

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JANUARY 22, 2009  
8:30 A.M.**

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

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
and Interim Lancaster Manor Administrator  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,  
JANUARY 15, 2009**

**MOTION:** Stevens moved and Heier seconded approval of the January 15, 2009 Staff Meeting minutes. Schorr and Stevens voted aye. Heier abstained from voting. Hudkins was absent from voting. Motion carried.

**LEGISLATIVE UPDATE** - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)

Gordon Kissel, Legislative Consultant, presented a legislative update and a bills of interest report (Exhibits A & B).

Russ Shultz, Noxious Weed Control Authority Superintendent, appeared and requested support of Legislative Bill (LB) 98 (Change noxious weed grant programs and the Riparian Vegetation Management Task Force). He also requested authorization to testify in support the bill (see Exhibit C).

**MOTION:** Stevens moved and Schorr seconded to authorize Russ Shultz, Noxious Weed Control Authority Superintendent, to testify in support of Legislative Bill (LB) 98. Schorr, Heier and Stevens voted aye. Hudkins was absent from voting. Motion carried.

Shultz indicated he would like to schedule time with the Board to discuss phragmites (a large perennial grass found in wetlands).

Heier said the Nebraska Association of County Officials (NACO) Board will be meeting tomorrow to discuss legislation and said he would like direction from the Board on LB 427 (Adopt the County Law Enforcement Officer Retirement Act). He said the fiscal impact to the County will be approximately \$127,000 a year.

Kerry Eagan, Chief Administrative Officer, said it would transfer approximately one third of the funds in the County Employees Retirement Plan to the State's Retirement System, which will impact other participants in the plan.

Board consensus was to oppose the bill.

Kristy Bauer, Deputy County Attorney, appeared and discussed LB 554 (Prohibit certain employers from requiring use of paid leave under certain circumstances) (Exhibit D).

Joe Kohout, Kissel/E&S Associates, was asked to research the bill further.

## **2 ADDITIONS TO AGENDA**

- A. 2010 Census Committee Representative (Exhibit E)
- B. Request for Cost of Living Increase for Dr. Sanat Roy
- C. Nebraska Association of County Officials (NACO) Legislative Report

Hudkins arrived at the meeting at 8:44 a.m.

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

## **3 LEGISLATIVE UPDATE - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)**

Item was moved forward on the agenda.

## **ADMINISTRATIVE OFFICER REPORT**

### **B. Employee Recognition (May 19, 2009)**

Informational only.

## **DISCUSSION OF BOARD MEMBER MEETINGS**

### **A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens**

Stevens said hiring freezes, furloughing of employees as a cost savings measure and reform of the Commission of Industrial Relations (CIR) were discussed.

### **B. Board of Health - Schorr**

Meeting report was given at the January 15<sup>th</sup> Staff Meeting.

## **ADDITIONS TO AGENDA**

### **A. 2010 Census Committee Representative (Exhibit E)**

The Board appointed Kerry Eagan, Chief Administrative Officer, as its representative.

### **B. Request for Cost of Living Increase for Dr. Sanat Roy**

Eagan said Dean Settle, Community Mental Health Center Director, contacted him and said Dr. Roy is questioning why he was singled out for no cost of living increase (Exhibit F). He noted Dr. Roy received an increase in December when he was appointed Medical Director.

John Cripe, Classification and Pay Manager, appeared and said that issue was raised at the December 4, 2009 Staff Meeting. He said Settle was present for the discussion and both Settle and the Board indicated they did not believe a cost of living increase was appropriate since Dr. Roy had just received an increase.

Schorr suggested inclusion of a footnote on Directors Salary Information 2009 (see County Resolution No. R-09-0005, Attachment A, on file in the County Clerk's Office) to explain why Dr. Roy did not receive an increase.

**4 DISTRICT COURT PERSONNEL** - District Court Judges Jeffre Chevront, John Colborn and Robert Otte

District Court Judges Jeffre Chevront and John Colborn discussed judicial resources for the Lancaster County District Court; case load; types and nature of cases that must be heard because the seat of State government is in Lancaster County; a pilot program in which six district court judges from districts outside Lancaster County have been appointed to serve as temporary district court judges for this district; and a proposal to hire a court administrator (\$55,000) and a lawyer law clerk (\$37,500) to assist the District Court (see Exhibit G). It was noted a receptionist position would be eliminated, at a cost savings of \$28,000. Net total of the proposed additions is \$64,500.

Judge Colborn discussed Douglas County/Lancaster County Administrative Comparison (see Exhibit G).

A copy of Lancaster County District Court Statutorily Designated Jurisdiction was also circulated (Exhibit H).

Hudkins asked whether there has been any indication the Legislature will create an additional judgeship in the District Court of the 3<sup>rd</sup> Judicial District.

Judge Colborn said a bill has been introduced requesting creation of five additional judgeships, including judgeships in the Lancaster County District and County Courts.

Hudkins inquired about office space.

Judge Colborn said there are currently seven (7) part-time law clerks (law students) filling two (2) full-time equivalent positions. He proposed that they be replaced with full-time lawyer law clerks and said those positions, as well as the additional lawyer law clerk and court administrator, can fit within the existing office space. **NOTE:** The change from (7) part-time law clerks to two (2) full-time equivalent positions is projected to be revenue neutral.

Schorr asked Judge Colborn to prioritize the additional positions.

Judge Colborn said the Court would place a higher priority on the court administrator position.

Eagan suggested the Board add funding of a court administrator position to its legislative list.

**MOTION:** Hudkins moved and Schorr seconded to allow the District Court, in consultation with the Personnel Department, to proceed with the plan to hire two (2) full-time equivalent law clerks in place of seven (7) part-time law clerks. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

**MOTION:** Stevens moved and Schorr seconded to: 1) Ask the District Court to work with the Personnel Department on a job description for the court administrator position; and 2) Consider the request for a court administrator at the Mid-Year Budget Retreat.

Schorr asked that Gordon Kissel, Legislative Consultant, research whether there is the possibility of state funding for the position, due to the unique nature of the district.

**ROLL CALL:** Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

Stevens said he would also be willing to consider the request for an additional lawyer law clerk at the Mid-Year Budget Retreat.

**5 INTRODUCTION OF FRED HOKE, BUILDING AND SAFETY DIRECTOR**

Fred Hoke, Building and Safety Director, discussed staffing for the department (Exhibit I) and changes in office procedure.

Schorr noted the Board is meeting with representatives of the County's cities and villages to discuss expanding home-based business in rural parts of the county and invited Hoke to attend.

**6 HDM CORPORATION CONTRACT FOR ELECTRONIC CLAIMS FILING (COMMUNITY MENTAL HEALTH CENTER) - Tom Fox, Deputy County Attorney; Dean Settle, Community Mental Health Center (CMHC) Director; Judi Tannahill, Administrative Services Officer, CMHC**

Tom Fox, Deputy County Attorney, said the contractor has refused to make requested changes to the contract. The changes included limiting the term of the agreement, limitation of warranties and liabilities, Health Insurance Portability & Accountability Act (HIPAA) clauses and a business associate agreement. He advised against approving the contract.

Dean Settle, Community Mental Health Center (CMHC) Director, said it is a sole source contract and said a check of other customers indicated satisfaction. He recommended the Board approve the contract.

**NOTE:** Formal action will take place at a regular Board of Commissioners Meeting.

## **RETURNING TO ITEM 2B**

There was Board consensus to: 1) Request a transcript of the discussion of Dr. Roy's salary at the December 4, 2009 Staff Meeting; and 2) Consider the request for a cost-of-living increase at the Mid-Year Budget Retreat.

### **7 SURPLUS SHERIFF CELL PHONES (FRIENDSHIP HOME PROJECT)** - Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, requested authorization to contribute old cell phones to the Friendship Home Project. **NOTE:** The Sheriff's Department recently received new phones when they switched carriers. He said the phones will be given to victims of domestic violence and reprogrammed to dial 9-1-1 in an emergency situation. Jarrett said Emergency Management is also willing to donate several cell phones to the project.

In response to a question from Hudkins, Eagan said the Board has broad powers under Nebraska Revised Statute §23-104.05 to use county resources to further human services needs.

**MOTION:** Hudkins moved and Stevens seconded to allow the County Sheriff's Department and Emergency Management to contribute old cell phones to the Friendship Home Project. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

### **8 PAVING OF SOUTHWEST 40<sup>TH</sup> STREET, SOUTH OF "O" STREET -** Roger Figard, City Engineer; Don Thomas, County Engineer; Don Killeen, County Property Manager

Heier said the County Board would like the Railroad Transportation Safety District (RTSD) to move forward with the project for a bridge over railroad tracks at Southwest 40<sup>th</sup> Street. **NOTE:** The project has been on hold for 10 years and is a priority for the County because it will provide access to the new jail site on Southwest 40<sup>th</sup> Street.

Roger Figard, City Engineer and Executive Director of the RTSD, presented updated fact sheets related to schedule, funding and design of the overpass (Exhibit J). He said the goal is still to bid the project in Spring, 2010 and to have Southwest 40<sup>th</sup> Street open to traffic in late 2011. Figard said the project has taken longer than anticipated because of environmental assessment problems, right-of-way issues, and negotiations with the Burlington Northern/Santa Fe Railway and a property owner.

Figard noted the Board has asked that discussion of paving of Southwest 40<sup>th</sup> Street, South of "O" Street, be scheduled on the next RTSD meeting agenda and asked that a member of the Board be present to make a specific request.

In response to a question from Hudkins, Figard said the City's project was to build the overpass and said the City asked the RTSD to provide the funding. Paving of Southwest 40<sup>th</sup> Street was not included in the project.

Hudkins asked whether the paving would be eligible for stimulus funding.

Figard said it is unlikely.

Hudkins asked whether the road would need to be built to city standards.

Heier said getting the bridge built is the higher priority.

In response to a question from Schorr, Figard estimated the cost of grading and paving at \$500,000 to \$2 million. The higher figure is for a four-lane, urban road.

Figard also reported the following:

- The Nebraska Department of Roads (NDOR) is evaluating the possibility of a safety project that would include a traffic signal and turn lanes at Southwest 40<sup>th</sup> and West "O" Street.
- The City is working with NDOR, as part of their project to expand Interstate 80 to six lanes, and is looking at extending 40<sup>th</sup> Street, north from "O" Street, across I-80 to Vine Street as additional access into the Airport area.
- There is a significant property owner and access issue on the southwest corner of the Southwest 40<sup>th</sup> and West "O" Street intersection.

Schorr said the County had hoped to have a traffic signal in the area of 38<sup>th</sup> or 39<sup>th</sup> Street.

Figard said the recommendation for a traffic signal on West "O" Street, at the jail entrance, also rests with the City and must meet national traffic signal warrants. He said location of the jail entrance also took signal spacing for the future into account.

Hudkins noted there will be a District Energy operation on the site, in addition to the correctional facility. He also indicated plans to move Property Management onto the site and possibly a mental health facility.

Hudkins asked Figard whether he objects to locating the main entrance for the new jail at the east property line.

Figard said that makes sense, since that is approximately the quarter mile.

Schorr asked whether it would be advantageous to hire an intern to help push the project forward.

Figard said most of the decision-making will not be at an intern's level.

Stevens suggested it may be appropriate to have the RTSD Executive Director work on the project full-time and to have his salary shifted from the City to the RTSD.

**MOTION:** Hudkins moved and Schorr seconded to ask the Chair to present the County Board's request to the Railroad Transportation Safety District (RTSD) at their meeting on March 10, 2009.

Stevens said he does not believe paving should be the responsibility of the RTSD.

**ROLL CALL:** Hudkins, Heier and Schorr voted aye. Stevens voted no. Motion carried.

**9 LKTRIEVER MAINTENANCE** - Sherri Morrison, Chief Deputy Clerk of the District Court

Sherri Morrison, Chief Deputy Clerk of the District Court, asked the Board to approve a one-year maintenance agreement for the Lektreiver Automated Filing System.

**MOTION:** Schorr moved and Stevens seconded to authorize a maintenance agreement for the Lektreiver Automated Filing System in the Clerk of the District Court's Office.

Morrison indicated the agreement has been reviewed by the County Attorney's Office.

**ROLL CALL:** Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

**NOTE:** Formal action on the agreement will take place at a Board of Commissioners Meeting.

**10 PERSONAL DIGITAL ASSISTANT (PDA) REQUEST FROM HUMAN SERVICES - Kit Boesch, Human Services Administrator**

Kit Boesch, Human Services Administrator, said she is revising her request for two (2) Personal Digital Assistant (PDA) for her department. She said only one (1) is needed and said it will be used by Sara Hoyle, Juvenile Justice Coordinator.

**MOTION:** Schorr moved and Stevens seconded to approve the request for a Personal Digital Assistant (PDA) for Sara Hoyle, Juvenile Justice Coordinator.

Vince Mejer, Purchasing Agent, appeared and said the BlackBerry Smart Phone that Hoyle is currently using will be sold.

Schorr suggested that funds from the sale be returned to the department's budget.

**ACTION ITEMS**

A. Jail Finance Issuance

Scott Keene, Ameritas Investment Corporation, said only two bids were submitted during the competitive sale. The low bid was 4.69 percent (true interest costs). He said the bid is 50 to 60 basis points "off the market" and recommended the Board reject the bids and start over with a negotiated sale. Keene said the Lancaster County Correctional Facility Joint Public Agency (JPA) will need to approve an amendment to the resolution authorizing issuance of the bonds to allow for a negotiated sale, adding there is a risk that rates could go higher by the time the bond issue goes to market.

Schorr asked Keene whether the interest rate was due to market conditions or how the bond issue was viewed.

Keene said he believes it reflected the market conditions, not the bond issue itself.

Heier expressed concern about waiting.

Stevens said he hates to risk taxpayers' money and suggested it may be better to accept the low bid.

Hudkins asked how soon the issue would be eligible for refinancing.

Keene said ten years is typically the call date for a twenty-year financing.

Keene said there has been a lot of interest from investment firms within Nebraska and recommended that Ameritas be designated manager of a negotiated sale with a "selling group" of local firms, subject to approval of the Lancaster County Correctional Facility JPA. He said Ameritas has acted as the senior managing underwriter for most of the County's bonds and manages more municipals bonds, in terms of numbers and dollar volume, than any other firm in Nebraska. Keene acknowledged there might be a slight conflict of interest, since he is financial advisor for the project.

**MOTION:** Hudkins moved and Schorr seconded to: 1) Reject the bid of 4.69 percent; 2) Move to a negotiated bond offering; 3) Authorize Ameritas Investment Corporation to put together a group of Nebraska officed firms to market the bonds; and 4) Ask the Lancaster County Correctional Facility Joint Public Agency (JPA) to convene for revision of the bond statement.

It was suggested that the JPA meet on Monday, January 26<sup>th</sup>, if possible.

There was also Board consensus to hold a Staff Meeting on Tuesday, January 27<sup>th</sup> for the purpose of authorizing a negotiated sale for the correctional facility bonds.

**ROLL CALL:** Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

**NOTE:** Also present for the discussion were Lauren Wismer and Lisa DeBuse, Gilmore & Bell, P.C. (Bond Counsel); Dennis Meyer, Budget and Fiscal Officer; and Don Herz, City Finance Director.

**11 LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY (JPA) AUDIT - Dennis Meyer, Budget and Fiscal Officer**

Dennis Meyer, Budget and Fiscal Officer, asked the Board whether it wants to go out to bid for an audit of the Lancaster County Correctional Facility Joint Public Agency (JPA) or discuss expansion of services with the current auditor (Bland & Associates, P.C.).

**MOTION:** Stevens moved and Hudkins seconded to ask Bland & Associates, P.C. to perform the first year audit of the Lancaster County Correctional Facility Joint Public Agency (JPA). Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

C. Nebraska Association of County Officials (NACO) Legislative Report

Hudkins said the NACO Board voted to oppose the following bills: LB 5 (Eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way; LB 119 (Change inheritance tax provisions) and LB 125 (Provide for voter registration on election day). NACO supports the following bills: LB 33 (Change county zoning provisions with respect to density of populations); and LB 173 (Provide for relabeling and redispensing of prescription drugs at certain correctional facilities).

## **ADMINISTRATIVE OFFICER REPORT**

### **A. Committee Assignments**

The Board reviewed the list of committee assignments (see agenda packet).

It was noted that Stevens no longer serves as Chair of the Joint Budget Committee (JBC) and Schorr now serves of Vice Chair of that committee.

Board members questioned whether it is necessary to list the Homeland Security Grant Committee (Workman) and Community Corrections Liaison (Stevens).

Schorr said she would be willing to relinquish her assignments to the General Assistance (GA) Monitoring Committee and Region V. She said she would like to serve on the Lancaster Manor Advisory Committee and said she has discussed a change in assignment with Hudkins, the current representative.

Hudkins said he is not willing to relinquish his assignment to the committee.

Further discussion of committee assignments was scheduled on the Mid-Year Budget Review Agenda.

**MOTION:** Stevens moved and Hudkins seconded to recess the meeting at 11:15 a.m. to move to Lancaster Manor. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

### **12 LANCASTER MANOR REPORT AND TOUR** - Gwen Thorpe, Interim Lancaster Manor Administrator

The Chair reconvened the meeting at Lancaster Manor, 1001 South Street, at 11:45 a.m.

The Board met with Gwen Thorpe, Interim Lancaster Manor Administrator; Jerry Allen, Maintenance, Housekeeping and Laundry Director; Kim Bashore, Business Office Manager; Laura Gilloon, Activities Director; Lizz Habel, Admissions; Annette Razo, Nursing Assistant Director; Denise Schachenmeyer, Food Service Director; Lorie Scherling, Personnel Director; Marlene Walenta, Nursing Director; Susan Wilkinson, Medical Records Coordinator; Jolene Zochol, Resident Services Director; and Barb Silbley, a volunteer who serves as an advocate for residents and staff. Discussion focused on the following concerns:

- The need for a comprehensive nursing management software package to assist with staffing and billing.
- Revenue is not meeting expenditures and billing practices need to be improved.
- Sick leave usage and use of temporary agencies.
- Appropriate staffing to meet the needs of residents.
- Loss of key personnel.
- Future direction of Lancaster Manor.

Thorpe said she will bring a list of priority items and an estimate of costs to the Mid-Year Budget Retreat on February 11<sup>th</sup>.

The Board also toured the facility with staff. The following concerns were noted during the tour:

**Medication Room** - Space is needed for oxygen storage.

**Residents Room** - The shape of the feeding tables makes it difficult for staff to make eye contact with the individuals they are assisting.

**Activities Room** - New room dividers and wireless microphones are needed. The van that is used for activities is old and may not meet Americans with Disabilities Act (ADA) Accessibility Guidelines.

**Hallways** - Wallpaper needs to be replaced. Better lighting is needed.

**Social Services** - A discharge nurse is needed.

**Nursing Stations** - Lack of space for wheelchairs to maneuver.

**Quiet Room** - Needs a more "homey" look and audio equipment to play relaxing music.

**Alzheimer Unit** - Patients need a courtyard. Has an institutional look.

**Bath House** - New whirlpool tubs are needed. Tile and floorboards are damaged. Shower area needs to be extended to accommodate large wheelchairs.

**Therapy Room** - Space is limited. A skilled rehabilitation area is needed for short-term stay patients.

**Kitchen Area** - Floor has been torn up several times due to sewer pipe problems. Dishwasher needs replaced.

**Office Areas** - Limited space and storage.

**Overall Facility** - Windows need to be replacing. A limited number of meeting rooms.

Thorpe said final work on the electrical system will not be completed on January 23<sup>rd</sup>, as originally anticipated. She said Jerry Allen, Maintenance, Housekeeping and Laundry Director, will be out of town on that date and the work will be completed when he returns.

### **13 ACTION ITEMS**

- A. Jail Finance Issuance

Item was moved forward on the agenda.

### **14 ADMINISTRATIVE OFFICER REPORT**

- A. Committee Assignments
- B. Employee Recognition (May 19, 2009)

Items A and B were moved forward on the agenda.

### **15 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- B. Board of Health - Schorr

Items A and B were moved forward on the agenda.

### **16 ADJOURNMENT**

**MOTION:** Stevens moved and Schorr seconded to adjourn the meeting at 1:57 p.m. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk