

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JULY 22, 2010  
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  
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**

**1 APPROVAL OF THE MINUTES OF THE THURSDAY, JULY 15, 2010  
STAFF MEETING**

**MOTION:** Stevens moved and Hudkins seconded approval of the July 15, 2010 Staff Meeting minutes. Hudkins, Stevens and Heier voted aye. Schorr was absent from voting. Motion carried 3-0.

**2 ADDITIONS TO THE AGENDA**

Item was held.

**3 FURLOUGH UPDATE - Tom Fox, Deputy County Attorney; Mark Koller,  
Personnel Director**

Tom Fox, Deputy County Attorney, distributed copies of a proposed rule relating to furloughs (Exhibit A). He said the proposal was presented to the Personnel Policy Board and said they made a few minor changes. Fox noted the policy provision gives the department head the authority to institute furloughs to meet their budget, adding the rule only applies to employees that are covered by the Lancaster County Personnel Rules.

Schorr arrived at the meeting at 8:37 a.m.

In response to a question from Hudkins, Fox said the Board cannot order elected officials to furlough their employees.

It was noted the rule will not apply to employees covered by a labor contract unless it is negotiated with their union.

Heier asked when the labor contracts are up.

Mark Koller, Personnel Director, said contracts with the American Federation of State, County & Municipal Employees (AFSCME) and Lancaster County Deputy Sheriff's Association Fraternal Order of Police, Lodge 29 will expire on August 31, 2011. He said the contract with the Fraternal Order of Police, Lodge 32 (Correctional Officers) is in the process of being negotiated.

In response to a question from Hudkins, Koller said AFSCME is not willing to open up their contract to discuss furloughs unless the County is willing to "put other things on the table."

Stevens asked whether the voluntary furlough policy would apply to employees that are represented by unions.

Fox said an employee could take voluntary leave without pay but said the rules stipulate that they must exhaust all of their vacation hours first.

**MOTION:** Hudkins moved and Stevens seconded to schedule creation of a rule in the Lancaster County Personnel Rules to address furloughs on the July 27, 2010 County Board of Commissioners Meeting agenda. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

#### **ADDITIONS TO THE AGENDA**

- A. National Association of County Officials (NACo)
- B. BMX Track
- C. Request for Proposals (RFP) for Post Employment Health Plan (PEHP)

**MOTION:** Hudkins moved and Stevens seconded approval of the additions to the agenda. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

**4 A) COMMUNITY CORRECTIONS HOUSING GRANT; AND B) FELONY DRIVING UNDER THE INFLUENCE (DUI) PROGRAM - Kim Etherton, Community Corrections Director**

**Felony Driving Under the Influence (DUI) Program**

Kim Etherton, Community Corrections Director, said a District Court judge has approached her about placing all felony DUI offenders under the supervision of Community Corrections.

Schorr asked how many it would involve.

Etherton estimated the number at more than 30 in a given year. She said her department currently supervises DUI offenders, upon the request of the District Court, and said most post cash bonds. They generally go through a treatment program and Community Corrections monitors them on a Sobriator (a remote alcohol breath testing device). She said the District Court is proposing that the cash bonds be put towards treatment and supervision so it will be cash neutral for Community Corrections. Etherton said there are still a few issues to work out and said the program will likely start in the County Court system.

Gary Lacey, County Attorney, appeared and said he generally supports the proposal provided supervision is with a bracelet that measures blood alcohol content and a warrant issued right away if there is a violation.

Etherton said she will look into securing SCRAM bracelets (continuous transdermal alcohol monitoring devices).

In response to a question from Heier, Etherton said the plan is to utilize the Matrix Model (intensive outpatient treatment) which has proved successful for substance dependent individuals. She said it is a 16 week treatment program with 32 weeks of aftercare.

**Community Corrections Housing Grant**

Etherton said the Nebraska Crime Commission is re-opening a grant and she was encouraged to apply to expand the Pretrial Release Program to provide housing options for homeless and near homeless non-violent defendants who are considered ineligible because of their homeless circumstance, with a substance abuse treatment component to improve outcomes (Exhibits B & C). She said a 5% match is required the first year of the grant, a portion of which can be in-kind services. In the second year, the County can only apply for 50% of what is granted the first year. She estimated it will cost the County \$20,000 the first year and \$120,000 the second year and said sustaining the program long-term will likely increase her budget by \$225,000.

Stevens noted the costs will be offset by reduced days of incarceration.

Etherton said it should also help the County to eliminate the out-of-county housing contracts.

Schorr asked whether there would be an employment component.

Etherton said they are already helping pre-trial release participants secure employment.

Schorr said C. J. Johnson, Region V Systems Administrator, has indicated he has housing dollars available and asked whether Region V could assist with the program as the grant is phased out.

Etherton said it is her understanding that Region V has resources, rather than funds, available. She said Region V is willing to oversee the housing for a management fee and said she is not sure that is the direction the County wants to go. Etherton said she would like the housing to be within walking distance of Community Corrections so participants can check in daily and attend treatment. She said she has talked to a few management companies and said they were not opposed to the proposal.

Kerry Eagan, Chief Administrative Officer, suggested participants contribute to the expense once they secure employment.

Etherton said she would prefer that they save up for a down payment on an apartment of their own.

**MOTION:** Stevens moved and Schorr seconded to authorize the Chair to sign the grant application.

Hudkins expressed concern regarding the second year costs.

**ROLL CALL:** Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

**5 EARLY RETIREE REINSURANCE PROGRAM** - Bill Kostner, City Risk Manager; Tom Fox, Deputy County Attorney; Angela Hogan, BlueCross BlueShield

Angela Hogan, BlueCross BlueShield, gave an overview of the federal government's Early Retiree Reinsurance Program (ERRP) (Exhibit D), noting the County currently has three retirees in the plan that qualify for the reimbursement. She said there is no cost to apply for the reimbursement and said BlueCross BlueShield will provide the necessary information.

In response to a question from Heier, Hogan said the funds must be used to reduce premiums, co-payments or co-insurance in the next plan year.

**MOTION:** Schorr moved and Hudkins seconded to authorize BlueCross BlueShield to submit an application on behalf of Lancaster County. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

### **ADDITIONS TO THE AGENDA**

#### A. National Association of County Officials (NACo)

Heier said Chris Rodgers, Douglas County Commissioner, was elected Second Vice President.

Board consensus was to send a letter of congratulations to Rogers.

#### B. BMX Track

Stevens reported on a recent visit to the Star City BMX track. **NOTE:** The County recently awarded Star City BMX a \$10,000 grant from the Lancaster County Visitor Improvement Fund for facility improvements.

#### C. Request for Proposals (RFP) for Post Employment Health Plan (PEHP)

Eagan said he and Doug Cyr, Chief Administrative Deputy County Attorney, met with Kelly Bush, Public Safety Consultants, LLC, to discuss plans to transfer the current Voluntary Employee Beneficiary Association (VEBA) assets to an Internal Revenue Service (IRS) Code, Section 115 Trust and said they should have the bid documents ready within a month.

### **6 TRANSFER OF HARTFORD 457 DEFERRED COMPENSATION PROGRAM** - Doug Cyr, Chief Administrative Deputy County Attorney; Ryan Sullivan, Prudential

Doug Cyr, Chief Administrative Deputy County Attorney, said he contacted The Hartford to see what would be required to terminate The Hartford 457 Deferred Compensation Plan and roll those funds over to the Prudential 457 Deferred Compensation Plan. He said The Hartford indicated there are restrictions on moving funds from the General (Fixed) Account product and said it would require six installments over a five year period. There are also contingent deferred sales charges that last up until the seventh year that the participant is with the plan.

Eagan said those charges would impact three participants and said a transfer will be delayed until they have cleared the seven year mark in a couple of months.

Cyr added there will be no market value adjustment. He said Ryan Sullivan, Prudential, has been working with plan participants and has transitioned some into the Prudential 457 Deferred Compensation Plan. **NOTE:** There are 42 employees remaining in The Hartford 457 Deferred Compensation Plan. Cyr said the Board could either terminate the contract with The Hartford, as of a certain date, or have Sullivan continue his efforts to transition employees on an individual basis.

Stevens suggested they try to negotiate with The Hartford to transfer the funds immediately by paying a premium out of the Retirement Expense Reimbursement Account.

In response to a question from Schorr, Sullivan said most of the employees he has talked to are open to transferring their funds.

Bill Jarrett, Chief Deputy Sheriff, appeared and said he has funds invested with The Hartford and said the process to transfer the funds is too cumbersome.

Sullivan said they are working to streamline the process.

**7 NEBRASKA CRIME COMMISSION GRANT** - Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, requested authorization to apply for an American Recovery and Reinvestment Act of 2009 (ARRA) Byrne/Justice Assistance Grant (JAG) Drug and Violent Crime Grant through the Nebraska Crime Commission for funds for a strategic planning process for the Public Defender's Office, out-of-state training programs, modification of the case management system, additional mini-laptops and a technology upgrade (Exhibit E). He said he is seeking \$46,000 in grant funds and said he anticipates the County will be required to provide 5% cash or in-kind match.

**MOTION:** Hudkins moved and Stevens seconded to authorize the Chair to sign the grant application with the stipulation that the match will come out of the Public Defender's budget. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

**ADMINISTRATIVE OFFICER REPORT**

A. Internet Service Provider Proposals

Gwen Thorpe, Deputy Chief Administrative Officer, said she has been asked to serve on the Review Committee.

There was no objection to the request.

## **DISCUSSION OF BOARD MEMBER MEETINGS**

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

Stevens said they had a presentation on private on-site health clinics for government and business entities and said he believes the City and County should explore the concept further.

Schorr suggested it would be an appropriate topic to discuss with the Mayor and the City-County Common.

### **8 TRABERT WATER PIPES - Don Killeen, County Property Manager**

Don Killeen, County Property Manager, said he asked one of the unit price contractors to look at the water levelers in Trabert Hall and said the contractor indicated the piping should also be replaced. He estimated the cost at \$30,000 and said it could probably be paid for through the Building Fund.

Board consensus was to proceed with bidding for the work.

Killeen said the wood floors that sustained water damage when a water leveler broke have been removed and will be replaced with light-weight concrete. He said the wood was offered to a recycling group but was deemed unusable.

Heier informed Killeen that trash is accumulating in a District Energy Corporation (DEC) pipe in front of the County-City Building.

## **DISCUSSION OF BOARD MEMBER MEETINGS**

### **B. Public Building Commission (PBC) Meeting with the Mayor - Hudkins**

Hudkins said they discussed damage to the carpet in the new conference room on the third floor (Room 303). He said a large conference table is being moved to make room for fitness programs, causing snags and tears to the carpet.

### **C. District Energy Corporation (DEC) - Hudkins**

Hudkins said the DEC authorized the purchase of new energy saving equipment and said the cost will be recovered through their rates.

### **D. Public Building Commission (PBC) - Hudkins, Schorr**

Hudkins said they discussed a request for foldable furniture for Room 303 (see Item B). The cost is estimated at \$27,000.

Schorr said Room 113 is utilized more frequently and suggested that the new furniture be placed in Room 113 and its furniture moved to Room 303. She said they also discussed renovation of space on the first floor for the Human Services Department (Exhibit E). Schorr said Human Services and the County Clerk's Office are going to share a breakroom and a new doorway will be created in the County Clerk's Office to better access this space.

## **EMERGENCY ITEMS AND OTHER BUSINESS**

Eagan noted the Board received correspondence from Kit Boesch, Human Services Administrator, regarding a juvenile justice contract with Cedars Youth Services (see agenda packet). He said the contract has an automatic three-year renewal and no action is required.

### **9 BUDGET UPDATE - Dennis Meyer, Budget and Fiscal Officer**

Dennis Meyer, Budget and Fiscal Officer, said he has taken the following steps to balance the General Fund:

- Anticipated revenues for General Assistance (GA) have been increased by \$70,000
- Board of Equalization (BOE) budget has been reduced another \$50,000
- Various line items such as institutional patient care and court evaluations have been trimmed
- Estimates of revenues and expenditures have been tightened

Meyer said the Community Mental Health Center's (CMHC's) budget has not been finalized. He said the Board asked CMHC to trim \$200,000 from their budget and said their fund balance came in \$200,000 less than last year. Meyer said CMHC has come up with \$317,000 in reductions and \$34,000 in additional revenues, which leaves them almost \$50,000 short. Dean Settle, CMHC Director, has suggested the County's contribution to Region V be reduced by \$50,000 to balance their budget. **NOTE:** The County is contributing \$300,000 more than the match requirement to Region V (see June 24, 2010 Staff Meeting minutes).

Schorr agreed to contact C. J. Johnson, Region V Systems Administrator, to discuss what the impact would be.



Stevens noted the Nebraska Department of Health and Human Services (HHS) has revisited its hourly rate for community support programs which could impact CMHC's budget.

Meyer said the Board needs to continue to have budget discussions throughout the year. He also noted that the Budget Monitoring Committee will meet later in the day.

### **ADDITIONS TO THE AGENDA**

**MOTION:** Schorr moved and Hudkins seconded to add discussion regarding the Commission of Industrial Relations (CIR) to the agenda. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

Heier suggested the Board work with other governmental entities on a common approach to the CIR.

Board members offered the following suggestions: 1) Work with the Nebraska Association of County Officials (NACO) on a solution; 2) Have discussions with the Douglas and Sarpy County Boards; and 3) Consult the County's lobbyist on how to proceed.

### **10 ACTION ITEMS**

There were no action items.

### **11 CONSENT ITEMS**

There were no consent items.

### **12 ADMINISTRATIVE OFFICER REPORT**

A. Internet Service Provider Proposals

Item was moved forward on the agenda.

### **13 PENDING**

There were no pending items.

### **14 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- B. Public Building Commission (PBC) Meeting with the Mayor - Hudkins
- C. District Energy Corporation (DEC) - Hudkins
- D. Public Building Commission (PBC) - Hudkins, Schorr

Items A-D were moved forward on the agenda.

## **15 EMERGENCY ITEMS AND OTHER BUSINESS**

The item was moved forward on the agenda.

## **16 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 10:35 a.m. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried 4-0.

---

Dan Nolte  
Lancaster County Clerk