

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, MARCH 19, 2009
8:30 A.M.**

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

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

The Chair opened the meeting at 8:30 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
MARCH 12, 2009**

MOTION: Stevens moved and Workman seconded approval of the March 12, 2009 Staff Meeting minutes. Hudkins, Workman and Heier voted aye. Hudkins and Schorr were absent from voting. Motion carried.

LEGISLATIVE UPDATE - Joe Kohout, Kissel/E&S Associates (Legislative Consultant)

Joe Kohout, Legislative Consultant, gave a legislative update (Exhibit A).

Schorr arrived at the meeting at 8:32 a.m.

Brief discussion took place regarding Legislative Bill (LB) 669 (Change the number of district, county and separate juvenile court judges). It was noted there is potential for Lancaster County to receive two (2) new judges.

Hudkins arrived at the meeting at 8:35 a.m.

Schorr suggested a phase-in approach, noting the financial impact to the County.

Kohout said LB 680 (Appropriate funds to carry out the federal American Recovery and Reinvestment Act of 2009) is intended to be a mechanism for the stimulus dollars.

Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator, said the Nebraska Health Care Association has asked nursing homes to provide information on funding needs and said she provided a list that totals approximately \$2.5 million (Exhibit B).

A report on bills of interest was also presented (Exhibit C).

2 ADDITIONS TO THE AGENDA

- A. Report on Lancaster County Correctional Facility Joint Public Agency (JPA) Meeting
- B. Records Management Staffing

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

3 LEGISLATIVE UPDATE - Joe Kohout, Kissel/E&S Associates (Legislative Consultant)

Item was moved forward on the agenda.

ACTION ITEMS

- A. Acknowledgment of Receipt of Flood Insurance Documents

MOTION: Schorr moved and Hudkins seconded to authorize signature by the Chair. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

A Flood Insurance Claims Handbook was presented (Exhibit D).

- B. Microcomputer Request C#53140, \$1,533.87 from Youth Services Budget for Two (2) Security System Touch Screen Monitors

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

ADMINISTRATIVE OFFICER REPORT

A. County Board Laptop Computer

Kerry Eagan, Chief Administrative Officer, discussed a proposal from the County Clerk's Office to upgrade their computer laptop and to transfer possession of their existing laptop to the County Board Office.

MOTION: Hudkins moved and Schorr seconded to authorize the County Clerk's Office to proceed with the purchase with funding through the Microcomputer Fund.

Workman expressed concern regarding the cost of the new laptop (\$1,826.72).

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

B. Joint Meeting of Gage and Lancaster County Board Regarding Hallam Fire District Merger

Dan Nolte, County Clerk, said there are still a few issues that need to be resolved and said the meeting will have to be pushed back at least a week to meet the publication requirements.

C. Nebraska Association of County Officials (NACO) Board of Equalization Seminar (May 14, 2009 in Kearney, Nebraska)

Informational only.

D. Family Day

Eagan reported on a request from the National Center on Addiction and Substance Abuse at Columbia University that the Board issue a proclamation designating September 28, 2009, or the fourth Monday in every September, as Family Day - A Day to Eat Dinner with Your Children™.

MOTION: Schorr moved and Hudkins seconded to authorize issuance of a proclamation in support of Family Day. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

E. Waverly Watershed Study Update

Workman said the Lower Platte South Natural Resources District (NRD) is only willing to pay half the cost of a watershed master plan for the Waverly/Ash Hollow area. He said the City of Waverly does not have the funds to pay the other half and would like the County to share in the cost (the County's portion would be \$65,000). Workman said he supports the request and suggested that the County fund its portion through the Keno Fund.

Hudkins said he could see participating if it protected County property.

Don Thomas, County Engineer, appeared and said he is not aware of any county roads that have issues related to the watershed.

Eagan noted the Board has requested a legal opinion on this matter, adding the County Attorney's Office needs more information on the scope of the study.

There was general consensus to delay a decision, pending the legal opinion.

4 A) PRUDENTIAL TRANSITION FOLLOW-UP; AND B) INCOMEFLEX PRESENTATION - Noelle Arkoulakis, John Byrne, Kristy Dinh, Ryan Sullivan and Debra Wright, Prudential

A) Prudential Transition Follow-Up

John Byrne, Prudential, said the conversion of the County's pension plan from Nationwide Retirement Solutions (NRS) to Prudential went very well. He said the call volume from plan participants is low and said none of the calls have been out of the ordinary.

B) IncomeFlex Presentation

Noelle Arkoulakis, Prudential, presented information on a new retirement plan option called IncomeFlex that features a guaranteed minimum withdrawal benefit for plan participants who are at least 50 years of age (an additional fee is required of participants) (Exhibit E). She explained that this benefit:

- Guarantees participants income for life
- Allows participants to retain control over their money.
- Protects their income from market downturns - now and throughout retirement.

- Offers participants the potential to capture market gains and increase their income.
- Provides an optional spousal benefit.

Arkoulakis explained that Guaranteed Lifetime Withdrawals will be based on 4% of final Income Base between ages 55 and 64 and 5% of final Income Base after age 65. She said when withdrawals begin, the income base will be the highest of the following values:

- Market Value (Market value of IncomeFlex funds at that time)
- Guaranteed Income Growth Value (5% compounded growth on IncomeFlex fund contributions and earnings)
- Highest Birthday Value (Captures market upswings by comparing current Market Value against previous years' on a participant's birthday and resetting it, if higher)

In response to a question from Hudkins, Arkoulakis said these funds are separate accounts and would not be subject to general account creditors if Prudential were to go bankrupt. The funds can only be used for participants who have built up guarantees.

Schorr asked how long the product has been available.

Arkoulakis said the product has been made available on the retail side for 11 years and as an institutional plan solution for two years.

An implementation date of June 1, 2009 was suggested.

MOTION: Schorr moved and Hudkins seconded to refer the new plan option to the Pension Review Committee (PRC) for review and to request a recommendation as soon as possible. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

5 A) LANCASTER MANOR UPDATE; AND B) LANCASTER MANOR REQUEST FOR QUALIFICATIONS (RFQ) COMMITTEE - Gwen Thorpe, Interim Lancaster Manor Administrator; Vince Mejer, Purchasing Agent

A) Lancaster Manor Update

Gwen Thorpe, Interim Lancaster Manor Administrator, said her staff is preparing for the Medicaid Cost Report and working on the budget.

B) Lancaster Manor Request for Qualifications (RFQ) Committee

Vince Mejer, Purchasing Agent, noted four firms participated in a walk-through of the facility on Wednesday.

Discussion took place regarding the Request for Qualifications (RFQ) Committee membership.

MOTION: Stevens moved and Workman seconded to: 1) Appoint the following voting members to the Request for Qualifications (RFQ) Committee: Frank Hilsabeck, former telephone company executive and member of the Madonna Foundation Board; Chris Harris, retired human resources director for Harris Laboratories; Lloyd Hinkley, real estate broker and former City Councilman; June Pederson, Lincoln Area Agency on Aging Director; Dan Marvin, City Councilman and an investment advisor; John McHenry, local attorney and member of the Lancaster Manor Advisory Committee; and Vince Mejer, Purchasing Agent; and 2) Appoint the following ex-officio (non-voting) members to the Committee: Commissioner Deb Schorr, Gwen Thorpe, Interim Lancaster Manor Administrator; and Dennis Meyer, Budget and Fiscal Officer.

Workman suggested inclusion of Robert Chitwood, former administrator for Eastmont Towers (nursing home facility) and Chair of the Lancaster Manor Foundation.

Hudkins expressed concern that none of his nominees were included. He said they included Chitwood and Marcia Malone, a former County Commissioner, Licensed Mental Health Practitioner (LMHP) and a former Licensed Nursing Home Administrator, and asked that they be appointed to the committee. Hudkins added that employees and residents need a "voice" in this matter

Workman said Pedersen would be an advocate for residents but would not have any conflicts in the matter.

Hudkins responded that she doesn't have direct, hands-on experience with Lancaster Manor.

Schorr said she is looking for individuals that have the skill set, training and knowledge to be able to analyze the RFQ's, rather than those that represent a particular viewpoint.

Discussion took place on how many individuals should be appointed to the committee, with Mejer stating an odd number is needed when working for a consensus.

MOTION: Hudkins moved to have nine members on the committee.

The maker of the motion withdrew his motion, noting a motion was made at the February 26, 2009 Staff Meeting to appoint nine individuals to the Committee.

The Chair asked if anyone wanted to offer a motion to reconsider that action.

None were offered.

Schorr agreed that Chitwood would bring unique experience to the committee, as a former administrator.

Hudkins noted he had also nominated Reverend Jeffrey Bloom, pastor at Immanuel Evangelical Lutheran Church and a member of the Lancaster Manor Advisory Committee.

FRIENDLY AMENDMENT: Workman moved and Hudkins seconded to add Robert Chitwood and Reverend Jeffrey Bloom to the Request for Qualifications (RFQ) Committee.

Schorr said then there would be three members on the RFQ Committee that either serve on the Lancaster Manor Advisory Committee or Lancaster Manor Foundation.

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

AMENDMENT: Hudkins moved and Schorr seconded to add Robert Chitwood to the Request for Qualifications (RFQ) Committee.

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

Schorr suggested appointment of Neal Westphal, who serves on the AARP Board.

AMENDMENT: Workman moved and Schorr seconded to change the number of voting members from nine to seven, making Vince Mejer, Purchasing Agent, an ex-officio (non-voting) member of the committee.

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

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

6 SUBSTANCE ABUSE ACTION COALITION (SAAC) GRANT APPLICATION (\$75,000) TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, gave an overview of the grant.

MOTION: Stevens moved and Hudkins seconded to authorize submission of the grant, either electronically or by signature of the Chair. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Report on Lancaster County Correctional Facility Joint Public Agency (JPA) Meeting

Stevens said the JPA approved claims, discussed who should be legal counsel for the JPA and approved a resolution authorizing Lancaster County Treasurer employees to sell, assign and endorse for transfer, certificates representing stocks, bonds or other securities registered in the name of the JPA.

- B. Records Management Staffing

Eagan indicated plans to move an on-call employee from Step I to Step II. He said the move will have a minor budget impact.

DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee - Stevens

Stevens said the meeting was routine in nature.

- B. Parks and Recreation Advisory Board - Stevens

Steven said discussion focused on cost recovery.

7 BUSINESS USE IN THE COUNTY - Jake Sittner, Taylor Landscaping; Mike DeKalb, Planner

Jake Sittner, Taylor Landscaping, said he has a growing landscaping business and would like to purchase 20 acres in the County for his business and to serve as a residence for him and his wife. He indicated plans to grow trees, shrubs, and perennials on the property; plant display gardens and have a holding area for mulch, boulders and rocks. Sittner noted his company is actively involved with the University of Nebraska in research of new plant varieties. It also plans to test growing native cut flowers for wholesalers. He said his business, which will have several employees, falls between the definitions of a home occupation and a commercial business.

Mike DeKalb, Planner, said although there are no provisions in the County Zoning Regulations for what Sittner wants to do, he could move forward with some portions.

It was noted the Board has indicated interest in expanding home occupations by special permit in the County Zoning Regulations (see March 12, 2009 Staff Meeting minutes).

Schorr exited the meeting at 10:55 a.m.

Board members expressed support for the concept.

8 TOBACCO FREE CAMPUS UPDATE - Sue Eckley, County Risk Manager;
Tom Fox and Kristy Bauer, Deputy County Attorneys

Sue Eckley, County Risk Manager, noted the Board has expressed interest in having a tobacco-free campus. She said the Board could move forward with a resolution but it would only apply to County-owned buildings since the County lacks "buy-in" by the City and Public Building Commission (PBC).

Schorr returned to the meeting at 11:04 a.m. and suggested that this would be an appropriate topic for the Chair and Vice Chair to discuss with the Mayor in their monthly meeting.

Hudkins said the PBC is supportive of a ban but would prefer that it coincide with the state-wide smoking ban that takes effect June 1, 2009.

Eckley also asked whether the Board wants to offer smoking cessation drugs or classes to employees who smoke, noting Wal-Mart offers smoking cessation prescription starter packs for \$9.00.

Schorr asked whether there are funds available in the Wellness Budget to purchase the starter packs, should there be interested employees.

Eckley said no, the cost would exceed the budget.

Schorr inquired about support groups.

Eckley said St. Elizabeth Regional Medical Center offers a free tobacco cessation class and support group after hours. She said the Nebraska Tobacco Quitline and several on-line resources can also assist smokers in quitting.

Kristy Bauer, Deputy County Attorney, cautioned that offering employees who smoke a benefit will likely require opening the union contracts to negotiate the issue. She added that may open other issues to negotiation.

Eckley added the County does not have to offer smoking cessation assistance.

MOTION: Workman moved and Hudkins seconded to ask Wal-Mart to donate smoking cessation prescription starter packs for use by County employees who want to quit smoking. Schorr, Heier, Workman and Hudkins voted aye. Stevens voted no. Motion carried.

MOTION: Schorr moved and Hudkins seconded to offer the smoking cessation prescription starter packs to County employees who want to quit smoking for a set period of time, should Wal-Mart decline to do so, with the approval of the labor unions and without opening the contracts to negotiation. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

9 RESOLUTION PROHIBITING TRAPPING IN LANCASTER COUNTY RIGHT-OF-WAY - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, gave a brief overview of the document.

Eagan noted they are still researching whether a public hearing is needed, since a criminal penalty is involved.

10 ACTION ITEMS

- A. Acknowledgment of Receipt of Flood Insurance Documents
- B. Microcomputer Request C#53140, \$1,533.87 from Youth Services
Budget for Two (2) Security System Touch Screen Monitors

Items A and B were moved forward on the agenda.

11 CONSENT ITEMS

There were no consent items.

12 ADMINISTRATIVE OFFICER REPORT

- A. County Board Laptop Computer
- B. Joint Meeting of Gage and Lancaster County Board Regarding Hallam Fire District Merger
- C. Nebraska Association of County Officials (NACO) Board of Equalization Seminar (May 14, 2009 in Kearney, Nebraska)
- D. Family Day
- E. Waverly Watershed Study Update

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

13 PENDING

There were no pending items.

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee - Stevens
- B. Parks and Recreation Advisory Board - Stevens

Items A and B were moved forward on the agenda.

- C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens said the primary focus was the plans to use federal stimulus funds for city streets.

15 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:33 a.m. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk