

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JANUARY 29, 2009
8:30 A.M.**

Commissioners Present: Bernie Heier, Chair
Larry Hudkins
Deb Schorr

Commissioners Absent: Bob Workman
Ray Stevens, Vice Chair

Others Present: 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 8:34 a.m.

AGENDA ITEM

LEGISLATIVE UPDATE - Gordon Kissel and Kristin Crawford, Kissel/E&S Associates (Legislative Consultants)

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

Hudkins arrived at the meeting at 8:36 a.m. and indicated he was late because he was on a conference call with the County Attorney's Office.

Vince Mejer, Purchasing Agent, appeared and requested support of Legislative Bill (LB) 543 (Provide an exemption from motor vehicle industry licensing requirements).

MOTION: Hudkins moved and Schorr seconded to support LB 543. Schorr, Hudkins and Heier voted aye. Motion carried.

Schorr asked Kissel to research the possibility of legislation to fund a district court administrator.

Hudkins asked Kissel to monitor LB 98 (Change noxious weed grant programs and the Riparian Vegetation Management Task Force).

Terry Wagner, Lancaster County Sheriff, appeared and gave an overview of LB 273 (Change sheriff's fees and handgun certificate fees).

MOTION: Hudkins moved and Schorr seconded to support LB 273 and authorize Terry Wagner, Lancaster County Sheriff, to testify on behalf of the County. Hudkins, Schorr and Heier voted aye. Motion carried.

1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, JANUARY 22, 2009 AND TUESDAY, JANUARY 27, 2009

MOTION: Schorr moved and Hudkins seconded approval of the January 22, 2009 and January 27, 2009 Staff Meeting minutes. Schorr, Heier and Hudkins voted aye. Motion carried.

ACTION ITEMS

- A. Microcomputer Request C#51563, \$613.28 from Mental Health Budget for Novell Open Enterprise Server - License, Etc.

Dean Settle, Community Mental Health Center Director, appeared and presented a revised estimate (Exhibit B).

MOTION: Schorr moved and Hudkins seconded approval of the request. Hudkins, Heier and Schorr voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Correspondence from the City of Waverly Regarding a Concept Study of a Pedestrian Facility on Canongate Road (Exhibit C)
- B. Correspondence Requesting Inclusion of the Classification of Correctional Specialist I in the American Federation of State, County & Municipal Employees (AFSCME) Local 2468 Bargaining Unit (Exhibit D)

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

- A. Correspondence from the City of Waverly Regarding a Concept Study of a Pedestrian Facility on Canongate Road (Exhibit C)

Heier said Don Thomas, County Engineer, has no objection to the request.

MOTION: Hudkins moved and Schorr seconded to fund the County's portion of the study out of the County Engineering budget. Schorr, Heier and Hudkins voted aye. Motion carried.

NOTE: Upon further review and advice by Tom Fox, Deputy County Attorney, during the Staff Meeting, the Board concurred the best course of action is to enter into an interlocal agreement with the City of Waverly for the study. The County Attorney's Office will draft the interlocal agreement for action at a regular Board of Commissioners Meeting.

B. Correspondence Requesting Inclusion of the Classification of Correctional Specialist I in the American Federation of State, County & Municipal Employees (AFSCME) Local 2468 Bargaining Unit (Exhibit D)

MOTION: Schorr moved and Hudkins seconded to forward the request to the Personnel Department and Mike Thurber, Corrections Director. Schorr, Hudkins and Heier voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel and Kristin Crawford, Kissel/E&S Associates (Legislative Consultants)

Item was moved forward on the agenda.

ADMINISTRATIVE OFFICER REPORT

A. City-County Common Meeting (February 2, 2009)

The meeting was cancelled, due to a scheduling conflict.

B. Nebraska Association of County Officials (NACO) Request for Appointment of Commissioner Schorr to NACO Health & Human Services Committee

MOTION: Hudkins moved and Heier seconded to approve appointment of Commissioner Schorr to the Nebraska Association of County Officials (NACO) Health & Human Services Committee. Hudkins and Heier voted aye. Schorr abstained from voting. Motion carried.

DISCUSSION OF BOARD MEMBER MEETINGS

A. Nebraska Association of County Officials (NACO) Board - Heier

Heier said discussion focused on legislation and said Terry Wagner, Lancaster County Sheriff, was present to discuss LB 427 (Adopt the county Law Enforcement Officer Retirement Act). He said a task force was appointed to study the bill and make recommendation. **NOTE:** The task force will give a report to the NACO Board at the County Board Workshop in Kearney on February 13th.

Terry Wagner, Lancaster County Sheriff, appeared and said the legislation would only apply to commissioned law enforcement officers, defined in Nebraska Revised Statute §81-1401.

Hudkins asked whether it would include security personnel in the Justice and Law Enforcement Center.

Wagner wasn't sure and agreed to research it further.

B. Lincoln Independent Business Association (LIBA) - Hudkins, Heier

Hudkins said discussion focused on the City Council race and the jail financing.

C. Downtown Lincoln Association (DLA) - Stevens

No report.

OTHER BUSINESS

Schorr gave a report on the Region V Governing Board Meeting. She said the State is restructuring the way it provides services for state wards and said the Integrated Care Coordination Unit (ICCU) could be closing, as soon as June 1, 2009.

4 LINCOLN RADIOLOGY CONTRACT - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, said Lincoln Radiology is making strides in clearing up claims and has submitted a check to the County in the amount of \$9,600 (approximately 40% of what is owed). He said Lincoln Radiology has also provided a list of claims that have been denied and said his office has identified steps it can take to assist providers. Chalupa recommended the Board not take action against Lincoln Radiology and consider amending the provider contracts to include language about the reimbursement process.

5 CAPITOL HUMANE SOCIETY CONTRACT - Bob Downey, Capital Humane Society Executive Director; Don Wesely, Lobbyist for The Humane Society of the United States

Bob Downey, Capital Humane Society Executive Director, requested a rate adjustment to its contract with the County, noting the rates were last adjusted in 2001 (Exhibit E). The fiscal impact is estimated to be \$6,000 to \$7,000.

MOTION: Hudkins moved and Schorr seconded to direct the County Attorney's Office to prepare an amendment to the contract. Hudkins, Heier and Schorr voted aye. Motion carried.

Brief discussion took place regarding LB 5 (Eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way). Downey suggested the Board might want to lobby to amend the bill on the floor of the Legislature to allow counties to opt out of the legislation.

MOTION: Hudkins moved and Schorr seconded to direct Gordon Kissel, Legislative Consultant, to work, in consultation with Bob Downey, Capital Humane Society Executive Director, and Don Wesely, lobbyist for The Humane Society of the United States, to develop an amendment to allow the County to opt out of a state-wide ordinance that would allow trapping in county road rights-of-way. Hudkins, Heier and Schorr voted aye. Motion carried.

SECURITY SUPERVISOR POSITION - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, requested that one of the eight (8) security guard positions within the Special Service Division be converted into a supervisory position to free up more of the Division sergeant's time to tend to other issues. Job duties will include the supervision and scheduling of the remaining security personnel. He said there would be no fiscal impact to the County or Public Building Commission (PBC).

There was no objection to the request. The Sheriff's Office will work with the Personnel Department to create the Security Guard Supervisor position.

6 EXECUTIVE SESSION - Mike Thew, Chief Deputy County Attorney

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 9:27 a.m. for discussion of pending litigation. Hudkins, Heier and Schorr voted aye. Motion carried.

MOTION: Schorr moved and Hudkins seconded to exit Executive Session at 9:39 a.m. Hudkins, Heier and Schorr voted aye. Motion carried.

A) ADOPT LANCASTER COUNTY, NEBRASKA EMPLOYEE RETIREMENT PLAN; B) SUBMIT FORM 5300, APPLICATION FOR DETERMINATION OF EMPLOYEE BENEFIT PLAN (RETIREMENT PLAN); C) POWER OF ATTORNEY FOR KUTAK ROCK, L.L.P.; AND D) AUTHORIZE \$1,000 FILING FEE FOR FORM 5300 (ACTION REQUIRED) - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said the following documents need to be filed with Internal Revenue Service (IRS) by Monday, February 2, 2009 (Exhibits F, G & H).

A) Adopt Lancaster County, Nebraska Employee Retirement Plan

MOTION: Schorr moved and Hudkins seconded to adopt the Lancaster County, Nebraska Employee Retirement Plan and authorize signature by the Chair. Schorr, Heier and Hudkins voted aye. Motion carried.

B) Submit Form 5300, Application for Determination of Employee Benefit Plan (Retirement Plan)

MOTION: Schorr moved and Hudkins seconded to approve submission of Form 5300, the application for determination of the employee benefit plan. Schorr, Heier and Hudkins voted aye. Motion carried.

C) Power of Attorney for Kutak Rock, L.L.P.

MOTION: Schorr moved and Hudkins seconded to authorize the Chair to sign the power of attorney form for Kutak Rock, L.L.P. Schorr, Heier and Hudkins voted aye. Motion carried.

D) Authorize \$1,000 Filing Fee for Form 5300

MOTION: Schorr moved and Hudkins seconded to authorize a \$1,000 filing fee for Form 5300. Schorr, Heier and Hudkins voted aye. Motion carried.

7 LANCASTER MANOR UPDATE - Gwen Thorpe, Interim Lancaster Manor Administrator

Gwen Thorpe, Interim Lancaster Manor Administrator, said staff continues to review accounts receivable and resident files to make sure everything is in order. She said she should know by the end of January what the facility can expect in monthly revenue and how to go forward correctly with billing. Thorpe said she has been working with Dennis Meyer, County Budget and Fiscal Officer, and Dave Kroeker, former County Budget and Fiscal Officer, to make sure cost reports are ready to go and that data is being captured accurately.

Thorpe indicated Kim Bashore, Business Office Manager, and Jie Li, Accounts Payable Clerk, plan to meet with Darcy Brink, Financial Services Director, Tabitha Health Care Services, to seek advice on Medicaid and Medicare billing and to see how their business office runs. Thorpe said billing and depreciation policies are also being developed.

Thorpe discovered that employees have been purchasing items for their own use out of Central Supply and said she has stopped the practice.

Thorpe said there has been a sharp increase in the number of reported skin conditions, but said that is because each nursing shift is performing thorough assessments as a pro-active measure. She added that several committees are working on preventive procedures.

Hudkins reported on a meeting he recently had with Thorpe and Marlene Walenta, Nursing Director, and said patient care at the Manor appears excellent. The problems, as he sees it, are in the record keeping and reimbursement areas. He recommended the Board: 1) Purchase or contract with Tabitha Health Care Services for an electronic record keeping system; 2) Hire a controller; and 3) Make a decision on future direction of Lancaster Manor.

It was noted that Heier and Hudkins plan to meet with Pat Snyder, Executive Director of Nebraska Health Care Association, Inc., to discuss nursing homes in general and Heier and Schorr will meet with representatives of Tabitha Health Care Services and tour the facility.

**A) COUNTY CLERK'S OFFICE REMODEL; AND B) BOARD OF
EQUALIZATION (BOE)** - Dan Nolte, County Clerk; Cori Beattie, Deputy
County Clerk

A) County Clerk's Office Remodel

Cori Beattie, Deputy County Clerk, discussed office remodel plans (Exhibit I) and said there may be a slight increase in rent since there is an expansion of office space. She also indicated the need for additional systems furniture and said she should have a cost estimate for the Mid-Year Budget Review (February 11, 2009).

B) Board of Equalization (BOE)

Beattie indicated plans to move forward with the Board of Equalization (BOE) Specialist position that was recently approved.

Dan Nolte, County Clerk, said Tom Kubert, Referee Coordinator, is estimating that 15,000 property valuation protests may be filed this year and said his office plans to hire 10 to 12 temporaries to assist with the process.

Beattie indicated space has been reserved at the Lancaster Event Center for the referee hearings, at a cost of \$200 per day. Hearings could start as early as June 8th and will include evening and weekend hours.

In response to a question from Hudkins, Beattie said Kubert has not indicated how many referees will be needed.

Nolte noted two resolutions related to the process will be brought forward for action at a regular County Board of Commissioners Meeting. One is to extend the BOE deadline and the second is to allow electronic filing.

8 COUNTY CHANGE OF ZONE NO. 08065, TEXT CHANGE FOR WIND ENERGY CONVERSION SYSTEMS - Mike DeKalb, Planner

Mike DeKalb, Planner, gave an overview of County Change of Zone No. 08065, a text amendment to the Lancaster County Zoning Resolution relating to wind energy conservation systems. The text amendment is to correct the prior text amendment, approved on October 21, 2008, which unintentionally left out the language "over the district height" in the conditional use provision (Sections 4.005 and 5.005). Planning staff and the Planning Commission have recommended approval.

9 A) ADOPT LANCASTER COUNTY, NEBRASKA EMPLOYEE RETIREMENT PLAN; B) SUBMIT FORM 5300, APPLICATION FOR DETERMINATION OF EMPLOYEE BENEFIT PLAN (RETIREMENT PLAN); C) POWER OF ATTORNEY FOR KUTAK ROCK, L.L.P.; AND D) AUTHORIZE \$1,000 FILING FEE FOR FORM 5300 (ACTION REQUIRED) - Tom Fox, Deputy County Attorney

10 A) COUNTY CLERK'S OFFICE REMODEL; AND B) BOARD OF EQUALIZATION - Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk

11 SECURITY SUPERVISOR POSITION - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff

12 ACTION ITEMS

- A. Microcomputer Request C#51563, \$613.28 from Mental Health Budget for Novell Open Enterprise Server - License, Etc.

13 ADMINISTRATIVE OFFICER REPORT

- A. City-County Common Meeting (February 2, 2009)
- B. Nebraska Association of County Officials (NACO) Request for Appointment of Commissioner Schorr to NACO Health & Human Services Committee

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Nebraska Association of County Officials (NACO) Board - Heier
- B. Lincoln Independent Business Association (LIBA) - Hudkins, Heier
- C. Downtown Lincoln Association (DLA) - Stevens

15 OTHER BUSINESS

Items 9, 10, 11, 12, 13, 14 and 15 were moved forward on the agenda.

16 ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 10:34 a.m. Hudkins, Schorr and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk