

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, MAY 17, 2012
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, Lancaster County Clerk
Cori Beattie, Deputy County Clerk

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on May 16, 2012.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE THURSDAY, MAY 10, 2012

MOTION: Heier moved and Smoyer seconded approval of the minutes of the May 10, 2012 Staff Meeting.

Raybould noted she was absent last week and asked for clarification on the motion regarding the CUP bonus round-up.

Brittany Behrens, Deputy County Attorney, explained that the statutory process for amending the County's zoning regulations will still need to be followed. The Board's motion would need to go to the Planning Commission who must have a public hearing on the issue before making a formal recommendation to the County Board. The Board would also need to conduct a public hearing before taking any final action. It was noted the intent of the motion was likely to begin the process of amending the zoning regulations to reflect the change to the bonus.

Heier questioned if there was anything currently in the zoning regulations addressing a bonus round-up. Behrens said she was not sure. Schorr added that Sara Hartzell, County Planner, was asked to come back before the Board to address all the different places that this issue is addressed in the zoning regulations.

Hudkins exited the meeting at 8:33 a.m.

ROLL CALL VOTE: Heier, Smoyer and Schorr voted aye. Raybould abstained. Hudkins was absent for the vote. Motion carried 3-0 with one abstention.

Hudkins returned to the meeting at 8:35 a.m.

2 ADDITIONS TO THE AGENDA

- a. Sheriff's Personnel Issue
- b. Vacation Advance for Ron Sorensen

Eagan noted Sheriff Wagner would like to discuss a personnel issue and recommended it be added to the Executive Session.

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

3 CRISIS CENTER - Ron Sorensen & Dean Settle, Community Mental Health Center Directors; CJ Johnson, Region V Systems Administrator; Tom Fox, Deputy County Attorney; Brittany Behrens, Deputy County Attorney; Scott Etherton, Crisis Center Program Manager

Tom Fox, Deputy County Attorney, said the Board needs to decide whether the Crisis Center will be a new department, transferred into an existing department or remain where it is and retain its Community Mental Health Center (CMHC) status. Additionally, all licensing associated with the Crisis Center would need to be reviewed, as well as personnel issues.

CJ Johnson, Region V Systems Administrator, noted that any change will cost the County. He said there will be associated personnel costs and a possible increase to the General Assistance (GA) budget. He suggested if the Crisis Center remains in the existing building, current services provided to GA clients by the CMHC could be tracked. Johnson estimated the impact to GA could be \$500,000 to \$1,000,000. Currently the CMHC does not bill GA for these services. He felt this information would be helpful in deciding how to most efficiently move forward.

Johnson recommended the Board proceed under the premise that the Crisis Center will be separated from the CMHC and begin reviewing all the related issues so things can move forward. Fox noted that if the Crisis Center is removed from under the CMHC, it will need its own administrator. Dean Settle, Community Mental Health Center Director, said additional support staff will also be needed.

Ron Sorensen, Community Mental Health Center Director, added he has a process laid out over the summer to review such things as services, costs, etc. Schorr questioned whether

things should move forward now as opposed to waiting a few months. Raybould said she would prefer seeing as much information as possible prior to making a decision.

MOTION: Hudkins moved and Smoyer seconded to authorize the County Attorney's office to research all options related to retaining the Crisis Center.

In response to Schorr's inquiry, Scott Etherton, Crisis Center Program Manager, said the Crisis Center has 26 full and part-time employees. Its budget is roughly \$3.1 million. Schorr felt these numbers justify the Crisis Center becoming a stand-alone County department.

Johnson added another reason a decision on the building is important is because the People's Health Center (PHC) has been looking to rent space for a satellite location in that area which would provide both mental health and primary health care services. He said if the County intends to sell the building, he would notify the PHC that this location is no longer an option. Schorr noted, at this time, the County will consider anything.

Kerry Eagan, Chief Administrative Officer, provided a summary of the issues previously discussed related to the Crisis Center: licensures; personnel; retain as separate department vs. transferring to another; identify funding sources; and the relationship to GA. He said there will be other issues addressed during the Invitation to Negotiate (ITN) process. He suggested moving the ITN process along as fast as possible and to forego bidding GA separately. (Note: At the departmental budget hearings on May 16, 2012, the County Board authorized Gary Chalupa, General Assistance Director, to pursue a Request for Proposal (RFP) for general assistance services.) Eagan added there is value in the RFP process as this information could be rolled into the ITN process.

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

Eagan noted he will draft a legal opinion request related to employee retreat rights as there are some concerns with this issue.

ADMINISTRATIVE OFFICER REPORT

- e. Letter to Community Mental Health Center Employees and Consumers

Schorr said the Board made a commitment to update employees and consumers on a regular basis (the last letter was dated April 5, 2012). She suggested another letter be sent next week which includes information on the ITN Committee and process.

Settle asked if a press release will be issued outlining the ITN Committee's charge. Schorr said an official press release is not planned, although, the letter to employees and consumers can include the list of Committee members. She suggested this information also be forwarded to the Journal Star. Eagan said the ITN Committee will likely develop a mission statement at its first meeting.

ADDITIONS TO THE AGENDA

- b. Vacation Advance for Ron Sorensen

Eagan distributed a request (**see Exhibit A**) from Ron Sorensen for an advance of vacation in the amount of 80 hours per County Resolution R-08-0031.

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

- 4 POTENTIAL LITIGATION** - Brittany Behrens, Deputy County Attorney; Don Thomas, County Engineer; Jim Shotkoski, Right-of-Way Division Head; Doug Pillard, Design Division Head; Tom Fox, Deputy County Attorney; Sheriff Terry Wagner; Chief Deputy Sheriff Bill Jarrett

MOTION: Smoyer moved and Heier seconded to enter Executive Session at 9:08 a.m. for the purpose of protecting the public interest with regards to potential litigation and the Sheriff's personnel issue.

The Chair restated the motion for the record.

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

MOTION: Hudkins moved and Heier seconded to exit Executive Session at 9:50 a.m. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

- 5 APPEAL OF DENIAL OF HOLDREGE STREET ACCESS** - Greg Sanford; Mark Hunzeker, Attorney; Brittany Behrens, Deputy County Attorney; Ken Schroeder, County Surveyor

Ken Schroeder, County Surveyor, said this issue was previously discussed (see April 19, 2012 and May 10, 2012, staff meeting minutes). It was brought to the County Engineer's attention that a driveway in Sunrise Estates existed off Mr. Sanford's property accessing Holdrege Street. Access to Holdrege Street was relinquished as part of the final plat. Schroeder noted that Mr. Sanford could apply for a secondary access to his property off the interior street (Linwood Lane).

Behrens noted the County Attorney's Office was directed last week to send a letter to Mr. Sanford. She said the letter has not been sent because, after further review, it was found that the jurisdiction over the final plat, zoning and subdivision requirements lies with the City of Lincoln. She said the City Attorney's Office recommended Mr. Sanford address any change in access to the City through the Planning Department. It was noted the plat would have to be amended.

Mark Hunzeker, attorney for Greg Sanford, said this subdivision was platted in 1994 and access to Holdrege relinquished at that time. He said they are not contesting this

restriction, although, the driveway existed long before the plat. The past owner began using it to access an outbuilding because he was told by the County Engineer's Office at that time that he could not get a secondary driveway off Linwood Lane. Hunzeker said as a practical matter, they would be happy to provide the County a letter noting it is the property owner's understanding that the access would remain but the County could remove it when the time comes to widen Holdrege Street.

Greg Sanford said he did add rock to the drive but the County placed rock at the edge of the asphalt, worked on the turn lane and removed trees in the area. Schroeder said it was likely the City, not the County, that did this work. He said the driveway was initially installed to control water damage and may have been used as a field access in the past but was relinquished as a driveway access in the final plat.

Dave Halvorsen, previous land owner, appeared and said when he built the shop he spoke to an employee with the County Engineer's Office about a permit for a secondary driveway to the building and was told that he could not get one off Linwood Lane. Thus, he began using the driveway off Holdrege to access the shop.

Behrens verified that it is the County Engineer's position that a secondary access could come off Linwood Lane. The issue is the drive off Holdrege is violating the plat.

With regard to removing the access, Hunzeker questioned who would be responsible for the work. He added the property owner was given no indication that this was a requirement when the access was originally relinquished. Schroeder said the surface material and road right-of-way should be removed so it doesn't have the appearance of a driveway. The County could go in and narrow the dike to maintain drainage control.

Schorr and Hudkins questioned if the access could remain "as is." Behrens said the County has no jurisdiction over the plat which relinquishes access to Holdrege.

Schorr suggested Sanford work with the City to get the plat changed and then apply for access with the County Engineer. Hunzeker said he was pretty confident the City would not amend the plat to eliminate the relinquishment of access because of future road widening. He added the owner is claiming no legal right to use the driveway. He felt the real issue is, "Does it matter to anybody what the driveway looks like, how wide it is or if somebody uses it occasionally?" Heier said if the plat relinquishes access, that stipulation should be followed.

Schorr inquired how much it would cost to remove the access. Schroeder said the County Engineer's Office would give Mr. Sanford ample time to remove and salvage any material from the County right-of-way and then they would perform general maintenance.

Smoyer confirmed that a secondary access could be granted off Linwood Lane. Schroeder said that is correct.

Hunzeker said he will suggest to his client not to pursue with the City the reversal of the relinquishment and added he thought the ownership, maintenance and enforcement of the relinquishment of the access is a County issue.

MOTION: Hudkins moved and Smoyer seconded to rescind sending the letter to the property owner leaving the situation status quo. Hudkins, Smoyer, Heier and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

(Note: See May 10, 2012, County Board staff meeting minutes regarding the Board's action requesting a letter be sent to the property owner notifying them that the Holdrege Street access is not permitted.)

Behrens asked if the County Engineer's Office should proceed with issuing an access permit. She noted complaints from neighbors may still come in as others also want access to Holdrege Street. The Board's consensus was to leave it status quo.

6 ACTION ITEMS

- a. Letter to Supreme Court on Proposed Guardian ad Litem Rules for Juvenile Court

MOTION: Heier moved and Smoyer seconded to authorize the Chair to sign the letter. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

7 CONSENT ITEMS

No items were listed.

8 ADMINISTRATIVE OFFICER REPORT

- a. Employee Recognition Breakfast Assignments (Tuesday, May 22, 2012, 7:30 a.m.)

Informational only.

- b. Legislative Retreat Date and Location (August 9 or 16, 2012, Becker Meyer Love LLP)

The consensus was to schedule the meeting for August 16, 2012 from 8:30-11:30 a.m.

- c. Cornhusker Girls State 2012 - Thursday, June 7, 2012, 2:45 - 3:45 p.m.

Schorr indicated she would participate.

- d. Rescheduled Arena Tour - Wednesday, July 11, 2012, 4:00 p.m.

The following expressed an interest in attending: Hudkins, Raybould, Eagan and Thorpe.

- e. Letter to Community Mental Health Center Employees and Consumers

Item 8e was moved forward on the agenda.

- f. Appointment of Brad Roth & Stan Beeder to the Lancaster County Indigent Defense Advisory Committee

The consensus was to forward the item to a Tuesday County Board meeting.

- g. BOE Correspondence

No changes to the letters were indicated. Schorr asked that a joint press release be prepared for next week on behalf of the Board of Equalization and County Clerk notifying the public of the property valuation protest process and that, due to budget constraints, only 6,000 referee hearings will be available for residential and agricultural properties and that protests for all other property types will be reviewed in writing.

- h. CNG Visit to Kansas City (May 25, 2012)

No one expressed an interest in attending.

9 PENDING

No items were listed.

10 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Information Services Policy Committee

Schorr said the following items were discussed: Ken Kuszak's retirement; City GIS (Geographic Information Systems) usage allocation; VOIP (Voice Over Internet Protocol); Microsoft Exchange upgrades; and the mainframe transfer.

- b. Parks and Recreation Advisory Committee

Raybould indicated that she was unable to attend the meeting.

- c. Region V Systems

Smoyer said discussion focused on budgetary issues, the Invitation to Negotiate (ITN) process and the related Memorandum of Understanding (MOU) which they approved.

- d. Visitors Promotion Committee (VPC)

Smoyer said various improvement grants were discussed. He noted a few were held by the Committee due to some potential problems. Eagan added that a request was submitted by a group with religious affiliation. He said he sent an informal request to the

County Attorney regarding any potential conflict. He also felt the VPC should routinely act on grants as there can be timing implications if they are held.

With regard to the grants in general, Eagan explained the normal process includes those requests for \$10,000 awards. He said in the past the County Board has approved grants in excess of \$10,000 on an ad hoc basis. He felt a discussion on how to handle requests for larger amount should be scheduled with the VPC.

Eagan noted that Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director, will address these issues at next Thursday's staff meeting.

- e. LIBA - Budget Monitoring Committee

Smoyer said the group discussed the budget and concerns with the proposed Lancaster Event Center expansion.

EMERGENCY ITEMS AND OTHER BUSINESS

Heier noted he spoke to Bob Jarrett regarding his upcoming retirement from County Corrections. He said Jarrett was unaware of how strongly the County Board felt about him staying on through the completion of the new jail project.

ADJOURNMENT

MOTION: Smoyer moved and Heier seconded to adjourn the meeting at 10:40 a.m. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte, Lancaster County Clerk





Kerry P. Eagan

From: Ron E. Sorensen
Sent: Wednesday, May 16, 2012 3:44 PM
To: Kerry P. Eagan
Cc: Paula E. Lueders
Subject: RE: Vacation Leave/Retirement

Kerry,

Please consider this my request, as described on page 4 of County Board Resolution R-08-0031 dated April 28, 2008, for the advancement of 80 hours of vacation leave.

I would appreciate it if you would forward my request to the Lancaster County Board.

Thank you for your help.

Ron Sorensen

From: Kerry P. Eagan
Sent: Tuesday, May 15, 2012 11:22 AM
To: Ron E. Sorensen
Cc: Paula E. Lueders
Subject: RE: Vacation Leave/Retirement

There is not a set procedure for requesting an advance of vacation. Just send me an email requesting an advance under the resolution and I will get the Board to act on it this Thursday.

With regard to participating in the pension plan just contact Paula Lueders at Personnel (telephone # 7878). She can provide you with the request to participate form.
-kpe

From: Ron E. Sorensen
Sent: Tuesday, May 15, 2012 10:45 AM
To: Kerry P. Eagan
Subject: Vacation Leave/Retirement

Kerry,

I couldn't find a process for requesting the advancement of vacation leave in the "Benefits for County Employees in the Classified Service" policy or the Personnel Manual. Should I address my request to you or Deb?

Also, I'm glad I reread the policy. Apparently I can also elect to participate in the Retirement Plan at the time of hire rather than wait until I have a year of service. The policy requires a written request. Will an email to the County Board serve the purpose?

Thanks for your help.

Ron