

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JANUARY 20, 2011
8:30 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
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 MINUTES OF THE THURSDAY, JANUARY 13, 2011 STAFF MEETING

The minutes were not available.

2 ADDITIONS TO THE AGENDA

- A. Violence Against Women Act (VAWA) Grant Application (Exhibit A)
- B. Nebraska Association of County Officials (NACO) County Board Workshop (February 9-11, 2011 in Kearney, Nebraska) (Exhibit B)
- C. Board of Corrections Officers
- D. Letter of Support for Hickman Regional Recreational Project

MOTION: Heier moved and Raybould seconded approval of the additions to the agenda. Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent from voting. Motion carried 4-0.

Hudkins arrived at 8:35 a.m.

3 LEGISLATIVE UPDATE - Gordon Kissel and Joe Kohout, Kissel/E&S Associates

Gordon Kissel, Kissel/E& S Associates, presented a legislative update and a report on legislative bills of interest (Exhibits C & D). He noted that Senator Coash has introduced Legislative Bill (LB) 277 (Change the Nebraska Visitors Development Act to provide for the advice of a visitors committee to a county board) and LB 278 (Authorize payment to county officers and employees by electronic funds transfer) and Senator Fulton has introduced LB 447 (Change provisions relating to vehicular pursuit). Kissel also reported that several bills were introduced on the last day of introduction that relate to the Commission on Industrial Relations (CIR). One was LB 482 (Change provisions governing industrial disputes involving municipal corporations under the Industrial Relations Act), introduced by Senator Utter.

Schorr expressed concern about indications the Governor would like to eliminate county aid dollars.

MOTION: Hudkins moved and Smoyer seconded to authorize Deb Schorr, County Board Chair, and Dennis Meyer, County Budget and Fiscal Officer, to testify on the financial impact of such a measure. Hudkins, Raybould, Smoyer, Heier and Schorr voted aye. Motion carried 5-0.

Smoyer said Senator Lautenbaugh introduced LB 139 (Change surplus property sale provisions of the County Purchasing Act) on behalf of the Lancaster County Sheriff's Office and said the bill would allow the Sheriff's Office to sell surplus vehicles on national auction websites.

MOTION: Smoyer moved and Hudkins seconded to support LB 139. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

Raybould urged the Board to strongly oppose LB 48 (Adopt the Illegal Immigration Enforcement Act) because there will clearly be costs to the County.

MOTION: Raybould moved to send a letter in opposition to LB 48.

Smoyer suggested the Board wait until there is a fiscal note on the bill.

MOTION: Smoyer moved to table the issue.

Raybould said she has received 132 postcards from constituents asking that action be taken on this piece of legislation, adding the postcards will be delivered to senators in the constituents' specific districts (see example in Exhibit E).

In response to a question from Schorr, Joe Kohout, Kissel/E&S Associates, said the bill has not yet been scheduled for hearing.

Schorr asked whether it might be more appropriate to send a letter to senators expressing the Board's concerns regarding the fiscal impact.

Kohout said if that is the direction the Board would like to take, he would suggest working with the budget and fiscal officer and department heads to identify the impacts. He also cautioned against "popping onto the radar screen" as the leader in terms of opposition.

Smoyer concurred noting this is a highly charged political issue.

Terry Wagner, Lancaster County Sheriff, appeared and said it will be difficult to predict costs since there are so many variables.

Raybould asked Wagner if he has any funds in his budget for training of officers to be in compliance with this type of legislation.

Wagner said he would have to review the provisions. He noted federal legislation provides for training of officers to do immigration enforcement at no cost to the County, except for their wages while they are being trained.

Both motions died due to the lack of a second.

Dean Settle, Community Mental Health Center (CMHC) Director, appeared and suggested the need to analyze the impact of LB 460 (Change the Sex Offender Registration Act).

Kerry Eagan, Chief Administrative Officer, said Dennis Keefe, Public Defender, has concerns regarding LB 310 (Change provisions relating to protection orders).

Sheli Schindler, Youth Services Center (YSC) Director, appeared and expressed concern regarding LB 390 (Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice).

MOTION: Heier moved and Raybould seconded to authorize Mike Thurber, Corrections Director, and/or Sheli Schindler, Youth Services Center (YSC) Director, to testify on LB 390. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

ADDITIONS TO THE AGENDA

- B. Nebraska Association of County Officials (NACO) County Board Workshop (February 9-11, 2011 in Kearney, Nebraska) (Exhibit A)

Hudkins, Heier and Raybould indicated plans to attend the workshop. Schorr does not plan to attend and Smoyer was still undecided.

4 NEBRASKA POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT - Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission (NADC)

Frank Daley, Executive Director, Nebraska Accountability and Disclosure Commission (NADC), discussed Nebraska Political Accountability and Disclosure Act provisions that are applicable to county officials holding elective office, highlighting the following areas (Exhibit F):

- Interest in a contract (The prohibition against having an interest in a contract only applies when the county official, his or her spouse, parent or child has a business association as defined in Nebraska Revised Statute § 49-1408 or will received a fee or commission as the result of the contract)

Hudkins inquired about Board of Equalization decisions.

Daley said if a Board member believes they might have a conflict of interest they should disclose the potential conflict of interest in writing to the NADC. He said the NADC will reply in writing as to whether the Board member has a conflict of interest and must abstain from participating in discussion and voting on the matter. Daley added that if the Board member does not have time to file a statement with NADC they can seek an opinion by phone.

Raybould asked whether the Board member should disclose at the meeting that they may have a potential conflict of interest and plan to seek an opinion from NADC.

Daley said it is not required, but said it is a good practice. He said there are also situations where a Board member has a connection to an issue coming before the Board and may want to get an opinion in advance to show they do not have a conflict of interest.

- Use of government resources for non-governmental purposes

Hudkins inquired about vendor discounts.

Daley said NADC has not formally addressed this issue but said he does not view it as a problem if the vendor offers the discount to all of its customers. He said it would be different if the benefit was personalized to the individual who was making the recommendations or decisions.

- Participation in political campaigns

Daley noted that Board members have the absolute right to participate in any political campaigns but are prohibited from using governmental resources.

- Statements of financial interests

Heier asked whether owning stock in a business that has a contract that comes before the Board would be considered a conflict of interest.

Daley said if it is closed corporate stock, the stock would have to have a value of \$1,000 or more or represent more than a 5% equity interest. If it is publicly traded stock, the stock would have to have a value of \$10,000 or more or represent more than a 10% equity interest.

- Civil and criminal penalties

Daley said the NADC has the authority to conduct investigations, issue subpoenas, hold hearings and assess penalties for violations.

ADDITIONS TO THE AGENDA

A. Violence Against Women Act (VAWA) Grant Application (Exhibit A)

Gwen Thorpe, Deputy Chief Administrative Officer, said the County Attorney and Sheriff have budgeted for the match share (\$40,000 and \$10,934, respectively).

MOTION: Heier moved and Raybould seconded to approve the grant application and a letter of support. Hudkins, Raybould, Smoyer, Heier and Schorr voted aye. Motion carried 5-0.

D. Letter of Support for Hickman Regional Recreational Project

Schorr said the City of Hickman has requested a letter of support for the project that they can use when applying for grants.

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

5 PURCHASING THRESHOLD FOR INFORMAL QUOTES - Bob Walla, Assistant Purchasing Agent

Bob Walla, Assistant Purchasing Agent, said his department recommends that the County continue the existing purchasing threshold of \$1,500. **NOTE:** The County Purchasing Act states that no bids are required for purchases under \$5,000.

Bill Jarrett, Chief Deputy Sheriff, appeared and said he believes the County's threshold is too restrictive and said he would prefer that it mirror that which is allowed by State Statutes.

Schorr noted that the County Engineer has submitted a letter in support of raising the threshold to \$2,500.

MOTION: Hudkins moved to increase the purchasing threshold from \$1,500 to \$2,500.

The motion died, due to the lack of a second.

ADDITIONS TO THE AGENDA

C. Board of Corrections Officers

MOTION: Hudkins moved and Raybould seconded to appoint Commissioner Heier as Chair of the Board of Corrections. Hudkins, Raybould, Smoyer, Heier and Schorr voted aye. Motion carried 5-0.

MOTION: Hudkins moved and Heier seconded to appoint Commissioner Raybould as Vice Chair of the Board of Corrections. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

ADMINISTRATIVE OFFICER REPORT

A. District Court Records Retention Request

Eagan said Joe Kelly, County Attorney, has indicated that retention of the records is not necessary and the District Court Clerk now agrees that they may be disposed (see Exhibit G).

B. Committee Assignments

Board consensus was to schedule adoption on the January 25, 2011 County Board of Commissioners Meeting agenda with the following revisions:

- Add Vice Chair of the Board of Corrections to the list of Raybould's committee assignments
- Indicate that Raybould and Smoyer will share assignment to the Chamber Coffee on an alternating basis

C. Public Hearing Date and Time Regarding Lancaster Manor Proceeds (February 15, 2011)

Board consensus was to schedule the meeting for 5:00 p.m. and publish a public notice in the Lincoln Journal Star Newspaper.

D. County Board Meeting Times

A list of dates when Commissioner Raybould has a scheduling conflict for the Tuesday morning County Board of Commissioners meetings was disseminated (Exhibit H).

There was general consensus to tentatively hold evening meetings on those dates, instead, beginning at 5:00 p.m. and to track the financial impact, for example some departments may incur overtime. County departments will be notified of the proposed changes.

6 PENDING AND POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney

MOTION: Smoyer moved and Raybould seconded to enter Executive Session at 10:03 a.m. for the purpose of protecting the public interest with regards to pending and potential litigation. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

MOTION: Smoyer moved and Hudkins seconded to exit Executive Session at 10:41 a.m. Hudkins, Raybould, Smoyer, Heier and Schorr voted aye. Motion carried 5-0.

7 ACTION ITEMS

- A. Microcomputer Request C#66617, \$725.01 from the Microcomputer Fund

The item was withdrawn from the agenda.

8 CONSENT ITEMS

There were no consent items.

9 ADMINISTRATIVE OFFICER REPORT

- A. District Court Records Retention Request
- B. Committee Assignments
- C. Public Hearing Date and Time Regarding Lancaster Manor Proceeds (February 15, 2011)
- D. County Board Meeting Times

Items A-D were moved forward on the agenda.

- E. Press Release Policy

Gwen Thorpe, Deputy Chief Administrative Officer, was asked to draft a policy for Board consideration.

- F. National Association of County Officials (NACo) Dental Card

Schorr reported that the National Association of County Officials (NACo) has launched a Dental Discount Program to assist residents in member counties and is seeking counties willing to participate in a pilot of the program. **NOTE:** Lancaster County currently participates in the NACo Prescription Discount Card Program.

MOTION: Heier moved and Smoyer seconded to approve participation in the National Association of County Officials (NACo) Dental Discount Program. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.

- G. County Lobbyist Procedures Memo (See Agenda Packet)

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

H. Thank You Letter to Lancaster Manor Proceeds Committee (See Agenda Packet)

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

10 PENDING

There were no pending items.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Smoyer

Smoyer said discussion focused on legislation that addresses the Commission on Industrial Relations (CIR) and formation of a committee that will look at getting properties held by the City, County and Lincoln Public Schools (LPS) back on the tax rolls.

B. District Energy Corporation (DEC) - Hudkins, Heier

Hudkins said most of the discussion was related to DEC participation in the Haymarket Arena Project.

Heier said the water that is pumped out of the ground for the DEC plant that services the government complex and the K Street Building is too highly chlorinated in its natural state to be disposed of in Salt Creek and DEC may need to erect a new cooling tower.

C. Public Building Commission (PBC) - Hudkins, Schorr

Hudkins said bids for the remodel of the City Attorney's space on the third floor of the County-City Building were much higher than anticipated and the top four bidders will be asked to value engineer their bids.

Schorr reported on furniture that has been made available through the City's recent purchase of the Experian Building and efforts to address a bedbug problem in the Justice and Law Enforcement Center.

Raybould noted the Board had discussed alternatives for use of an Energy Efficiency and Conservation Block Grant (EECBG) and asked whether that funding is still available (see January 13, 2011 Staff Meeting minutes).

Schorr explained that alternative projects must match the dollar amount that is available.

Eagan said Don Killeen, County Property Manager, has suggested one option might be to convert the parking areas underneath the County-City Building and Justice and Law Enforcement Center to light-emitting diode (LED) lighting.

D. Monthly Meeting with Mayor - Schorr, Heier

Heier said they discussed the Classification and Compensation Manager position in the Personnel Department.

12 EMERGENCY ITEMS AND OTHER BUSINESS

Heier said Sarpy County has expressed interest in joining the Nebraska Association of County Officials (NACO)'s BlueCross BlueShield health plan and Douglas County and Lancaster County have been asked whether they would like to join Sarpy County in a study of whether there would be cost efficiencies by joining the plan. The cost of the study is estimated to be \$10,000 and NACO has offered to pay half.

13 ADJOURNMENT

MOTION: Heier moved and Smoyer seconded to adjourn the meeting at 11:17 a.m. Heier, Smoyer, Raybould, Hudkins and Schorr voted aye. Motion carried 5-0.





Dan Nolte
Lancaster County Clerk



January 20, 2011

Michael E. Behm, Executive Director
Nebraska Crime Commission
301 Centennial Mall South
PO Box 94946
Lincoln, Nebraska 68509-4946

Dear Mr. Behm:

The Lancaster County Board of Commissioners is pleased to support the application of the Lancaster County Justice Council for OVW STOP grant funds to continue the work of the county's coordinated response efforts to stop violence against women.

Lancaster County's Family Violence Council's most recent annual report on domestic violence shows that since the project began in 1996 the county has experienced dramatic improvements in the reduction of dual arrests, an increase in lodging of offenders, improved accountability in increased jail sentences and use of intervention programs, and reduction in numbers of repeat offenses. The county has also developed an adult sexual assault coordinated response effort which is among the best in the United States and one of the state's strongest outreach efforts to minority and ethnic populations experiencing abuse.

Lancaster County and the City of Lincoln have supported the project with tax dollars for many years. This funding is crucial for sustaining the coordinated response and has consistently allowed project partners to leverage these funds into additional resources to support improvements in the coordinated response.

Thank you for the Crime Commission's past support. The Lancaster County Board of Commissioners strongly encourages the Nebraska Crime Commission to approve this grant application from the Lancaster County Justice Council.

Sincerely,

Deb Schorr, Chair
Lancaster County Board of Commissioners

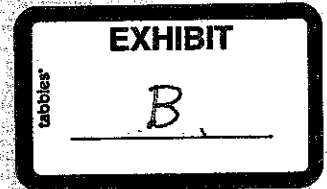
**GRANT APPLICATION
FY 2010 VIOLENCE AGAINST WOMEN ACT GRANT RENEWAL**

Funder: US Dept of Justice VAWA- STOP Violence Against Women Formula Grant Program, passed through the Nebraska Crime Commission

Time Period: June 1, 2011 – May 31, 2012 (12 months)

APPLICATION BUDGET:	GRANT	MATCH SHARE
County Attorney	\$ 66,238	\$ 40,000
County Sheriff	32,803	10,934
Lincoln Police Dept	36,649	12,216
Family Violence Council	15,000	5,000
Voices of Hope	64,955	---
Asian Center	12,785	---
TOTAL	\$ 228,430	\$ 68,151

33rd ANNUAL COUNTY BOARD WORKSHOP Tentative Agenda



WEDNESDAY, FEBRUARY 9

- 1:00 p.m. Registration
2:00 p.m. – 5:00 p.m. Newly Elected County Board Orientation
7:00 p.m. – 7:15 p.m. Welcome and Introduction of NACO Executive Branch Committee Members
7:15 p.m. – 8:30 p.m. Legislation
8:30 p.m. Welcome Reception Hosted By Buffalo County

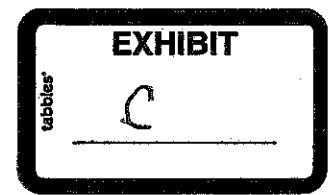
THURSDAY, FEBRUARY 10

- 7:00 a.m. Registration
8:00 a.m. – 8:45 a.m. Court of Industrial Relations – Where We Are and Where We Are Going
8:45 a.m. – 9:30 a.m. Legislative Etiquette – Do 's and Don 'ts For Elected Officials
9:30 a.m. – 10:00 a.m. Break
10:00 a.m. – 11:00 a.m. Federal Funding & Proposed Legislative Changes
11:00 a.m. – 12:00 p.m. Transforming Today 's Challenges Into Tomorrows Business
12:00 p.m. – 1:30 p.m. Luncheon
1:30 p.m. – 3:00 p.m. Breakout Sessions
A. Wind Farms – How Do They Work?
B. Tools To Help Control Inmate Health Care Costs
C. Elected Officials ' Responsibilities – A Discussion Of Accountability and Disclosure Issues
D. Jail Standards Discussion
E. TransCanada Pipeline – Issues Concerning Counties
3:00 p.m. – 3:30 p.m. Break
3:30 p.m. – 5:00 p.m. Breakout Sessions
A. Wind Farms – How Do They Work?
B. Tools To Help Control Inmate Health Care Costs
C. Elected Officials ' Responsibilities – A Discussion Of Accountability and Disclosure Issues
D. Jail Standards Discussion
E. TransCanada Pipeline – Issues Concerning Counties
6:30 p.m. Banquet & Entertainment

FRIDAY, FEBRUARY 11

- 8:30 a.m. – 9:00 a.m. NACO 2020 Committee Report
9:00 a.m. – 10:00 a.m. What 's on Your Mind?
10:00 a.m. – 10:30 a.m. Break
10:30 a.m. – 11:15 a.m. Senator Mike Johanns
11:15 a.m. Adjourn

NOTE: Confirmation for some of the sessions listed has not been received; therefore, this agenda is subject to change.



Lancaster County Board of Commissioners

Legislative Update

January 20, 2011

Today is the eleventh day of the ninety-day session.

The Legislature has introduced 698 bills for the first session.

The public hearing process has started with some bills of interest to the county. Yesterday the Judiciary Committee heard LB 66 (Cornett) and LB 128 (Avery) concerning the collection of DNA samples. One of the concerns raised concerns who would be responsible for collecting the DNA samples. The committee indicated they intend to work on these bills before sending something out to the full legislature.

Also the Health and Human Services held a hearing on Senator Mike Gloor's bill that would change the makeup of mental health boards. LB 111 would remove a current requirement that one member be a psychiatric social worker and add a position for a licensed independent mental health practitioner. The board is charged with assessing the mental health status of individuals placed in emergency protective custody. Senator Gloor indicated that the term psychiatric social worker is outdated and the designation of licensed independent mental health practitioner is relatively new.

The Governor delivered his State of the State message on January 13th. The budget is the backbone of his vision for the State which is to create jobs, build business and to prioritize education. The Governor said that the budget is difficult since we are faced with a billion dollar shortfall. He has decided to eliminate certain programs. One of which is county aid dollars.

LB 48 is the Immigration bill sponsored by Senator Janssen from Fremont. The bill requires if a person is stopped by a police officer (defined as state patrol, county sheriff or others in law enforcement) that law enforcement office shall determine if the person stopped is an illegal immigrant. We raise this as a concern for the county because if it is a county sheriff his responsibilities have increased.

There are two bills before Revenue tomorrow that are of some interest to the county. Senator Loudon has a bill that would reduce the taxable value of agricultural land and horticultural land from 75% to 70%. This is one of many the Revenue Committee will deal with in this area this year. The bill is LB 33.

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB66

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 19, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 66 clarifies that probation officers are responsible for taking DNA samples from convicted felons who are placed on probation and who will not enter into a prison, jail, detention facility or institution. LB 66 also provides that if a court waives the fee or the defendant fails to pay for the collection of the DNA sample, then the county will not be financially responsible for the cost of the collection.

Principal Introducer: _____

Senator Abbie Cornett

PREPARED BY: Doug Nichols
 DATE PREPARED: January 18, 2011
 PHONE: 471-0052

LB 66

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	233,800		138,800	
CASH FUNDS	105,000	105,000	72,000	72,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	338,800	105,000	210,800	72,000

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change provisions relating to DNA collection. The bill states that if a person is placed on probation, the probation officer shall collect the DNA sample, and if the person only receives a fine, the DNA sample will be collected by the detention facility or institution. Additionally, such facility or institution shall not be held financially responsible for the cost of the DNA sample kit if the court waives the cost of taking a DNA sample.

The Legislative Fiscal Office analyst (LFO) used information from the fiscal note response of the Supreme Court to create the following two tables that show the estimated General and Cash Fund impacts to the Supreme Court from the provisions of this bill:

GENERAL FUND ESTIMATE OF \$233,800 FOR FY11-12 AND \$138,800 FOR FY12-13 INCLUDES:	FY11-12	FY12-13
1. A one-time expenditure of \$25,000 for training Probation officers in the proper methods of DNA collection. This includes the expense of developing collection procedures and protocols and travel expenses to attend training.	25,000	0
2. A one-time expenditure of \$20,000 to modify Probation's case management system to track DNA collection.	20,000	0
3. A one-time expenditure of \$50,000 for a contract to collect samples from current offenders. This is based on the fiscal note response for LB 190, 2010 from the Department of Correctional Services for a contract nurse to collect samples from existing inmates. This also assumes that, although LB 66 states that the sample will be collected by a probation officer, collection could be delegated to another qualified person.	50,000	0
4. On-going expenditures for two additional Probation Officers to collect samples. The average salary and benefits, for the salary range of a Probation Officer, is approximately \$53,800.	107,600	107,600
5. On-going expenditures for a .5 FTE Coordinator to administer the DNA sampling function similar to a current position that coordinates drug testing for Probation. Estimated expenditures for salary and benefits are approximately \$31,200.	31,200	31,200
TOTAL	233,800	138,800

CASH FUND ESTIMATE OF \$105,000 FOR FY11-12 AND \$72,000 FOR FY12-13 INCLUDES:	FY11-12	FY12-13
1. Expenditures and revenue for collection kits of \$87,500 in FY11-12 and \$60,000 each fiscal year thereafter.	87,500	60,000
2. Expenditures and revenue for administrative expenses of \$17,500 in FY11-12 and \$12,000 each fiscal year thereafter.	17,500	12,000
TOTAL	105,000	72,000

See the Supreme Court's fiscal note response for more details.

The State Patrol estimates no fiscal impact.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	1/14/11	PHONE 471-2526
COMMENTS			
STATE PATROL – Concur with agency analysis.			

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB128

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 19, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Amends 29-4016 to direct the Court to use discretionary power to place the burden of DNA collection on either the sheriff's office or probationer's office, as deemed necessary.

Principal Introducer: _____

Senator Bill Avery

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB111

Chairperson: Senator Kathy Campbell

Committee: Health and Human Services

Date of Hearing: January 19, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill will broaden the pool of professionals eligible to serve on county Mental Health Boards to include the over 400 Licensed Independent Mental Health Practitioners (LIMHP) in Nebraska who are qualified to diagnose and treat major mental disorders. In rural areas of Nebraska where mental health resources are scarce, Licensed Independent Mental Health Practitioners are a vital component of the mental health network and are needed to fill county mental health board positions and to ensure consumer needs are adequately served by the mental health commitment board.

Principal Introducer: _____

Senator Mike Gloor

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB33

Chairperson: Senator Abbie Cornett

Committee: Revenue

Date of Hearing: January 21, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Under the provisions of this bill, change the taxable value of agricultural land and horticultural land from 75% of actual value to 70%.

Principal Introducer: _____

Senator LeRoy Louden

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB14

Chairperson: Senator Bill Avery

Committee: Government, Military and Veterans Affairs

Date of Hearing: January 19, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 14 increases fees required for recording instruments with the register of deeds from five dollars per page to ten dollars for the first page and six dollars for each additional page. The increase will:

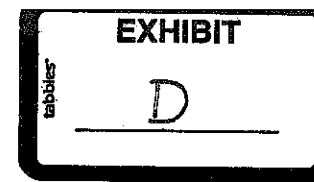
Adjust the fees by a \$2.50 increase in the fee for recording the first page and 50 cents for any additional pages to take into account, at least partially, the substantial increase in costs since the fees were last increased in 1983. In addition, the fee of ten dollars for the first page of a document and six dollar for each additional page eliminates the fifty cent indexing fee for each lot or section for the first five indexes; and,

Establish a \$2.50 fee for the first page and 50 cents for any additional page to fund the preservation, maintenance, modernization and technology relating to records in the Register of Deeds' Office.

The uniform fee associated with recording documents pursuant to the Uniform Federal Lien Registration Act, payable to the Secretary of State, is raised from six dollars to two times the fee required for recording instruments with the register of deeds. The uniform fee is split equally between the office of the Secretary of State and each designated county in the filing. The uniform fee associated with recording documents pursuant to the Uniform State Tax Lien Registration and Enforcement Act is raised from six dollars to two times the fee required for recording documents with the register of deeds. Such fee is also split evenly between the Secretary of State and each designated county in the filing.

Principal Introducer: _____

Legislative Bill of Interest Report
 Kissel/ES Associates
 Client: Lancaster County



LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB14	Wightman		Change and eliminate fees received by registers of deeds and clerks	Government, Military and Veterans Affairs	1.19.11		X	
LB33	Louden		Change valuation of agricultural and horticultural land	Revenue	1.21.11		X	
LB48	Janssen		Adopt the Illegal Immigration Enforcement Act	Judiciary			X	
LB49	Krist		Provide certain requirements relating to filing of nonconsensual liens	Banking, Commerce and Insurance			X	
LB51	Krist		Require health clinics to have patient transfer agreements	Health and Human Services	1.26.11		X	
LB62	Heidemann		Change budget revision and salary approval provisions for counties	Government, Military and Veterans Affairs	1.20.11		X	MONITOR
LB66	Cornett		Change provisions relating to DNA collection	Judiciary	1.19.11		X	SUPPORT
LB69	Louden		Change provisions relating to use of comparable sales for tax valuation	Revenue	1.21.11		X	

Legislative Bill of Interest Report
 Kissel/ES Associates
 Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB78	Pahls		Define a term in the Public Funds Deposit Security Act	Banking, Commerce and Insurance	1.24.11		X	
LB84	Fischer		Adopt the Build Nebraska Act and authorize bonds for the highway system	Revenue			X	
LB87	Christensen		Change provisions relating to mowing weeds in ditches	Transportation and Telecommunications			X	
LB106	Schilz		Authorize a county sales tax for capital improvements for public safety services and transportation infrastructure	Revenue	1.27.11		X	
LB111	Gloor		Change membership on mental health boards	Health and Human Services	1.19.11		X	
LB113	Dubas		Prohibit job discrimination based upon credit history	Business and Labor			X	
LB115	Council		Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Judiciary			X	OPPOSE

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB117	Avery		Change publication requirements for constitutional amendments and initiative and referendum measures	Government, Military and Veterans Affairs	1.21.11		X	
LB128	Avery		Change DNA collection provisions	Judiciary	1.19.11		X	SUPPORT
LB129	Avery		Eliminate the statute of limitation for certain felonies	Judiciary	1.27.11		X	
LB133	Ashford		Require inclusion of sentencing costs in presentence reports	Judiciary			X	
LB135	Smith		Change the date for remitting certain funds under the Motor Vehicle Certificate of Title Act	Transportation and Telecommunications	1.18.11	General File	X	
LB136	Lautenbaugh		Change number of years between appearances before Board of Pardons	Judiciary	1.19.11		X	
LB137	Lautenbaugh		Change provisions relating to postconviction relief	Judiciary			X	

Legislative Bill of Interest Report
 Kissel/ES Associates
 Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB139	Lautenbaugh		Change surplus property sale provisions of the County Purchasing Act	Government, Military and Veterans Affairs	1.26.11		X	
LB151	Lathrop		Change location, hearing, and document provisions of the Nebraska Workers' Compensation Court	Business and Labor	1.24.11		X	
LB152	Lathrop		Change applicability of a medical fee schedule under the Nebraska Workers' Compensation Act	Business and Labor			X	
LB153	Lathrop		Change reimbursement for medical services under the Nebraska Workers' Compensation Act	Business and Labor			X	
LB157	Coash		Change guardianship and conservatorship provisions	Judiciary	1.20.11		X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB159	Urban Affairs Committee		Authorize bond powers for cities, villages, and counties for nonprofit enterprises	Urban Affairs	1.18.11		X	
LB160	Campbell		Eliminate a duty of the county assessor relating to information on trusts that own agricultural land	Agriculture	2.1.11		X	
LB161	Karpisek		Change provisions relating to recounting votes	Government, Military and Veterans Affairs	1.21.11		X	
LB162	Campbell		Change provisions relating to abstracts of property assessment rolls	Revenue			X	
LB164	Louden		Provide notification requirements before moving buildings or other large objects on a county or township road	Transportation and Telecommunications			X	
LB179	Krist		Change pharmacy provisions	Health and Human Services	1.26.11		X	
LB182	Hansen		Change provisions relating to the issuance of one license plate	Transportation and Telecommunications			X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB183	Wightman		Change abandoned motorboat and trailer provisions	Transportation and Telecommunications			X	
LB184	Smith		Change interest rate provisions under the Nebraska Workers' Compensation Act	Business and Labor			X	
LB185	Fulton		Provide for one vehicle license plate	Transportation and Telecommunications			X	
LB186	Sullivan		Require nonpartisan ballots for county officers	Government, Military and Veterans Affairs			X	
LB189	Council		Adopt the Criminal Offender Employment Act	Business and Labor	1.24.11		X	
LB202	Council		Authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment	Judiciary	1.27.11		X	
LB203	Council		Change sentencing requirements with respect to certain minors	Judiciary	1.27.11		X	
LB206	Wightman		Provide for disposition of abandoned camper units and cabin trailers	Transportation and Telecommunications			X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB210	Cornett		Change revenue and taxation provisions	Revenue	1.19.11		X	
LB214	Pankonin		Require nonpartisan election of county and city officials	Government, Military and Veterans Affairs			X	MONITOR
LB222	Gloor		Change scope of practice considerations under the Nebraska Regulation of Health Professions Act	Health and Human Services	1.21.11		X	MONITOR
LB226	Gloor		Create the offense of assault with a bodily fluid against a public safety officer	Judiciary			X	SUPPORT
LB233	Krist		Decrease the number of members of the Legislature to forty-five	Executive Board			X	
LB234	Fischer		Change provisions relating to county office and service facilities of the Department of Health and Human Services	Government, Military and Veterans Affairs			X	SUPPORT

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB238	Conrad		Eliminate workers' compensation three-judge review and change certain procedural provisions	Business and Labor			X	
LB239	Janssen		Require presentation of government-issued photographic identification to vote in elections	Government, Military and Veterans Affairs			X	
LB242	Hadley		Change provisions relating to assault, assault on an officer, and offenses by a confined person	Judiciary			X	
LB251	Council		Change court fees	Judiciary	1.26.11		X	
LB254	Campbell		Provide and change requirements for instruments recorded by the register of deeds	Government, Military and Veterans Affairs			X	
LB266	Sullivan		Change the Open Meetings Act relating to closed sessions	Government, Military and Veterans Affairs	1.26.11		X	
LB270	Executive Board		Eliminate duties and positions in the Public Counsel's office	Executive Board			X	SUPPORT

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB274	Gloor		Change provisions relating to the return of dispensed drugs and devices	Health and Human Services	1.26.11		X	
LB277	Coash		Change the Nebraska Visitors Development Act to provide for the advice of a visitors committee to a county board	Government, Military and Veterans Affairs			X	SUPPORT
LB278	Coash		Authorize payment to county officers and employees by electronic funds transfer	Government, Military and Veterans Affairs			X	SUPPORT
LB289	Mello		Authorize the operation on public highways of low-speed vehicles as prescribed	Transportation and Telecommunications			X	
LB295	Lathrop		Provide a complaint procedure with the Public Service Commission regarding towing and storage fees	Transportation and Telecommunications			X	
LB301	Ashford		Change provisions for sealing records under the Nebraska Juvenile Code	Judiciary			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB304	McGill		Provide for treatment of sexually transmitted diseases as prescribed	Health and Human Services			X	
LB318	Cornett		Redefine qualified claimant for homestead exemption purposes	Revenue			X	MONITOR
LB319	Cornett		Change reimbursement for homestead exemptions	Revenue			X	MONITOR
LB320	Cornett		Change homestead exemption income limitations	Revenue			X	MONITOR
LB321	Cornett		Change calculations relating to homestead exemptions	Revenue			X	MONITOR
LB322	Cornett		Provide requirements for prescription drug insurance	Banking, Commerce and Insurance			X	MONITOR
LB327	Campbell		Change motor vehicle fees and distribution of the proceeds	Transportation and Telecommunications			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB330	Cook		Change requirements for dental hygienists in public health-related settings	Health and Human Services			X	
LB337	Fulton		Change timeframes for audits by the Auditor of Public Accounts	Government, Military and Veterans Affairs			X	
LB339	Ashford		Change Nebraska Juvenile Code predisposition evaluation procedures	Judiciary			X	MONITOR
LB344	Ashford		Change provisions relating to municipal counties and merger of governmental services	Government, Military and Veterans Affairs			X	
LB361	Cornett		Set the salary of members of the Tax Equalization and Review Commission	Revenue			X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB363	Cornett		Change provisions relating to the Tax Equalization and Review Commission and property taxes and provide a duty for the Secretary of State	Revenue			X	
LB365	Sullivan		Change access provisions for voter information and voter registration registers	Government, Military and Veterans Affairs			X	
LB368	Brasch		Change nomination provisions for partisan offices	Government, Military and Veterans Affairs			X	
LB370	Wightman		Eliminate provisions relating to issuance of tax deeds	Revenue			X	
LB371	Schumacher		Provide for an unfair insurance trade practice relating to public officials	Banking, Commerce and Insurance			X	
LB373	Speaker Flood		Make deficiency appropriations	Appropriations			X	
LB374	Speaker Flood		Appropriate funds for state government expenses	Appropriations			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB375	Speaker Flood		Appropriate funds for salaries of members of the Legislature	Appropriations			X	
LB376	Speaker Flood		Appropriate funds for salaries of constitutional officers	Appropriations			X	
LB377	Speaker Flood		Appropriate funds for capital construction	Appropriations			X	
LB378	Speaker Flood		Provide for fund transfers and change provisions relating to various funds	Appropriations			X	
LB379	Speaker Flood		Transfer funds from the Cash Reserve Fund	Appropriations			X	
LB380	Speaker Flood		Change provisions relating to depreciation charges relating to state buildings	Appropriations			X	
LB383	Cornett		Eliminate state aid for municipalities, counties, and natural resources districts	Revenue	1.26.11		X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB384	Cornett		Eliminate a commissioner of the Tax Equalization and Review Commission and authorize single commissioner hearings	Revenue			X	
LB388	Wightman		Adopt the Site and Building Development Act and change provisions relating to the Affordable Housing Trust Fund	Banking, Commerce and Insurance			X	
LB390	Ashford		Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice	Judiciary	1.27.11		X	
LB391	Schilz		Create the Nebraska Invasive Species Council	Natural Resources			X	
LB392	Schilz		Provide powers and duties relating to aquatic invasive species	Natural Resources			X	

Kissel/ES Associates

Client: Lancaster County

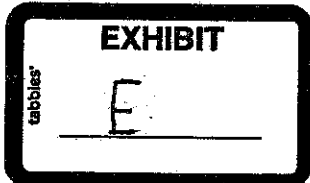
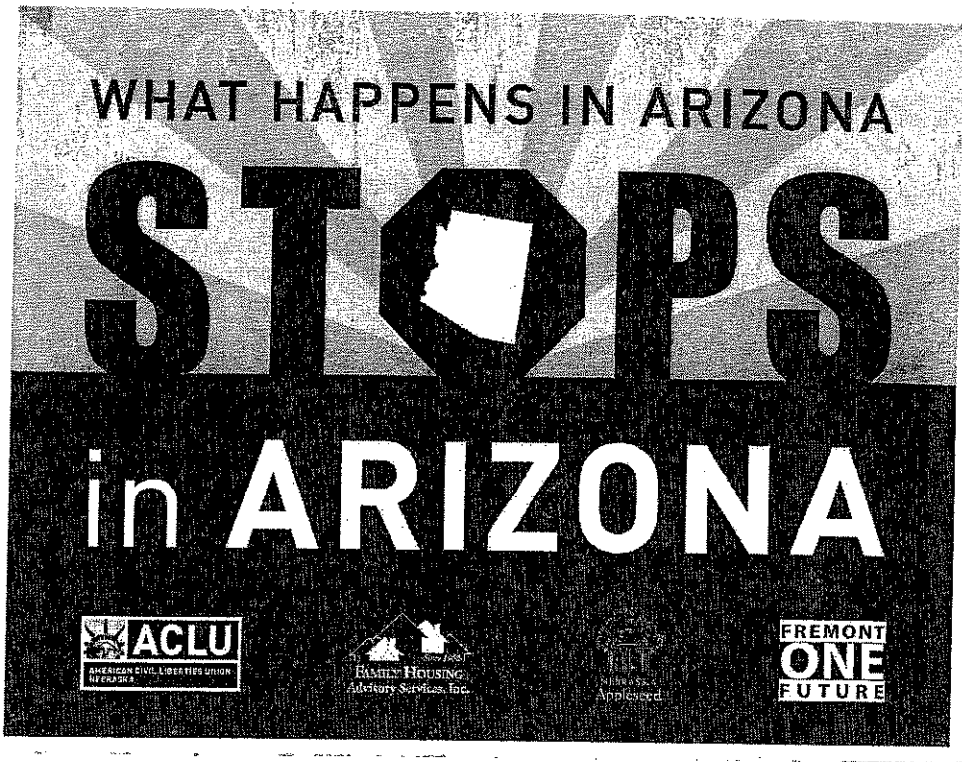
LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB396	Pahls		Change bond provisions relating to the deposit and investment of certain county funds	Banking, Commerce and Insurance			X	
LB398	Lathrop		Change provisions relating to notaries public	Judiciary			X	
LB405	Cornett		Authorize hearings by a single commissioner of the Tax Equalization and Review Commission	Revenue			X	
LB409	Utter		Provide for the retention of insurance proceeds by a county or municipality to repair or demolish damaged property	Banking, Commerce and Insurance			X	
LB415	Wallman		Change provisions relating to contraband in a detention facility or providing an inmate with contraband	Judiciary			X	
LB430	Cornett		Change property tax levy limitations	Revenue			X	

Kissel/ES Associates

Client: Lancaster County

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB437	Urban Affairs Committee		Change state building code provisions	Urban Affairs			X	
LB441	Heidemann		Change levy provisions for rural and suburban fire protection districts	Revenue			X	
LB444	Avery		Provide methods for notice under the Open Meetings Act	Government, Military and Veterans Affairs	1.26.11		X	
LB447	Fulton		Change provisions relating to vehicular pursuit	Judiciary			X	SUPPORT
LB449	Nelson		Change the Election Act	Government, Military and Veterans Affairs			X	
LB457	Campbell		Provide for notice of preliminary valuations and in-person meeting relating to property taxes and change certain dates	Revenue			X	
LB459	Schilz		Limit the adoption of any law by a political subdivision regarding the ownership of domestic animals	Agriculture			X	
LB460	Ashford		Change the Sex Offender Registration Act	Judiciary			X	

LB/LR	Sponsor	Priority	One-Liner	Committee	Hearing Date	Status	LC	LC Position
LB474	Nebraska Retirement Systems Committee		Require certain retirement reports be submitted to the Auditor of Public Accounts	Nebraska Retirement Systems	1.27.11		X	
LR2CA	Harms		Constitutional amendment to authorize county manager form of county government	Government, Military and Veterans Affairs			X	
LR3CA	Fischer		Constitutional amendment to authorize pledge of state sales and use taxes for highway bonds	Transportation and Telecommunications			X	
LR9CA	Schilz		Constitutional amendment to change agricultural and horticultural land valuation	Revenue			X	
LR29CA	Nelson		Constitutional amendment to prohibit government from engaging in collective bargaining	Business and Labor			X	



Don't let our state become Arizona.

Dear Senator _____

I am writing to express my deep concern about the new Arizona law. It invites and virtually compels racial profiling, and I don't want such a law to spread to Nebraska.

Laws like the Fremont ordinance and Arizona law are creating a patchwork of state and local immigration laws that are dangerous, discriminatory, expensive, confusing, divisive, and unconstitutional.

We need workable solutions that uphold our values and move us forward. I strongly oppose state and local laws like Fremont and Arizona. I am asking for your help in keeping these laws out of Nebraska and advocating for common-sense and humane immigration reform at the federal level.

Sincerely,

Name [Please print] _____
 Cell phone _____ Home Phone _____
 Address _____
 City _____ State _____ ZIP _____
 E-mail _____



CONFLICT OF INTEREST LAWS - COUNTY BOARDS

The Nebraska Political Accountability and Disclosure Act includes conflict of interest laws which are applicable to county officials holding elective office. The following outline addresses common situations coming before the Nebraska Accountability and Disclosure Commission involving county officials holding elective office. It should be understood that this synopsis is not an exhaustive examination of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to county officials holding elective office. It merely highlights the applicability of the Act in certain types of situations. It should be noted that the term county official holding elective office refers to elected county officials and a county official holding a county office normally filled by election even if the official was appointed to the position.

I Three General Categories

- A. Hiring of immediate family members
- B. Interests in a contract (including changes in a family member's employment contract)
- C. Other conflicts

II Hiring of an immediate family member [§49-1499.04]

- A. An official or employee of a county may hire, supervise the hiring of, or recommend the hiring of an immediate family member if:
 - 1. He or she does not abuse his or her official position;
 - 2. He or she makes a reasonable solicitation and consideration of applications for employment.
 - 3. He or she discloses the matter to the county board either on the record or in writing (You may use NADC Form C-4. **Do not file this statement with the Commission**); and
 - 4. The county board approves the employment or supervisory position.
- B. The term immediate family member means a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes. [State Statute §49-1425]
- C. Abuse of official position includes, but is not limited to employing an immediate family member who:

1. Is not qualified for and able to perform the duties of the position;
2. Is paid an unreasonably high salary; or
3. Is not required to perform the duties of the position. [§49-1499.05]

SCENARIO: Brown is a county board member who is in charge of hiring a summer grounds keeper. The main duty of this position is to keep the grass cut on county property. Brown's 18 year old son just graduated from high school and is looking for a summer job before he heads off to college in the fall. He is well qualified to perform the duties of the job. He has been maintaining the grounds around their farm for years using equipment similar to the county's equipment. Brown carefully researches the going rate locally for people performing similar duties so as to ensure that the pay is commensurate with the tasks performed. His son has been a reliable worker who has always worked hard at any job he has ever held. Brown hires his son and files a written statement with the county clerk disclosing that he hired his son.

Violation: Yes. Brown has violated the NPADA. He has done many things correctly. His son is qualified to do the job, is not being overpaid and Brown expects his son to actually perform the duties. In addition, Brown has filed a written statement disclosing this matter. However, he failed to make a reasonable solicitation of applications for the position and the hiring was not approved by the county board.

D. In the event that an immediate family member was employed by the county prior to the time that a county board member was elected or appointed, the county board member shall make the required disclosure as soon as reasonably possible after taking office. (Use NADC Form C-4) [§49-1499.04(4)]

SCENARIO: Johnson was recently elected to the county board. Her husband has been employed by the county in the roads department for twenty years. On the day she takes office she files a written statement with the county clerk disclosing that her husband is employed by the county.

Violation: No. Johnson has complied with the law.

NOTE: A person required to make a disclosure pursuant to §49-1499.04, is not required to disclose the same matter pursuant to §49-14,103.01 or §49-1499.03.

III Contracts [§49-14,103.01]

- A. An elected county official (including someone appointed to an office normally filled by election) may not have an interest in a contract with the county unless:
1. The contract is an agenda item at a board meeting;
 2. The interested official makes a declaration on the record of the county board of his or her interest in the contract. This disclosure must be made prior to the consideration of the matter by the board. It may be made at the meeting as long as the disclosure is made part of the minutes of the meeting. It may be made in writing and filed with the county clerk. (You may use NADC Form C-3 for this purpose) **Do not file this with the Commission.**
 3. The interested official does not vote on the matters of granting the contract, making payments pursuant to the contract, accepting performance under the contract, or similar matters relating to the contract.
- B. The prohibition against having an interest in a contract only applies when the county official, his or her spouse, parent or child has a business association as defined in §49-1408 or will receive a fee or commission as the result of the contract.
- C. Business Defined: any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity.

NOTE: The statute does not distinguish between for profit and non-profit entities. Either can be a "business".

- D. Business Association Defined: A business in which the individual is a partner, limited liability company member, director, or officer; or a business in which the individual or immediate family member of the individual is a stockholder. If closed corporate stock, the stock must have a value of \$1,000 or more or represent more than a five percent equity interest. If publicly traded stock, the stock must have a value of \$10,000 or more or represent more than a ten percent equity interest. [§49-1408]

SCENARIO: The county board decides to build a storage shed near the county shop. Jones is a member of the county board and owns the only lumberyard in the county. Jones agrees to sell the needed materials to the county for \$1,500. At an open public meeting the county board

approves the contract. Jones abstains from participating or voting on the matter.

Violation: Yes. Jones failed to make a disclosure of his interest in the contract. He may make the disclosure at the meeting as long as it is made part of the record or by filing a written disclosure statement with the county clerk.

E. Receiving deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of a county is not considered a contract for the purposes of this section. [§49-14,103.01(5)]

F. If a county board member's parent, spouse or child is an employee of the county, the board member may vote on all issues of the contract which are generally applicable to (1) all employees or (2) all employees within a classification and do not single out his or her parent, spouse, or child for special action. [§49-14,103.01(6)]

NOTE: It is important to comply with the NPADA provisions relating to an interest in a contract. A contract entered into in violation of these provisions may be declared void by a court.

NOTE: A person required to disclose an interest in a contract pursuant to §49-14,103.01, is not required to disclose the same matter pursuant to §49-1499.03.

IV Open Contracts

A. Counties often deal with a series of small transactions or purchases with the same business. Each transaction is a separate contract.

B. If a county official holding elective office has an interest in such a contract, he or she must comply with section III, above, as to each transaction unless the county board enters into an open contract with the business. An open contract allows the county board to make purchases from as business as needed. If the contract is "non-exclusive" the board is making it clear that it can seek the same goods or services from other sources. It permits the county official with the interest to avoid the process of making a separate disclosure for each small transaction.

C. To enter into an open contract:

1. The county board places the matter on the agenda of a board meeting.

2. The county official with the interest discloses the interest as set forth in paragraph III.
3. The county board votes to enter into the open contract and the interested member abstains.
4. During the life of the open contract the interested official abstains from voting on any payment under the contract.

V Other Conflicts of Interest [§49-1499.03]

- A. This section does not apply if either subdivision II (Hiring of Family Members) or subdivision III (Contracts) apply.
- B. A county official holding an office normally filled by election has a potential conflict of interest if he or she is faced with taking an official action or making an official decision which could result in a financial benefit or detriment to:
 1. The county official;
 2. A member of his or her immediate family; or
 3. A business with which he or she is associated.
- C. The financial benefit or detriment must be distinguishable from that experienced by the general public or a broad segment of it.
- D. If the county official has a potential conflict of interest he or she is required to:
 1. Prepare a written statement describing the matter requiring action or decision and the nature of the potential interest (Use NADC Form C-2);
 2. Deliver a copy to the Commission and to the county clerk; and
 3. Take such action as the Commission shall prescribe to remove himself or herself from influence over the matter.

NOTE: This provision contemplates that the written statement shall be filed sufficiently in advance such that the Commission has time to respond in writing. If the Commission determines that there is a conflict of interest, it will typically require the official to abstain from participating or voting on the matter.

SCENARIO: At its next meeting the County Board will consider an application by the local chapter of the Order of the Puma, a fraternal organization, for a liquor license. John is the vice-president of the chapter. He is also a member of the County Board. Prior to the meeting John

considers the matter thoroughly and concludes that the granting or denial of the application will have no financial effect on him. Therefore, he votes on the matter of granting the application.

Violation: John has violated §49-1499.03 which defines a conflict of interest as a situation in which the official is faced with taking an action or making a decision which could result in a financial benefit or detriment to the official, a member of his or her immediate family, or a business with which the he or she is associated. Section 49-1407 defines the term business. It does not distinguish between for profit and non-profit entities. Section 49-1408 provides in part that an individual has a business association with an entity if he is an officer or director of an entity. John, therefore, has a conflict of interest. He should have filed a written disclosure with the Nebraska Accountability and Disclosure Commission. John would then be required to follow such advice as the Commission prescribes. Typically, the Commission will direct the official to abstain from participating or voting in the matter in which he has a conflict.

VI Use of Government Resources for Non-Government Purposes [§49-14,101.01]

- A. A public official or public employee shall not use or authorize the use of personnel, property, resources or funds under his or her official care and control for the purpose of obtaining personal financial gain for himself or herself, a member of his or her immediate family, or a business with which he or she is associated.
- B. A public official or public employee shall not use public resources except in accordance with law.
- C. A de minimis or incidental use of a public resource shall not constitute a violation of §49-14,101.01. See §49-14,101.03.

Participation in Political Campaigns

- I A public official or public employee shall not use or authorize the use of personnel, property, resources or funds under his or her official care and control for the purpose of:
 - A. Campaigning for or against the nomination or election of a candidate; or
 - B. Campaigning for or against the qualification, passage or defeat of a ballot question [Reference: §49-14,101.02].

II Exceptions:

- A. Public facilities may be made available for campaign purposes if the identity of the candidate or the support or opposition to the ballot question is not a factor in making the government facility available or a factor in determining the cost or conditions of use.
- B. A governing body may discuss and vote upon a resolution supporting or opposing a ballot question.
- C. A public official (or public employee under the supervision of a public official) may respond to specific inquiries from the press or the public regarding his or her opinion of a ballot question. A public official may provide information in response to a request for information.
- D. A public official a public official or public employee in the normal course of his or her duties may use public resources to research and prepare materials to assist the government body in determining the effect of a ballot question on the government body.
- E. A public employee may engage in campaign activities except during his or her government work time or when otherwise engaged in his or her official duties.
- F. A de minimis or incidental use of public resources is not a violation of §49-14,101.02. See §49-14,101.03.

SCENARIO: John Jones is member of the county board. A statewide ballot question will be appearing on the general election ballot next month which changes the state constitution on the issue of property taxes. Jones believes county finances would be devastated if the ballot question were to pass. He goes home and uses his personal computer to compose a letter to the editor of the local newspaper. In the letter he gives 10 reasons to vote no on the ballot question. He urges readers to vote no on Election Day. Jones prints the letter off on his personal stationery. He signs it, John Jones, County Commissioner. He mails the letter to the newspaper and sends a copy to the chairman of a citizens group which opposes the ballot question. He suggests to the chairman that the letter be used as the basis of a campaign brochure.

Violation: No. Just because he is a county board member, Jones does not lose his right to free speech. He may take any position he wishes. He may speak and write on the merits of the ballot question. **The prohibition is against using county resources, personnel, property or funds in opposing the ballot question. The use of personal resources is not prohibited.** State law

specifically provides that using an official title in connection with promoting or opposing a ballot question is not prohibited.

SCENARIO: The chairman of the pro-bond issue group calls County Board Chairman Samantha Smith and asks to use the meeting room at the courthouse for a meeting of the pro-bond issue group. The meeting room is frequently used for meetings of community groups. By written county board policy, the meeting room may be used by community groups. It is made available on a first come, first served basis with official county activities taking priority. Outside groups must make reservations with the county clerk and pay a \$10.00 fee. Smith agrees to allow the group to use the meeting room. She directs the chairman to the county clerk to make a reservation and advises him of the \$10.00 fee.

Violation: No, assuming that the meeting room would be made available under the same terms and conditions to the anti-bond issue group on request.

STATEMENTS OF FINANCIAL INTERESTS

- A. The annual Statement of Financial Interests is due on April 1, 2011.
- B. The statement should cover calendar year ²⁰¹⁰ ~~2011~~.
- C. You are responsible for the accuracy of your statement.
- D. All filers must use the long form. The short form is no longer accepted.
- E. Common Errors
 - 1) Failing to show county position as a source of income of more than \$1,000.
 - 2) Failing to show business associations (including non-profit).
 - 3) Failing to disclose gifts with a value of more than \$100. This is required even if the gift is not connected to being a member of a county board. Gifts from relatives are excepted.

CIVIL PENALTIES AND CRIMINAL PENALTIES

Violations of the provisions of the Nebraska Political Accountability and Disclosure Act can result in civil penalties being assessed by the Commission or in criminal penalties upon conviction by a court of competent jurisdiction.

- 1. Civil penalties- The Commission can assess up to \$2,000 for each violation.

2. Criminal penalties- The penalties for violations of the act range from a Class V Misdemeanor to a Class IV Felony.

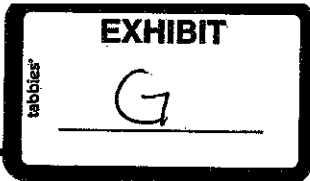
OPINIONS FROM THE COMMISSION

It is the policy of the Nebraska Accountability and Disclosure Commission to assist public officials and public employees in complying with the provisions of the NPADA. A public official or public employee should always feel free to contact the Commission office if he or she has a question about any part of the Nebraska Political Accountability and Disclosure Act. The Commission staff can provide information or advice over the telephone. The staff can also provide written staff opinions. The Commission, acting as a body, can issue formal Advisory Opinions. Forms are available by calling or writing to the Commission. Forms may also be obtained through the Commission's website.

Nebraska Accountability and Disclosure Commission
11th Floor State Capitol
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

Website:<http://nadc.nol.org>.

1/20/11



Kerry P. Eagan

From: Sue Kirkland
Sent: Wednesday, January 19, 2011 2:57 PM
To: Brian E. Pillard; Kerry P. Eagan; Joe P. Kelly
Cc: Gwen K. Thorpe; Linda Sanchez-Masi; Sherri M. Morrison
Subject: RE: District Court-Court Services Records Disposal Notice

Dear all,

Joe and I have discussed the retention of search warrants and we would now agree to Brian's request of December 13, 2010 (scroll down please) to dispose of them after 10 years. Thank you for your time as I resolved this question. Sue.

From: Brian E. Pillard
Sent: Saturday, January 15, 2011 10:36 PM
To: Sue Kirkland; Kerry P. Eagan; Joe P. Kelly
Cc: Gwen K. Thorpe; Linda Sanchez-Masi; Sherri M. Morrison
Subject: RE: District Court-Court Services Records Disposal Notice

From my perspective, a clarification would be helpful of which search warrants are filed separately by year and not made part of the case file. How might one of these search warrants be needed after 10 years.?

Brian Pillard
Records Manager

From: Sue Kirkland
Sent: Friday, January 14, 2011 4:02 PM
To: Kerry P. Eagan; Joe P. Kelly
Cc: Brian E. Pillard; Gwen K. Thorpe; Linda Sanchez-Masi; Sherri M. Morrison
Subject: RE: District Court-Court Services Records Disposal Notice

Dear all,

At my request Linda wrote this email to Brian. While it is true that Joe would like the criminal files kept because they might be reopened at any point in time, Joe didn't specifically requests that we keep search warrants. I told Linda that with an abundance of caution, I want those criminal matter search warrants kept because of our sensitivity to criminal cases. If I am wrong, I will correct my request. Sue

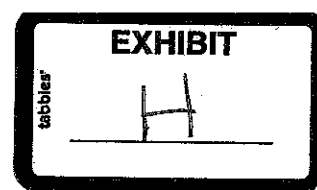
From: Kerry P. Eagan
Sent: Friday, January 14, 2011 3:04 PM
To: Joe P. Kelly
Cc: Brian E. Pillard; Gwen K. Thorpe; Linda Sanchez-Masi; Sue Kirkland; Sherri M. Morrison
Subject: FW: District Court-Court Services Records Disposal Notice

Good afternoon Joe,

The County Board reviewed your request to hold the records described below beyond the State records retention schedule. The Board would like some additional information regarding the need to hold the records and also some clarification on how long you want to retain the records. Thanks, Joe.

-kpe

Tuesday Morning Sales Meetings
2011 (2nd revision)
Meetings will begin at 8am



January 11

February 22

March 29

April 12

May 17

June 14

July 12

August 16

September 20

October 11

November 8

November 29