 SCHOOL RESOURCE OFFICER - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff

Terry Wagner, Lancaster County Sheriff, discussed a proposal to hire one additional school resource officer, with the four Lancaster County School Districts committing \$6,250 for each of the next three years to help fund the position (Exhibits D). **NOTE:** The total cost of wages and benefits for a new deputy sheriff is \$60,176, leaving \$35,176 as Lancaster County's share of the cost.

Bill Jarrett, Chief Deputy Sheriff, distributed copies of the following (Exhibits E & F): 1) A newspaper article regarding a recent incident at Norris High School in which a student brought a knife to school after posting a threat on the Internet; and 2) A draft agreement between the Lancaster County Sheriff's Office and the high schools within Lancaster County to participate in the School Resource Officer Program.

MOTION: Hudkins moved and Heier seconded to fund the position for three years.

Discussion took place on how to fund the position with suggestions to: 1) Provide funding through the Keno Fund, at least for the first year; 2) Have funding of the schools' portion on a per pupil basis in the future; and 3) Have the school districts pick up a greater share of the cost; and 4) Delay the purchase of two of the new patrol vehicles that were approved and apply those funds to the new school resource officer position.

Wagner stated his office will schedule the purchase of the new patrol vehicles and the hiring of the new deputy to have minimal fiscal impact this budget year.

FRIENDLY AMENDMENT: Workman moved and Heier seconded to fund the position from the Sheriff's budget.

ROLL CALL ON THE FRIENDLY AMENDMENT: Heier, Schorr, Stevens and Workman voted aye. Hudkins voted no. Motion carried.

AMENDMENT: Stevens moved and Schorr seconded to amend the motion to reduce the authorized number of new patrol vehicles for the Sheriff's Department from five to four.

ROLL CALL ON THE AMENDMENT: Schorr and Stevens voted aye. Hudkins, Heier and Workman voted no. Motion failed.

ROLL CALL ON THE ORIGINAL MOTION: Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

8 CHAIRS FOR COMMUNITY CORRECTIONS (COURTHOUSE PLAZA)
- Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, said the bid from Office Interiors & Design for systems furniture for offices in Courthouse Plaza did not include chairs. She said she consulted the Purchasing Department regarding chair options and selected a chair she believes is durable. Etherton requested authorization to purchase eight chairs for a total of \$6,188.20 and said she will fund the expense through her budget.

Workman whether there are less expensive options.

Etherton said yes, but they aren't as durable.

Schorr suggested that the department move the chairs they are currently using in Trabert Hall to their new space in Courthouse Plaza.

MOTION: Heier moved approval of the request.

The motion died due to the lack of a second.

MOTION: Schorr moved and Heier seconded to approve the purchase of eight (8) chairs, provided Etherton bring back less expensive options. Stevens, Schorr, Heier, Hudkins and Workman voted aye. Motion carried.

Etherton said her staff will continue to use their existing chairs.

9 PENDING LITIGATION - Kristy Bauer, Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 11:11 a.m. for discussion of pending litigation. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 11:16 a.m. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to stipulate to an agreement between the American Federation of State, County & Municipal Employees (AFSCME) and Lancaster County. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

10 U.S. CELLULAR LETTER OF ACCEPTANCE, COUNTY SPECIAL PERMIT NO. 143A - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said U.S. Cellular failed to sign a letter of acceptance for County Special Permit No. 143A within 60 days, as required. He asked whether the Board will waive the 60-day deadline for signature or require U.S. Cellular to reapply.

MOTION: Stevens moved and Schorr seconded to allow U.S. Cellular to sign the letter of acceptance. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Jail Financing

Workman said he believes the Board has a fiduciary responsibility to place the financing plan for the new jail on the ballot. He said if the voters reject a proposal for 25-year levy of additional property taxes for the project the Board could revert to a plan to levy for a 10-year period to cover the costs, which would not require voter approval. The Board could also continue to levy for the 1 cent, per \$100 of valuation, Jail Savings Fund.

Copies of a Scottsbluff County ballot for issuance of bonds for a jail facility were distributed (Exhibit G).

Board members questioned how a ballot initiative could impact legislation to increase county bonding authority (LB 979).

Workman said he believes the Legislature will look favorably on the Board placing the issue on the ballot.

MOTION: Stevens moved and Workman seconded to place the jail bond financing issue on the November 4, 2008 general election ballot.

AMENDMENT: Hudkins moved to amend the motion to place the issue on the May 13, 2008 primary election ballot rather than the November 4, 2008 general election ballot.

The motion for amendment failed for the lack of a second.

Discussion followed regarding the need for education and a public relations campaign. Public meetings and consultation with experts such as Patty Pansing Brooks, coordinator of the bond issue for the Lincoln Public Schools, and Jim Addy from the Iowa Public Policy Group that has been providing technical support and review services for the Lancaster County Behavioral Health Jail Diversion Program were suggested.

MOTION: Stevens moved and Heier seconded to table the item. Hudkins, Heier, Schorr and Stevens voted aye. Workman voted no. Motion carried.

Workman asked that the item be scheduled for a public hearing when all five commissioners are present.

11 LONG TERM CARE UPDATE - Tim Genuchi, Accounting Operations Manager for the County Clerk's Office

Item was moved forward on the agenda.

12 MEETING WITH VILLAGE REPRESENTATIVES

Separate minutes.

13 EXECUTIVE SESSION (PERSONNEL ISSUE AND PENDING LITIGATION) - Doug Cyr, Chief Administrative Deputy County Attorney, Kristy Bauer, Deputy County Attorney; Don Taute, Personnel Director; Sue Eckley, County Risk Manager

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 1:38 p.m. for discussion of a personnel matter and pending litigation. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 2:32 p.m. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

14 ACTION ITEMS

- A. Microcomputer Request C#2008-062, \$1,575 from County Assessor's Budget for ESRI Developer Network Subscription Bundle
- B. Microcomputer Request C#2008-073, \$605.79 from Juvenile Probation for One (1) 17" LCD Monitor and Computer Software (Exhibit A)

MOTION: Hudkins moved and Schorr seconded approval of the microcomputer requests.

Stevens said he would like the two departments to indicate whether they have sufficient funds in their budgets to fund their requests.

ROLL CALL: Hudkins, Schorr and Heier voted aye. Stevens voted no. Workman was absent from voting. Motion carried.

15 ADMINISTRATIVE OFFICER REPORT

- A. Jail Financing

Item was moved forward on the agenda.

- B. Citizen Information Center Changes

Thorpe was asked to forward the proposal to the elected officials and directors and to ask for a response.

- C. Nationwide Retirement Solutions (NRS) Contract Renewal Proposal

MOTION: Stevens moved and Heier seconded to refer the proposal to the Pension Review Committee (PRC) for recommendation. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- D. Correspondence from Nebraska Department of Agriculture (Adding Phragmites as a Noxious Weed)

Board consensus was to schedule discussion with Russ Shultz, Noxious Weed Control Authority Superintendent.

E. Salary for Juvenile Court Judge Linda Porter's Bailiff

The item was scheduled on the February 19, 2008 Board of Commissioners Meeting agenda.

F. Region V Report and Requested Resolution

Board consensus was to: 1) Support the concept in the proposed resolution; and 2) Schedule the report on the April 1, 2008 Board of Commissioners Meeting agenda.

G. Correspondence Regarding Ambulance Service from Midwest Medical Transportation Company

Board consensus was to decline the offer.

H. Grant Contract with Southeast Community College (\$15,000 to Serve 40 Refugee Students and Targeted Assistance Discretionary (TAG) Grant - Item 5g on February 12, 2008 County Board of Commissioners Meeting Agenda)

Item was moved forward on the agenda.

16 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Nebraska Association of County Officials (NACO) Conference - Workman, Schorr
- B. Nebraska Innovation Zone Commission (NIZC) Monthly Meeting - Heier
- C. Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins
- D. Public Building Commission (PBC) - Hudkins, Workman
- E. Monthly Meeting of Chair, Vice Chair and Mayor - Workman, Heier
- F. Board of Health - Schorr

Items A, B, C D, E & F were moved forward on the agenda.

17 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 2:45 p.m. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk