

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 1, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting and the minutes of the jail tour held on Tuesday, October 25, 2011.**

MOTION: Hudkins moved and Heier seconded approval of the minutes. Hudkins, Heier, Smoyer and Schorr voted aye. Raybould abstained. Motion carried 4-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 1, 2011.**

MOTION: Heier moved and Smoyer seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATIONS:**

A. **Southeast Community College (SCC) annual report – Jack Huck, SCC President.**

Item will be held until November 22, 2011.

B. **Introduction of new Planning Commission members.**

Chris Hove and Greg Butcher provided a brief overview of their credentials.

Schorr discussed the other two appointees not present, Dick Esseks and Ken Weber.

5) **NEW BUSINESS:**

- A. **Reappointment of Dick Esseks to the Lincoln-Lancaster County Planning & Zoning Commission for a term expiring August 24, 2017; appointment of Chris Hove and Greg Butcher to the Planning Commission for terms expiring August 24, 2017; and appointment of Ken Weber to the Planning Commission to complete the unexpired term of James W. Partington ending on September 24, 2013.**

MOTION: Hudkins moved and Raybould seconded approval of the reappointment and appointments. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

4) **OLD BUSINESS:**

- A. **A resolution in the matter of approving the redistricting of the County Commissioner Districts for Lancaster County, Nebraska. (R-11-0079)**

Raybould read a statement for the record voicing her opposition to the redistricting process and the proposed map (Exhibit A).

MOTION: Heier moved and Smoyer seconded approval of the resolution. Hudkins, Heier, Smoyer and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

RETURNING TO NEW BUSINESS:

Item 5A was moved forward on the agenda.

- B. **A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-11-0080)**

MOTION: Heier moved and Smoyer seconded approval of the resolution. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- C. **A resolution authorizing the installation of the following traffic signs in Lancaster County: a Side Road Warning sign (W2-2) on Branched Oak Road approximately 500 feet east of N. 1st Street for westbound traffic, a Yield sign (R1-2) on Eastview road at the intersection of Linwood Lane for westbound traffic and a School Bus Stop Ahead sign (S3-1) on Waverly Road in advance of the bus stop approximately 240 feet west of N. 70th Street for westbound traffic. (R-11-0081)**

MOTION: Hudkins moved and Smoyer seconded approval of the resolution. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- D. **A resolution instituting eminent domain proceedings against Larry L. Schmutte and Janet M. Schmutte: Project C55-Q-409(1), Tract No. 36 (Pine Lake Road from S. 112th Street to S. 148th Street). (R-11-0082)**

MOTION: Raybould moved and Heier seconded approval of the resolution. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- E. **A recommendation from the County Engineer and the Purchasing Agent to award a contract to Theisen Construction, Inc., in the amount of \$9,004.93 for the installation of lateral bracing on County Bridge H-120. (B-11-0036)**

MOTION: Heier moved and Hudkins seconded approval of the recommendation. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- F. **An amendment to County Contract C-11-0096 between Sapp Brothers Petroleum, Inc., Lancaster County and the City of Lincoln for the annual requirements of coolant/antifreeze. The amendment provides for the price increases listed in Attachment A. (C-11-0615)**

MOTION: Hudkins moved and Raybould seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- G. **A mini-grant contract application and award with the Nebraska Office of Highway Safety in the amount of \$5,760 for selective overtime enforcement by the Lancaster County Sheriff in the Click It or Ticket campaign. (C-11-0629)**

Terry Wagner, County Sheriff, said the annual enforcement project runs the week of Thanksgiving; overtime enforcement is reimbursed by the Nebraska Office of Highway Safety.

Brittany Behrens, Deputy County Attorney, said a mini-grant contract application and award also needs to be submitted for the "You Drink & Drive. You Lose." Campaign. She explained that the Board would need to approve this mini-grant for \$5,400 in addition to the one listed in Item 5G.

MOTION: Heier moved and Smoyer seconded approval of both mini-grants. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- H. **Addendum One to County Contract C-11-0472 between Nebraska Interactive, LLC, the Nebraska Sate Records Board and Lancaster County for electronic payment processing hardware and support. The amendment removes the \$1.75 portal fee for credit card payments. (C-11-0616)**

MOTION: Heier moved and Raybould seconded approval of the addendum. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- I. **A memorandum of understanding between the City of Lincoln, Lincoln Parks and Recreation and Lancaster County, on behalf of the Lancaster County Youth Services Center, for one half time AmeriCorps member to provide service in a youth education program. Cost to the County is \$2,100. Term of the memorandum of understanding is September 1, 2011, to August 31, 2012. (C-11-0617)**

Michelle Schindler, Youth Services Center (YSC) Director, said the memorandum of understanding would allow an AmeriCorps member to develop and provide educational services for the YSC. The member would assist with the horticulture program, as well as develop a fitness program.

NEW BUSINESS CONTINUED:

MOTION: Smoyer moved and Raybould seconded approval of the memorandum of understanding. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- J. **A detention services agreement with Adams County for juvenile services. Lancaster County will provide for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Adams County will pay Lancaster County a rate of \$236 per youth per day. The agreement is effective upon execution by both parties. (C-11-0618)**

MOTION: Smoyer moved and Raybould seconded approval of the agreement. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- K. **A participating provider agreement between Midlands Choice, Inc., and Lancaster County for reimbursement of services provided by the Community Mental Health Center. Midlands shall reimburse the County as provided in Appendix A. The agreement is effective upon execution. (C-11-0619)**

MOTION: Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- L. **An agreement between Kristy Bauer, Attorney at Law, and Lancaster County, on behalf of the Human Services Department, for professional legal services to screen and review juvenile law violations and truancy violations and to provide assistance with School Multi Agency Response Team meetings and truancy intervention programs. The County shall pay up to \$15,000 for the services. Term of the contract is October 1, 2011, to June 30, 2012. (C-11-0620)**

MOTION: Raybould moved and Hudkins seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- M. **A grant contract with Friendship Home, Inc., in the amount of \$28,000 to provide funding for alternatives to juvenile incarcerations through the Children in Shelter Project. Friendship Home, Inc., will provide \$75,361 of matching funds. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0621)**

MOTION: Heier moved and Raybould seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- N. **A grant contract with Volunteer Partners, Inc., in the amount of \$20,000 to provide funding to enhance Lancaster County's Juvenile Services Comprehensive Plan through the Community Services Project. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0622)**

MOTION: Hudkins moved and Raybould seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- O. **A grant contract with Clyde Malone Community Center, Inc., in the amount of \$20,000 to provide Juvenile Justice Prevention funding for the Talented Tenth Scholar's Program. Term of the contract is July 1, 2011, to June 30, 2012. (C-11-0623)**

MOTION: Smoyer moved and Raybould seconded approval of the contract. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- P. **A grant contract with Clyde Malone Community Center, Inc., in the amount of \$20,750 to provide Graduated Sanctions funding and federal funding for the Talented Tenth Scholar's Program. Term of the contract is July 1, 2011, to June 30, 2012. (C-11-0624)**

MOTION: Smoyer moved and Raybould seconded approval of the contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- Q. **A grant contract with Christian Heritage, Inc., in the amount of \$44,513 to provide funding for the Destination Dad Program. Term of the contract is July 1, 2011, to June 30, 2012. (C-11-0625)**

MOTION: Hudkins moved and Raybould seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- R. **An amendment to County Contract C-10-0548 with Lincoln Council on Alcoholism & Drugs to provide funding for the Lancaster Alcohol and Abuse Prevention Partnership. The amendment increases funding under the grant contract from \$196,000 to \$220,106. (C-11-0626)**

MOTION: Hudkins moved and Raybould seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- S. **An agreement with Spine & Pain Centers of Nebraska to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Spine & Pain Centers of Nebraska will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-11-0627)**

MOTION: Heier moved and Hudkins seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- T. **An agreement with Elite Professional Home Care Company to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Elite Professional Home Care Company will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-11-0628)**

MOTION: Hudkins moved and Raybould seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

U. Pending litigation (executive session).

The Chair announced the item would be held until the end of the meeting.

- 6) **CONSENT ITEMS:** *These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and place on file the County Treasurer's report on 2010 distress warrants.

MOTION: Smoyer moved and Heier seconded approval of the consent items. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- 7) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board will not hold a staff meeting on Thursday, November 3, 2011, due to their attendance at the Tri-County Meeting with Douglas and Sarpy Counties. The meeting will begin at 8:30 a.m. at the Lodge at Wilderness Ridge Golf Course, 1800 Wilderness Woods Place. The next staff meeting is tentatively scheduled for Thursday, November 10, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, November 8, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**

ANNOUNCEMENTS CONTINUED:

- C. **The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**
- D. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

The Chair recessed the meeting at 9:57 a.m.

The Chair reconvened the meeting at 10:00 a.m.

RETURNING TO ITEM 5U:

MOTION: Smoyer moved and Hudkins seconded to enter executive session for the purpose of potential litigation and to protect the public interest at 10:00 a.m.

The Chair restated the motion for the record.

ROLL CALL: Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

MOTION: Heier moved and Hudkins seconded to exit executive session at 10:16 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

9) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:16 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 1, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING**

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:57 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 25, 2011.**

MOTION: Hudkins moved and Smoyer seconded approval of the minutes. Hudkins, Heier, Smoyer and Schorr voted aye. Raybould abstained. Motion carried 4-0 with one abstention.

2) **ADDITIONS AND DEDUCTIONS: Approval of two additions and deductions to the tax assessment rolls per Attachment "A".**

MOTION: Heier moved and Smoyer seconded approval of the additions and deductions. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**American Red Cross – Cornhusker Chapter
Nebraska Crop Improvement Association
Trinity Lutheran Church & School**

MOTION: Heier moved and Smoyer seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **RECERTIFICATION OF 2011-2012 TAX LEVIES**

Tim Genuchi, County Clerk's Office, said the Village of Roca was over the levy limit so they had to decrease their tax request.

MOTION: Heier moved and Hudkins seconded approval to recertify the tax levies. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:00 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Dan Nolte

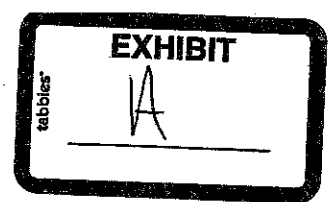
Dan Nolte
Lancaster County Clerk



Press Release—

Lancaster County Commissioner Jane Raybould

Contact: jraybould@lanaster.ne.gov



I voted "no" on this redistricting map for many reasons. I think most of you agree that the voters are entitled to fairly drawn and balanced commissioner districts. This plan adopted is neither fair nor wise.

Re-districting should not be about winning re-election for yourself or your friends. It should be about making sure people in our entire county are represented with openness and fairness. This includes both urban and rural voters.

I opposed Commissioner Smoyer's plan. I believe that we need transparent and earnest debate on all issues. Competitive elections help people compromise and work together to make our community better. Balanced commissioner districts would ensure such debates in election after election. The Smoyer plan simply will harden partisan impasse to the detriment of our County.

Contrary to published reports, I was involved in no discussions with other Board members on the alternatives presented. My colleagues on the board had made up their minds without any real open debate. Even if they met the letter of the law, the partisan and bizarre doughnut redistricting scheme eroded Democracy. Again, it violated the trust placed in the County Board. And this is not right.

The people elected me to do this job because I promised to engage in deliberate and thoughtful discussion and analysis of all issues that came before the Board. Our job is to collectively determine the best decision for the county and its residents. A careful, open and transparent decision-making process should be used for all Board decisions. But the other people on this board of commissioners have proven to operate otherwise. This is something the voters should know and should not tolerate.

I thank County Attorney Joe Kelly and his legal team for quickly delivering their legal opinion. After careful deliberation and consultation with attorneys, we will not ask the courts to intervene. Instead, I will return to the Board with a renewed sense of purpose to address ^{behav. oral} important issues of the Comprehensive Plan, land development strategies, better ~~mental~~ health care programs and reducing unnecessary or inappropriate government spending. I intend to continue to work for open debate and honest decision making process on the important issues that come before the county board. That is why I was elected.

Finally, I thank so many of the constituents of all parties who phoned and emailed me and shared their words of support on my stance against this very obvious unfairness of this redistricting plan.