

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, OCTOBER 31, 2013  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr  
Jane Raybould  
Roma Amundson

Commissioners Absent: Brent Smoyer, Vice Chair

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

*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 October 30, 2013.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF OCTOBER 24, 2013**

**MOTION:** Schorr moved and Raybould seconded approval of the Staff Meeting minutes of October 24, 2013. Raybould, Amundson, Schorr and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

**2 ADDITIONS TO THE AGENDA**

A. Letter from Corey Steel, Deputy Administrator, State Probation Administration, Regarding the Detention Service Agreement (Exhibit A)

- B. Recommendation from the Lincoln-Lancaster County Consolidation Task Force Regarding County Engineer Position
- C. Appointment to Lincoln Water System Facilities Master Plan Stakeholder Committee
- D. Joint Budget Committee (JBC) Meeting Report

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

**3 PUBLIC DEFENDER INVESTIGATOR POSITION** - Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, presented a cost/benefit analysis of hiring a staff investigator versus contracting for investigator services (Exhibit B). He said his office contacted several private investigators in the community about their hourly rates. The hourly rates ranged from \$60/hour to \$125/hour. Keefe said he also consulted the Nebraska Supreme Court's Counsel for the Commission on the Unauthorized Practice of Law, who has experience contracting with private investigators, and Tim Domgard, a former Lincoln Police Department (LPD) detective and staff investigator with the Federal Public Defender's Office. He said he has calculated the cost of an entry level staff investigator, with maximum benefits, at \$32/hour.

Keefe said there are other issues that should be considered as well, such as whether there could be conflicts of interest when contracting, confidentiality issues, and less accountability with a private contractor. He said the staff investigator indicated his time is spent as follows: 40% locating witnesses and other individuals, 35% interviewing, 20% writing reports and 5% on other matters such as photocopying.

**NOTE:** His supervision of student interns is included in those percentages. Keefe said he believes there will be greater efficiencies by using a staff investigator and said he would like to proceed with hiring.

Keefe said the Board may also consider adding one more felony division attorney to his office, as felony cases are increasing at a rapid rate. Case load standards are being applied and private attorneys are being assigned to cases. He said it is at the point where the County would realize significant cost savings by adding an attorney, adding if the numbers stay at the level they have been the first quarter of the fiscal year, more than one attorney may be needed.

Schorr asked the reason for the increase in felony cases. Keefe felt the driving reason is the legislative creation of new felony offenses.

Raybould said she is reluctant to hire another individual without trying to work on a contract basis.

**MOTION:** Amundson moved and Schorr seconded to authorize the hiring of an additional investigator. Schorr, Amundson, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

### **ACTION ITEMS**

- A. Certification of Offices to be Placed on the Ballot for Primary Election (May 13, 2014)

**MOTION:** Schorr moved and Amundson seconded to authorize signature by the Chair. Amundson, Raybould, Schorr and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

### **ADDITIONS TO THE AGENDA**

- A. Letter from Corey Steel, Deputy Administrator, State Probation Administration, Regarding the Detention Service Agreement (Exhibit A)

Schorr noted that Steel's letter states it is Probation Administration's position that they are not obligated to pay extra expenses for medical and pre-disposition costs and will not pay beyond what is included in the daily rate. She suggested that the Board consider adjusting the daily rate to account for those increased costs.

Hudkins asked whether the transportation issue has been resolved. Schorr said it is not mentioned in the letter.

- 4 HEALTH INSURANCE COVERAGE FOR SAME SEX COUPLES** - Bill Kostner, City Risk Manager; Doug McDaniel, Personnel Director; Tracy Krause, Account Executive, AON Risk Solutions; Richard Grabow, Deputy County Attorney

Tracy Krause, Account Executive, AON Risk Solutions, said Blue Cross and Blue Shield of Nebraska (BCBSNE) is changing the definition of a spouse for all plans and will cover same sex spouses so long as a valid marriage was performed in a state that recognizes same sex marriage, effective January 1, 2014 (Exhibit C). There will no longer be a requirement to reside in a state that recognizes same sex marriage. She noted the Defense of Marriage Act (DOMA) does not provide that same sex spouses

are automatically entitled to employer-provided health care coverage. It depends on the terms of coverage under plan documents. Krause said the County has defined spouse as the opposite sex, even though it is not specifically stated in the Summary Plan Description (SPD). She said the County will need to decide whether to continue to administer the plan as it currently is and add the term opposite sex to the SPD or do nothing and default to BCBSNE's new standard, which is to cover same sex spouses.

Raybould asked what the City plans to do, adding she would like to be consistent. Bill Kostner, City Risk Manager, said the City's plan defines spouse as the opposite sex. Krause explained the City's plan is not up for renewal so they do not need to make a decision at this time. Doug McDaniel, Personnel Director, added the Mayor is looking at the issue with staff.

Schorr asked about the State and University of Nebraska-Lincoln (UNL). Kostner said the State currently defines spouse as opposite sex. He said UNL made a change in coverage to "one plus" when it joined the Big Ten Conference, adding that has different tax consequences.

Raybould asked whether there could be legal challenges, should the County choose to continue the opposite sex approach. Richard Grabow, Deputy County Attorney, said he is not aware of any legal challenges to that interpretation. He said there is nothing in state or federal law that requires the County to cover same sex spouses at this time. Grabow added that Article 1, Section 29 (2000) of the Nebraska Constitution marriage states: *Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.*

Schorr asked whether there have been any inquiries from employees about this issue. Kostner said he is not aware of any.

Raybould asked whether anyone has reached out to the lesbian, gay, bisexual and transgender (LGBT) community to get their take on it. No one indicated that they had. She also asked Krause what her other clients doing. Krause said she has seven large, self-funded clients and said only one covers same sex spouses.

**MOTION:** Schorr moved and Amundson seconded to continue to administer Lancaster County's plan defining spouse as the opposite sex.

Schorr said she would be willing to revisit the issue in a year.

Krause said she agrees with the recommendation to re-visit the issue in a year, noting a change to same sex could impact all lines of coverage and leaves and have tax implications.

Raybould asked whether it is imperative for the Board to make a decision today. Kostner said it was, as open enrollment for insurance coverage for county employees began October 24<sup>th</sup> and will conclude November 15<sup>th</sup>.

Raybould said she feels pressured by the need for a quick decision, adding she supports extending benefits to same sex couples.

McDaniel said he believes the issue warrants further study and discussion.

Schorr suggested the need for input from the Management Team and employees.

**FRIENDLY AMENDMENT:** Raybould offered a friendly amendment to direct the Personnel Director to look at the economic consequences and report back.

The maker of the motion did not accept the friendly amendment, noting that is already part of Personnel's duties.

**ROLL CALL:** Schorr, Amundson, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

- 5 TEMPORARY ROAD CLOSURE FOR TREE REMOVAL (WEST BENNET ROAD, 1/4 MILE WEST OF SOUTHWEST 86<sup>TH</sup> STREET) -**  
Ben Mullarkey, Habitat Manager, Spring Creek Prairie Audubon Center;  
Doug Pillard, Design Division Head, County Engineering; Brittany Behrens, Deputy County Attorney

Ben Mullarkey, Habitat Manager, Spring Creek Prairie Audubon Center, said the Center recently acquired an additional 47-acre parcel, across West Bennet Road, and plans to convert it back to tall grass prairie. He said the parcel is infested with trees and requested temporary closure of Bennet Road, from Southwest 86<sup>th</sup> to Southwest 100<sup>th</sup> Street, to allow a contractor to remove them clear of traffic (see aerial map and pictures in Exhibit D).

Doug Pillard, Design Division Head, County Engineering, said his department supports the request, noting it will provide an opportunity to take care of anything in the County right-of-way. He added it is a low volume road with no residents along that stretch of road.

Hudkins asked when they anticipate the closure. Mullarkey said they have not hired a contractor yet, so it will likely be after the first of the year. He said he anticipates that the road would only be closed for a day or two.

Brittany Behrens, Deputy County Attorney, said the County has authority to temporarily close a road when there is a potential public safety concern (use of large equipment and large trees being removed). The closure can either be done by resolution or an agreement with the parties. She recommended in this situation that the County enter into an agreement with the property owner or the contractor, for purposes of establishing the term and length of the closure.

**MOTION:** Schorr moved and Raybould seconded to authorize the County Attorney's Office to prepare the appropriate agreement to authorize the road closure. Raybould, Schorr, Amundson and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

## **RETURNING TO ITEM 2A**

The Board provided Behrens with a copy of Steel's letter (Exhibit A).

Schorr said she would like to discuss increasing the daily rate. Behrens said the County's previous contract with the Nebraska Department of Health and Human Services (DHHS) reflected a rate of \$236, which is also the rate used in the County's current contracts with other counties. **NOTE:** The terms are different for the contract counties. She said the range that Sheli Schindler, Youth Services Center (YSC) Director, had suggested to cover the County's costs was \$256 to \$275, adding the Board had directed Schindler to use the \$256 figure in the contract negotiations with State Probation Administration. Behrens noted State Probation Administration had proposed a higher rate of \$275 when it indicated it would not pay for medical and pre-disposition costs. She said Schindler estimated the higher rate would only generate an additional \$22,000 for that population over the course of a year, which is not adequate to cover the County's costs for those components. Behrens said she has asked Schindler to estimate what the rate would need to be to cover those expenses.

Hudkins asked whether the transportation issue has been resolved. Behrens said Steel indicated during a recent meeting with Douglas, Lancaster and Sarpy County representatives that the only transportation expected of counties was to and from court and emergency medical. She said that stipulation would need to be included in any contractual agreement with State Probation Administration.

**6 MEMORANDUM OF UNDERSTANDING (MOU) WITH VERA INSTITUTE OF JUSTICE** - Pat Condon, Chief Deputy County Attorney; Brittany Behrens, Deputy County Attorney

Pat Condon, Chief Deputy County Attorney, gave an overview of a proposed memorandum of understanding (MOU) for the Lancaster County Attorney's Office to participate in the Vera Institute of Justice's Prosecution and Racial Justice Program. Action on the MOU is scheduled on the November 5, 2013 County Board of Commissioners Meeting agenda.

**ADMINISTRATIVE OFFICER REPORT**

A. Request for Payroll Deduction from SilverSaver.com

Kerry Eagan, Chief Administrative Officer, gave an overview of a request from SilverSaver.com to offer their after-tax voluntary benefit via payroll deduction to County employees (Exhibit E). He said the company made the request after being contacted by a County Engineering employee. Eagan said he was contacted by another County Engineering employee who indicated he supports the request as well.

**MOTION:** Schorr moved and Amundson seconded to deny the request. Amundson, Schorr, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

B. Meeting with Lancaster County Agricultural Society Board of Directors

There was consensus to suggest the meeting be held on November 14<sup>th</sup>, at 6:30 p.m.

Amundson reported that she and Hudkins met with Ag Society members and shared the Board's concerns regarding management of the Lancaster Event Center. She said the Ag Society has received nine applications for the Managing Director position.

**7 BANKING REQUEST FOR PROPOSAL (RFP)** - Andy Stebbing, County Treasurer; Bill Jarrett, Chief Deputy County Treasurer; Michelle Raphael, Accountant/Auditor, County Treasurer's Office; Vince Mejer, Purchasing Agent; Brittany Behrens, Deputy County Attorney

Andy Stebbing, County Treasurer, discussed the Banking Services Request for Proposal (RFP), noting fifteen banks expressed interest and five vendors (Wells Fargo Bank, First National Bank of Omaha, U.S. Bank, Great Western Bank and Mutual of Omaha Bank) responded to either all or part of the RFP (Exhibit F). He said an RFP Evaluation Committee comprised of personnel from the offices of the County Treasurer, County Clerk, Clerk of the District Court and City/County Purchasing evaluated the responses

to the RFP and held oral interviews with the top three vendors for each type of service, except the automated teller machine (ATM). Dennis Meyer, Budget and Fiscal Officer, also participated in the oral interviews and evaluated their financials and Information Services (IS) reviewed responses to information technology questions. Stebbing said the Committee recommends development of a five-year contract with U.S. Bank for banking services. He said U.S. Bank has given assurances that they can save the County at least \$105,600 in service fees and new equipment costs over the next five years.

Schorr asked why none of the banks are interested in providing ATM services. Michelle Raphael, Accountant/Auditor, County Treasurer's Office, explained the ATM that was located on the second floor of the Justice and Law Enforcement Center didn't have enough transaction volume to be cost efficient and was removed. Bill Jarrett, Chief Deputy County Treasurer, said there is a vendor interested in placing an ATM on the first floor and said he is working with Property Management to find a suitable location.

**MOTION:** Raybould moved and Amundson seconded to move forward with the recommendation to award the bid to U.S. Bank. Schorr, Amundson, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

**NOTE:** Formal action to award the bid will be scheduled on a County Board of Commissioner Meeting agenda.

### **ADMINISTRATIVE OFFICER REPORT**

- C. Claim for Review, Payment Voucher (PV) No. PV418227, in the Amount of \$4.29 to Coni McCune, County Attorney's Office. Claim is Beyond the 90 Day Time Period.

Brief discussion took place regarding the claim.

**MOTION:** Raybould moved and Amundson seconded to handle the claim through the regular claims process. Raybould, Amundson and Schorr voted aye. Hudkins voted nay. Smoyer was absent from voting. Motion carried 3-1.

## **8 ACTION ITEMS**

- A. Certification of Offices to be Placed on the Ballot for Primary Election (May 13, 2014)

Item was moved forward on the agenda.



## 9 CONSENT ITEMS

There were no consent items.

### ADDITIONS TO THE AGENDA

#### B. Recommendation from the Lincoln-Lancaster County Consolidation Task Force Regarding County Engineer Position

Raybould said she would like to discuss the recommendation from the Task Force that the County Board consider appointing the City Engineer to fill the County Engineer vacancy on an interim basis. She noted one of the concerns that was raised was whether the County Board has the statutory authority to do that and said she believes it does, referencing a recommendation from the Lancaster County Consolidation Committee that was formed in 1996 in response to a law passed that year which provided that a county may consolidate the offices of the Clerk of the District Court, County Assessor, County Clerk, County Engineer or Register of Deeds (Nebraska Revised Statute §22-417). Eagan said the 1996 study dealt with a different issue and is not relevant.

Ann Post, Task Force Chair, appeared and said the Task Force has only made preliminary recommendations at this point. She added that legal considerations are not the purview of the Task Force. Eagan said it was more of a philosophical recommendation to encourage the Board to take a look at it.

Raybould said it was the recommendation of the 1996 Consolidation Committee, as well. Eagan said it was a side recommendation, adding the Committee realized it was beyond the scope of authority, although it was aware it had been discussed in the Arthur D. Little Study and felt it was good idea.

Hudkins asked whether the recommendation reflected a unanimous vote by the Task Force. Post said the vote was 7 to 2. Four members of the Task Force were absent.

Eagan pointed out it is important for the Mayor to "weigh in" on the matter, since it involves a City employee.

#### D. Joint Budget Committee (JBC) Meeting Report

Raybould said they discussed the timing for the JBC grants and funding and have recommended that the current contracts be extended through June, 2015, with the same terms and conditions. She said they also discussed investment of endowment funds.

Schorr said Kit Boesch, Human Services Administrator, discussed changes in the juvenile justice system and how some of the mental health services are provided. She said Boesch also reported on Community Hope Federal Credit Union, a new credit union that will have the ability to make same day, low interest loans.

## **10 ADMINISTRATIVE OFFICER REPORT**

- A. Request for Payroll Deduction from SilverSaver.com
- B. Meeting with Lancaster County Agricultural Society Board of Directors
- C. Claim for Review, Payment Voucher (PV) No. PV418227, in the Amount of \$4.29 to Coni McCune, County Attorney's Office. Claim is Beyond the 90 Day Time Period.

Items A-C were moved forward on the agenda.

## **11 PENDING**

There were no pending items.

## **12 ADMINISTRATIVE OFFICER REPORT**

- A. Lincoln Independent Business Association (LIBA) - Schorr

Schorr said discussion focused on the following: 1) Lincoln-Lancaster County Consolidation Task Force; 2) Legislative issues; 3) Change in the management of the Lancaster Event Center; and 4) Greenway corridor that will connect the Spring Creek Prairie Audubon Center and Pioneers Park Nature Center and concern about whether it might impact development.

- B. Lancaster County Correctional Facility Joint Public Agency (JPA) - Hudkins, Smoyer

Hudkins said they paid claims totaling \$118,993.63 from Wells Fargo for bank fees and Sampson Construction Company, the Construction Manager at-Risk. He also suggested the Board send a thank you to Pam Thurber for her contribution to artwork in the new Lancaster County Adult Detention Facility (LCADF).

## **ADDITIONS TO THE AGENDA**

- C. Appointment to Lincoln Water System Facilities Master Plan Stakeholder Committee

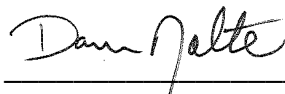
**MOTION:** Raybould moved and Schorr seconded to appoint Commissioner Amundson to the Lincoln Water System Draft Facilities Master Plan Stakeholder Committee. Schorr, Raybould and Hudkins voted aye. Amundson abstained from voting. Smoyer was absent from voting. Motion carried 3-0, with one abstention.

**13 EMERGENCY ITEMS AND OTHER BUSINESS**

There were no emergency items or other business.

**14 ADJOURNMENT**

**MOTION:** Schorr moved and Amundson seconded to adjourn the meeting at 10:22 a.m. Schorr, Raybould, Amundson and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.



Dan Nolte  
Lancaster County Clerk





## SUPREME COURT OF NEBRASKA

ADMINISTRATIVE OFFICE  
OF THE COURTS & PROBATIONJanice K. Walker  
State Court AdministratorEllen Fabian Brokofsky  
State Probation Administrator

RECEIVED

OCT 20 2013

LANCASTER COUNTY  
BOARD

October 24, 2013

Commissioner Hudkins  
555 South 10<sup>th</sup> Street, Suite 110  
Lincoln NE, 68508

RE: Detention Service Agreement

Dear Commissioner Hudkins:

This letter is to inform the Lancaster County Board of Commissioners that it is the position of Probation Administration that Probation's statutory detention obligations do not include extra expenses for medical and pre-disposition release costs. Probation has no intention of paying for costs beyond what is included in the daily rate.

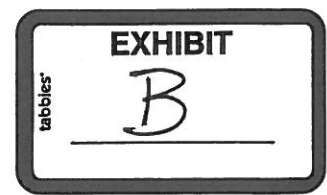
Pursuant to section 55 of LB 561, now codified in Neb. Rev. Stat. § 43-4102(4)(a) and (b), the Office of Probation Administration is obligated to pay detention costs in the following situations: 1) when a juvenile is placed in detention as the result of an alleged violation of probation and 2) when a juvenile is placed in post-disposition detention under the supervision of the Office of Probation Administration while awaiting placement.

When the Office of Juvenile Services was paying detention costs prior to the implementation of LB 561, the youth were wards of the state and thus automatically Medicaid eligible. Even though federal law prohibits access to Medicaid dollars while in a correctional facility, the youth could be quickly discharged from detention in the case of a catastrophic injury or illness in order for Medicaid to be available. However, wards of the state are no longer automatically Medicaid eligible and youth under the supervision of the Office of Probation Administration are not wards of the state. The care and custody of such juveniles remains the responsibility of the parents or the county if the parents cannot pay. Like adults residing in the county jails, the juveniles are ultimately the responsibility of the county that placed them in detention.

If you have any questions or concerns, please contact one of us directly.

Sincerely,

Corey R. Steel  
Deputy Probation Administrator



LAW OFFICES OF THE  
LANCASTER COUNTY PUBLIC DEFENDER  
COURTHOUSE PLAZA  
633 SOUTH 9TH STREET  
LINCOLN, NE 68508  
(402) 441-7631  
FAX (402) 441-6059

## MEMORANDUM

**TO:** Lancaster County Board of Commissioners

**FROM:** Dennis R. Keefe, Lancaster County Public Defender

**DATE:** October 31, 2013

**SUBJECT:** Public Defender Investigator Position

In approving our office's FY14 budget request, The Lancaster County Board of Commissioners included \$33,564 (½ of the fiscal year funding) for a full time Investigator position beginning January 1, 2014. I agreed to provide you with a cost/benefit analysis on hiring a staff investigator versus contracting for services before November 1, 2013. This memorandum is intended to comply with your request and my agreement for such an analysis.

In researching this question, I had our office contact several private investigators in the community to determine hourly rates charged and relevant experience. I personally surveyed the attorneys in the office via email about the need for an additional investigator and consulted with our current investigator about how his time is spent as a full time staff investigator. I also consulted with the Nebraska Supreme Court's Counsel for the Commission on the Unauthorized Practice of Law, who has had very recent experience contracting with private investigators, and I consulted with Tim Domgard, a 22 year veteran of the Lincoln Police Department and a 19 year veteran staff investigator with the District of Nebraska Federal Public Defender's Office.

### Nature of the Position

I have attached a copy of the official Job Description for the County's Investigator Position. Our current staff investigator estimates that 40% of his time is spent in locating witnesses and other individuals, 35% is spent Interviewing, 20% is spent writing reports and 5% is spent on photographing and other matters. He included the time he spends supervising student interns within each category.

## Comparing the Costs

Contracting – From our admittedly unscientific survey of the local community, we found private investigator hourly rates to range from \$65/hour to \$125/hour. The one contract situation we found did have a specially negotiated rate of \$60/hour but it should be noted that it was not considered a successful contract by the employer.

Staff – The fully loaded hourly rate for an entry level staff investigator is \$32/hour (\$67,128/2080 Hours).

The following chart compares the low end and high end of the private investigator rates with the entry level staff investigator and the number of hours “purchased.” (We did not include the one time costs for equipping and furnishing the staff investigator.)

	<u>Staff Investigator</u>	<u>Low Contractor</u>	<u>High Contractor</u>
Hourly Rate	\$32	\$60	\$125
Work Hours Purchased	1,960 <sup>1</sup>	1,119 <sup>2</sup>	537

The lowest possible contract cost would only provide 57% of the number of work hours as the staff attorney position. This is particularly important when you remember that 40% of the work will be locating individuals.

## Other Considerations

- We have been advised by individuals with expertise in the area that to get a qualified contractor we would want to start higher than the minimum \$60/hour rate.
- Contracting could create conflict of interest problems that would not be the case with a staff investigator. Assuming that the contracting investigator worked on cases for other attorneys, we would always need to check to make sure that they were not working on cases that created conflicts of interest for the office.
- There are greater efficiencies in using a staff investigator. For example, all of our investigator assignments, activities and reports are tied in seamlessly with our case management information system. We train our staff on policies and procedures including the MIS. Because of privacy and confidentiality requirements, we would not be able to give a contracting investigator access to

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<sup>1</sup>2080 hours minus 80 vacation hours and 40 sick leave hours.

<sup>2</sup>\$67,128 (full year cost of staff investigator) divided by hourly rate.

our system. Assignments, tracking activities, and reporting would be outside the system and we would spend additional staff time integrating the work of the contractor.

- There would be less accountability with a contractor which is especially important when we consider that 40% of the contractors time will be spent locating individuals.
- With a second staff investigator, we could try to reduce overtime pay by \$1500 per year, and we could reduce the amount of leave time that the current investigator has to forfeit because of the workload.
- The staff attorneys in the office believe that a full time staff investigator is warranted.
- Tim Domgard strongly recommended a staff ~~attorney~~ <sup>investigator</sup> position versus contracting with a private investigator.

Based upon our research and the issues identified above, it would be my intention to begin the process of hiring a staff investigator to begin work early in 2014.

## LANCASTER COUNTY INVESTIGATOR

### NATURE OF WORK

This is responsible work relating to the investigation of criminal allegations filed in Lancaster County or other courts of competent jurisdiction.

Work involves the application of investigative methods in the interviewing of witnesses and the gathering of physical evidence with respect to criminal proceedings. An employee of this classification will locate and interview witnesses, conduct crime scene investigations, take measurements and photographs of crime scenes or evidence and conduct other related tasks on behalf of attorneys. An employee of this class is expected to exercise considerable initiative and resourcefulness in the performance of assigned duties. General supervision is received from an administrative superior with work being reviewed in the form of comprehensiveness of written reports and investigative results achieved.

### EXAMPLE OF WORK PERFORMED

Investigate crime scenes, gather and secure evidence, and photograph and diagram crime scenes and other important locales on behalf of Lancaster County clients.

Interview witnesses in felony, misdemeanor, mental health, juvenile, child support and paternity actions on behalf of Lancaster County clients.

Establish and maintain a system to ensure the protection and chain of custody for evidence.

Prepare comprehensive written reports concerning investigations undertaken; provide preliminary oral reports to attorneys, as required; obtain formal statements from witnesses; and testify in court as required on behalf of Lancaster County clients.

Develop and locate witnesses of felony, misdemeanor, juvenile, mental health, child support and paternity actions on behalf of Lancaster County clients.

### DESIRABLE KNOWLEDGES, ABILITIES AND SKILLS

Considerable knowledge of investigative techniques, principles and practices.

Knowledge of criminal law, criminal procedure and the rules of evidence.

Knowledge of court procedures in criminal trials.



Ability to obtain complete information through interview, interrogation and observation and to prepare comprehensive reports on assigned cases.

Ability to recognize the need for independent action and to demonstrate the skill, creativity, initiative and confidence in effectively handling complex assignments.

Ability to maintain client confidences and ensure confidentiality of the investigation and investigative results.

#### DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four-year college or university with major course work in criminal justice, psychology, sociology or related field plus experience in criminal investigations, as well as the collection and analysis of evidence.

#### MINIMUM QUALIFICATIONS

Graduation from a senior high school supplemented by additional course work in criminal justice or related field and experience in law enforcement or any equivalent combination of training and experience which provides the desirable knowledges, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

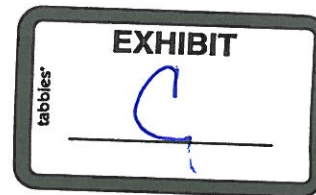
Employees in this class must have the ability to obtain a private investigator license from the State of Nebraska within six (6) months of employment.

Approved by: \_\_\_\_\_  
Department Head

\_\_\_\_\_  
Personnel Director

Revised 4/96

PS0913



## Lancaster County

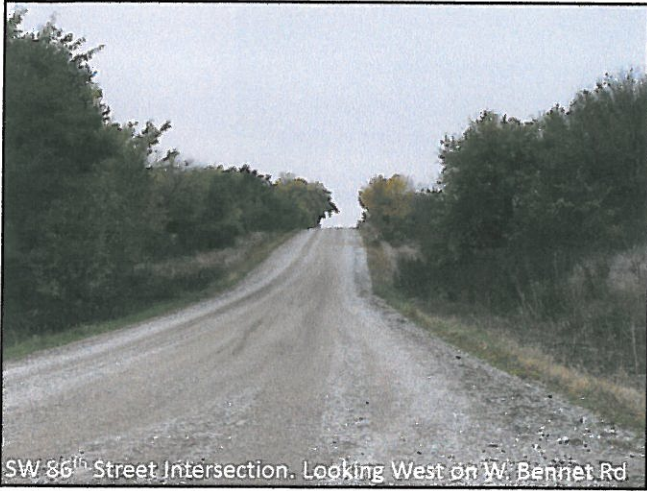
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- The recent DOMA decision does not provide that same sex spouses are automatically entitled to employer-provided health care coverage
  - Depends on terms of coverage under plan documents and health insurance contracts
  - Employers need to review plan documents to determine coverage
  
- **Lancaster County's Current Position**
  - Even though it is not specifically stated in your SPD both BCBSNE and Lancaster County have administered the definition of spouse as opposite sex.
    - Plan covers opposite-sex spouses only regardless of a legal marriage where same sex spouses are married and reside in a state that legalizes same sex marriages.

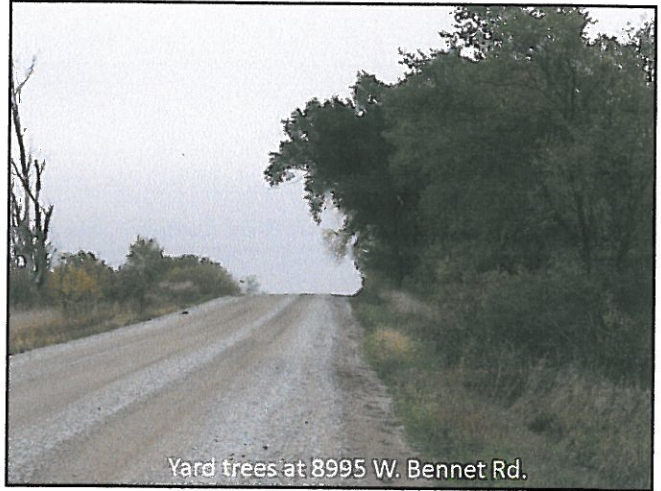
## Lancaster County

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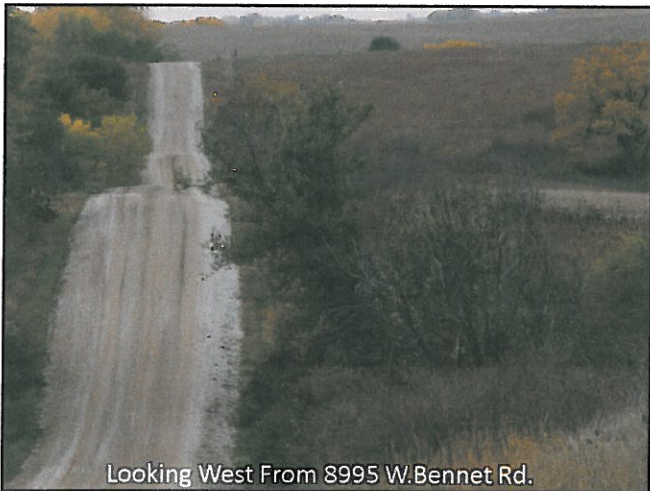
- On October 18<sup>th</sup> BCBSNE notified Aon of a contract change effective 1/1/2014:
  - Blue Cross Blue Shield of Nebraska will cover same-sex spouses so long as a valid marriage was performed in a state that recognizes same sex marriage.
    - There will no longer be a requirement to reside in a state that recognizes same sex marriage. This is a result of the Supreme Court's DOMA decision and subsequent guidance from the Department of Labor.
  
- Lancaster County's Decisions:
  - Decide to continue to administer Lancaster County's eligibility requirement of opposite sex.
  
  - Don't do anything
    - The definition of eligible spouse will change to the BCBSNE contract definition of eligible spouse as previously outlined.



SW 86<sup>th</sup> Street Intersection. Looking West on W. Bennet Rd



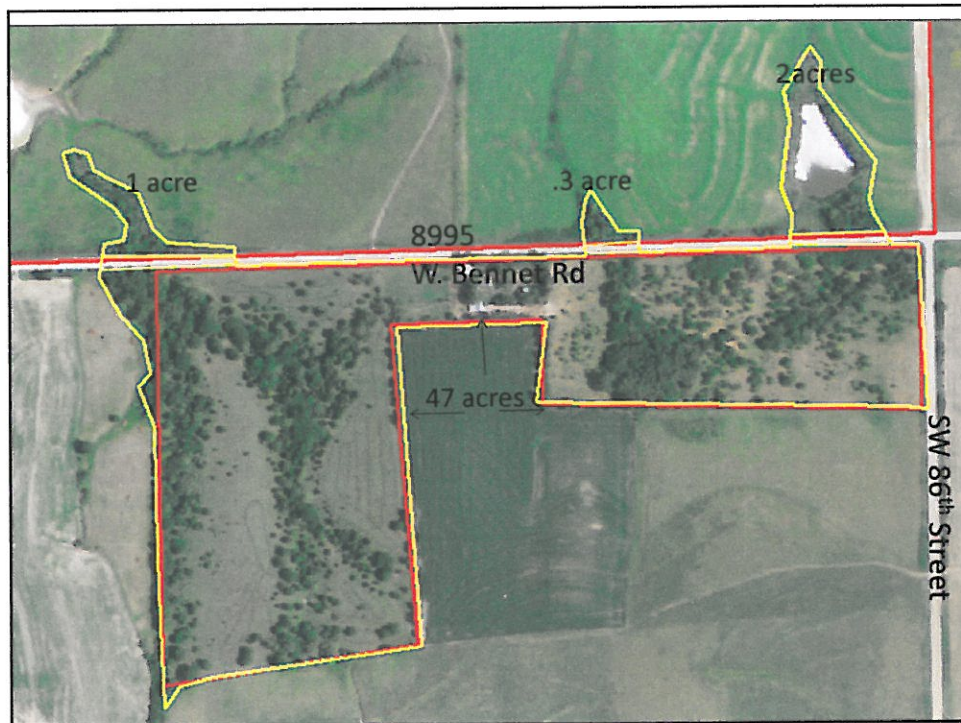
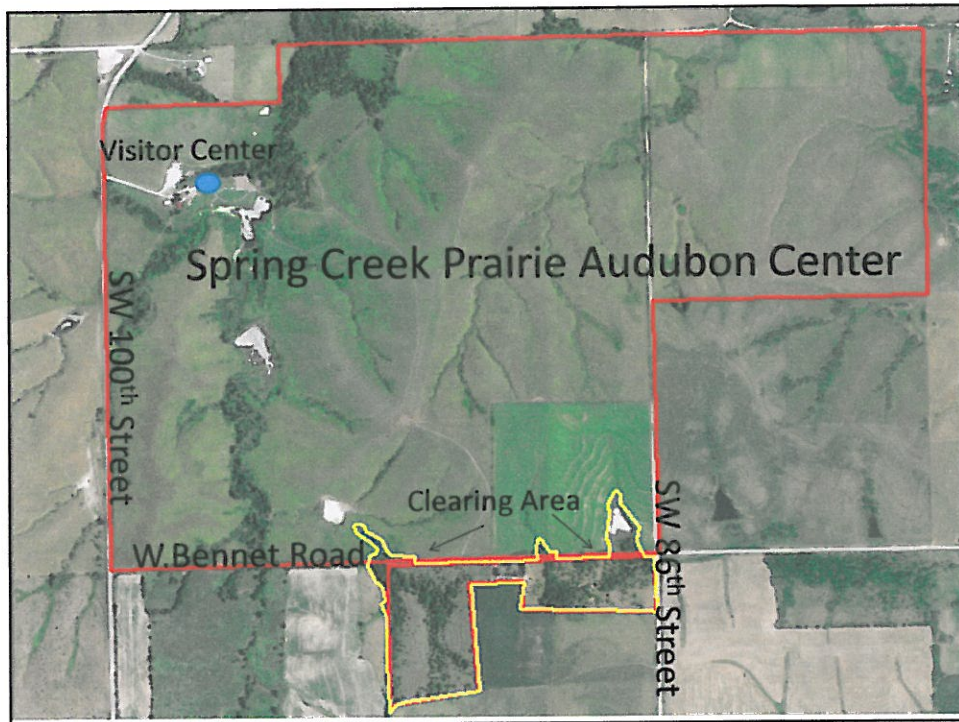
Yard trees at 8995 W. Bennet Rd.



Looking West From 8995 W. Bennet Rd.



Looking East to 8995 W. Bennet Rd.



EXHIBIT

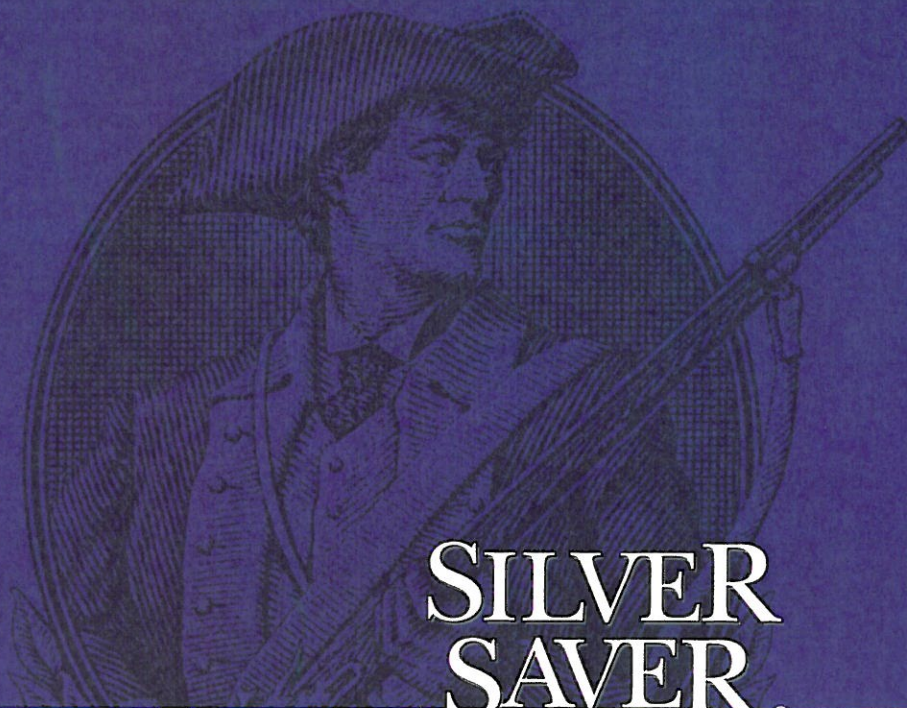
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## WEALTH ACCUMULATION THROUGH SILVER AND GOLD



SECURE VALUE. PURCHASE POWER.

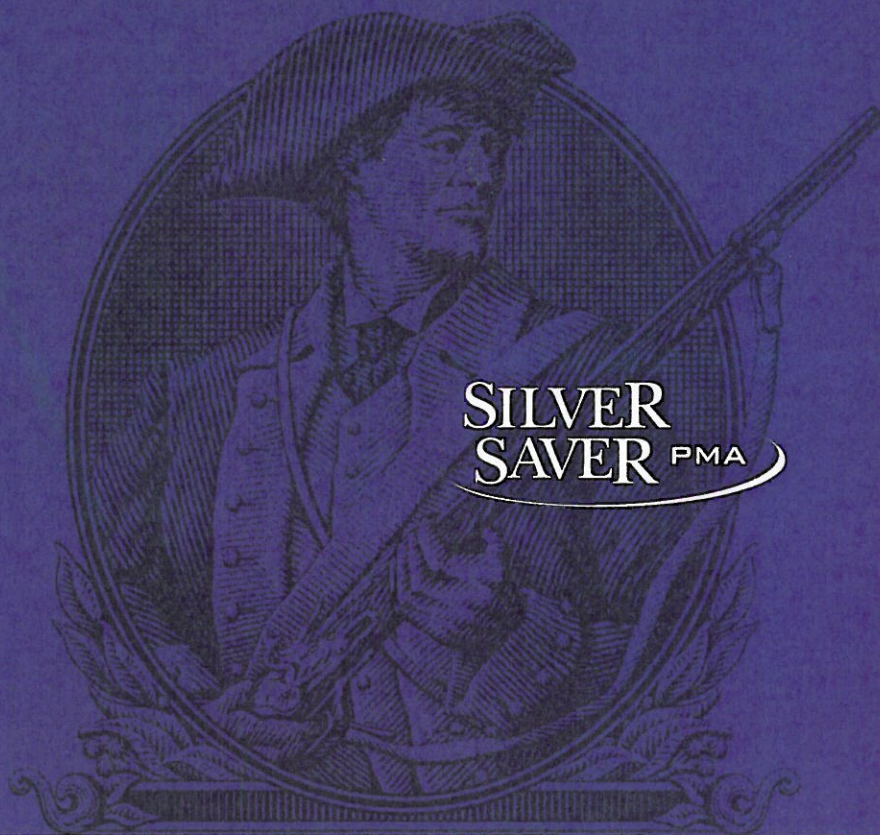


# SILVER SAVER

HOW DO YOU OFFER SOLID SAVING SOLUTIONS  
FOR YOUR EMPLOYEES' BENEFIT PLAN?



SECURE VALUE. PURCHASE POWER.



SILVER  
SAVER PMA

PROVIDE A NEW CHANGE IN SAVING THAT SECURES VALUE  
AND PURCHASING POWER THROUGH PRECIOUS METALS.



Your success as an employer is largely dependent on the caliber of employees you attract. In today's economy, employees need innovative and powerful solutions that secure their financial future. Your ability to deliver diverse options couldn't be more important. With ever changing rates of inflation and a volatile economic climate, the need for financial security is critical. In spite of all this, SilverSaver® has seen how precious metal accumulation has helped people maintain their purchasing power in uncertain times.

For thousands of years, people have used silver and gold for currency because of its enduring value. We've continued that tradition today by providing automated systems that help employees accrue silver and gold with peace of mind.

When it comes to running your business, you understand the need for financial security. Why not give your employees that same sense of security as well? Take time to help them see saving differently with SilverSaver – take time to help them secure value and purchase power.

## Portability

SilverSaver makes it easy to transfer from one participation company to the next. Because we are a voluntary after-tax benefit, accounts are very portable. The ease behind this transfer process helps keep your employees' investment strategy moving no matter what circumstances they encounter.



## IMPROVE YOUR EMPLOYEES' FINANCIAL FLEXIBILITY

SilverSaver is built to help your employees easily secure solid wealth overtime. If your organization also offers other benefits, SilverSaver can work in conjunction with them to enhance the overall financial wellness of your employees. This compatibility can also help you attract and retain key employees who are looking for a unique way to diversify their financial strategy. The steps to get SilverSaver up and running in your organization couldn't be easier.

**Step 1:** Set up your company profile with SilverSaver.

**Step 2:** Employees can then choose the amount of gold and silver they want to purchase each pay period.

**Step 3:** Your employees can begin to accumulate physical savings immediately with our convenient payroll deduction method.

## MANAGE SILVERSAVER WITH EASE

Using SilverSaver at your company is designed to bring both you and your employees control and stress-free financial management.

**Easy Administration** - Our easy-to-use online interface lets you focus less on the paper work often associated with other financial plans. With SilverSaver you spend less time managing the plan and more time managing your business.

**Complete Control** - Your employees have the freedom to change the dollar amount they would like to transfer to silver and gold as many times as you – the employer – allow. All SilverSaver accounts are portable and transferable. As an employer this removes the middleman from the process and empowers your employees to manage their financial strategy.

**Employee Satisfaction** - SilverSaver can increase the satisfaction that employees find in you as an employer. Offering your employees diversity in their financial future is important. With SilverSaver, you can help build a sense of security among your employees so they know you are looking out for their financial well-being.

See the new change in saving. Contact SilverSaver today at:

[silversaverpma.com](http://silversaverpma.com) | 800.701.3546



SILVERSAVER® BY MASS METAL LLC

706 Massachusetts Street / Lawrence, KS 66044

## UNDERSTAND THE ADVANTAGE OF PRECIOUS METALS

### Silver and Gold

Precious metals remain among the most reliable forms of money today. Historically, they have acted as a long-term store of value. Today, gold and silver are recognized around the world as forms of money that cannot be created out of thin air and won't be destroyed by inflation.



This enduring quality is why SilverSaver\* is able to offer your employees the ability to preserve their purchasing power over time.

With SilverSaver, all funds that an employee chooses to save in silver or gold bullion go on to immediately purchase physical precious metals. This kind of efficiency helps them accumulate physical wealth like never before.

### Security

SilverSaver prides itself on the security that we offer people to protect their financial future. Every investment made in precious metals is titled at First State Depository in Wilmington, Delaware. These holdings are then audited by a third party and 100% insured by a policy with Lloyd's of London through the Hugh Wood Agency in New York. Your employees can even keep track of their bullion with our state-of-the-art online security system and the industry "best practices" that we've adopted.



### Competitive Prices

SilverSaver was created so that it could be competitive on every level of purchase, especially real costs for modest-sized reserves. Many metals dealers charge exorbitant premiums for their gold and silver bullion. When your employees start with SilverSaver you can be sure that the real costs are fair and among the lowest available.



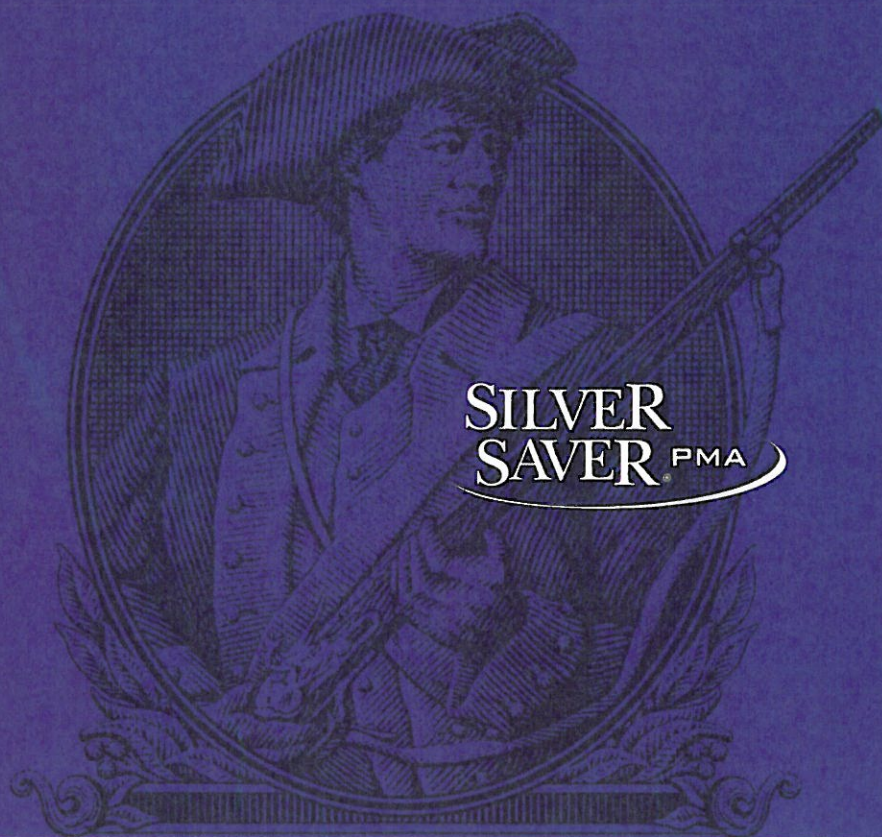
### "SET-IT-AND-FORGET-IT" SAVINGS PLAN

Finding a disciplined system to save a given amount on a regular basis doesn't have to be hard. SilverSaver gives your employees the mechanism to maintain discipline in a savings program with our online portal and network of trusted security partners. SilverSaver also operates through payroll deduction plans that are priced much lower than the general public. And anytime your employees need access to their holdings, our accounts are designed to be very liquid so they can access them when needed.

HOW DO YOU BUILD A SOLID INVESTMENT STRATEGY  
THROUGH YOUR EMPLOYEE BENEFIT PLAN?

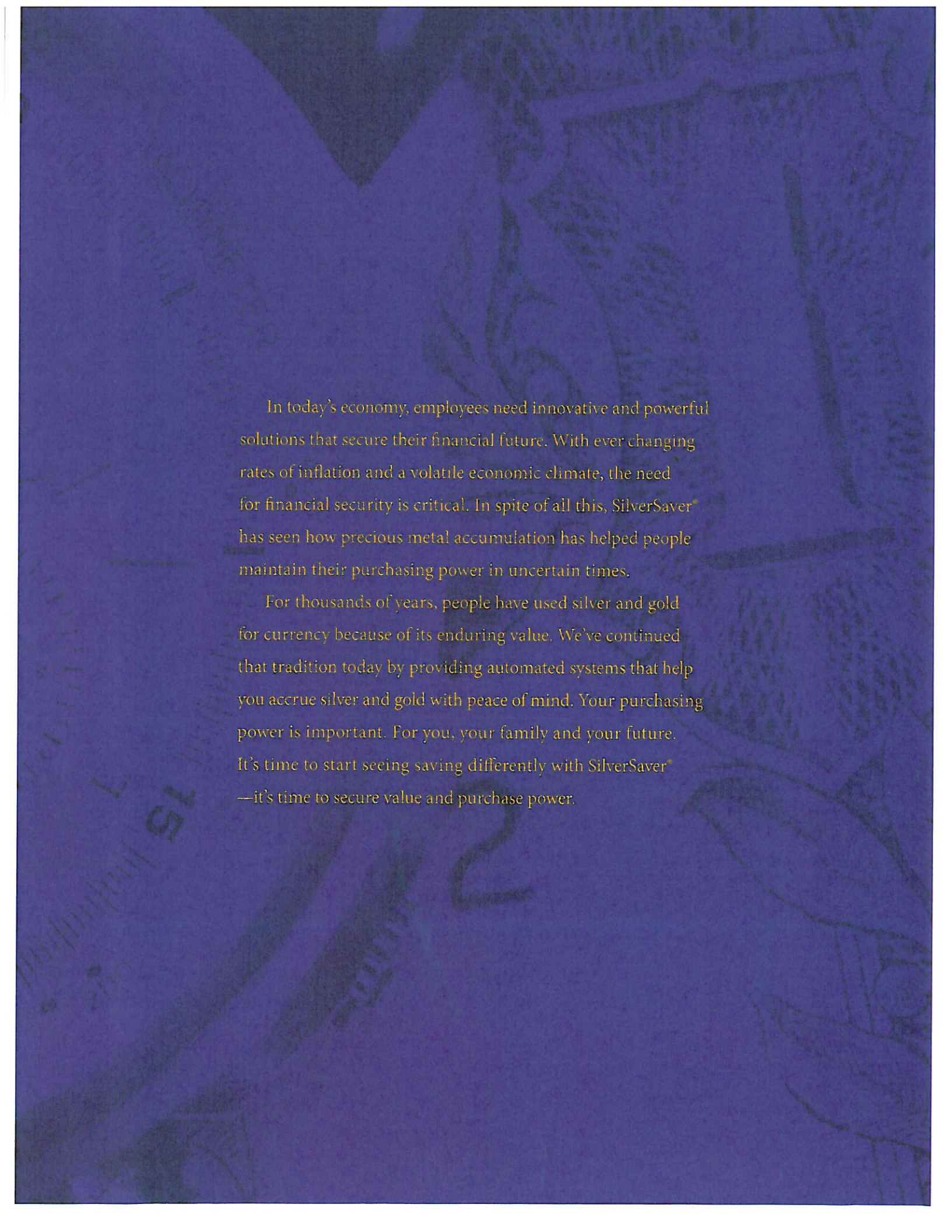


SECURE VALUE. PURCHASE POWER.



SILVER  
SAVER<sup>®</sup> PMA

SEE THE NEW CHANGE IN SAVING THAT SECURES VALUE  
AND PURCHASING POWER THROUGH PRECIOUS METALS.

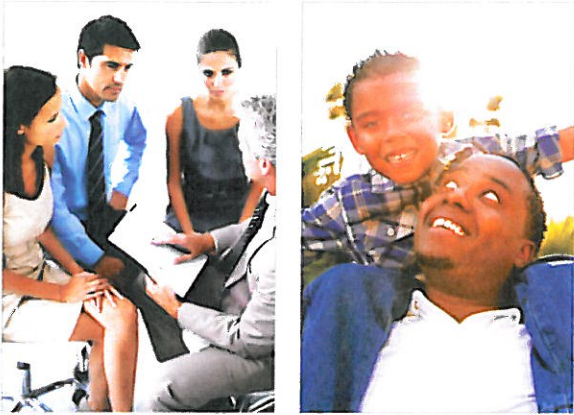


In today's economy, employees need innovative and powerful solutions that secure their financial future. With ever changing rates of inflation and a volatile economic climate, the need for financial security is critical. In spite of all this, SilverSaver® has seen how precious metal accumulation has helped people maintain their purchasing power in uncertain times.

For thousands of years, people have used silver and gold for currency because of its enduring value. We've continued that tradition today by providing automated systems that help you accrue silver and gold with peace of mind. Your purchasing power is important. For you, your family and your future. It's time to start seeing saving differently with SilverSaver®—it's time to secure value and purchase power.

## Portability

SilverSaver® makes it easy to transfer from one participating company to the next. Because we are a voluntary after-tax benefit, accounts are portable. The ease behind this transfer process helps keep your investment strategy moving no matter what circumstances you encounter.



## START ACCUMULATING PRECIOUS METALS TODAY

Regardless of your income level, SilverSaver® PMA provides an easy and automated access to precious metals. All you have to do is create an online account through your employer. Once you have created your online account, you can determine the metals you wish to save and the amount you want deducted from each paycheck. A SilverSaver® PMA also enables you to begin to save as little as \$10 each pay period and begin your journey to greater financial security.

See the new change in saving. Contact SilverSaver® today at:

[silversaverpma.com](http://silversaverpma.com) | 800.701.3546

## WHAT IS SILVERSAVER® PMA?

A SilverSaver® Precious Metals Account is the voluntary benefit solution that preserves the purchasing power of your hard-earned dollars, providing a more secure future for you and your family. This account also gives you the freedom to decide exactly how much you want to contribute each pay period. With our online interface, your ability to manage your account couldn't be easier. This reduces paperwork both for you and your employer and gives you more control over your financial future.



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### Security

SilverSaver® prides itself on the security that we offer people to protect their financial future. Every investment you make in precious metals is allocated and titled IN YOUR NAME at First State Depository. These holdings are then audited by a third party and 100% insured by a policy with Lloyd's of London through the Hugh Wood Agency in New York. You can even keep track of your bullion with our state-of-the-art online security system and the industry "best practices" that we've adopted.



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Finding a system to discipline yourself to save a given amount on a regular basis doesn't have to be hard. SilverSaver® gives you the mechanism to maintain discipline in your savings program with our online portal and network of trusted security partners. SilverSaver® also operates through payroll deduction plans that are priced much lower than the general public. Our accounts are designed to be liquid so you can access your holdings when needed.



ACCOUNT APPLICATION AND  
VOLUNTARY PAYROLL DEDUCTION FORM

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Email Address (required) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

**Create a 4 Digit PIN** (example 1234) \_ \_ \_ \_

*Please choose an easy-to-remember PIN. This will be used for online access to your account.*

**For Current SilverSaver® Clients Only**

Account No. MM- \_\_\_\_\_

Employer Account Code \_\_\_\_\_

I understand that silver and gold prices can be volatile and will rise and fall depending on market conditions. My participation in SilverSaver® is a voluntary benefit and I understand that I am ultimately responsible for any tax reporting of gains or losses that I incur by selling any of my holdings. I have read the Mass Metal LLC terms and conditions and hereby authorize Your employer: \_\_\_\_\_ to deduct from my wages each pay period the sum:

\$ \_\_\_\_\_ (\$10 minimum per pay period)

**Metal Savings Allocations**

Silver \_\_\_\_\_% Gold \_\_\_\_\_%

*(This must add up to 100% with no fractional amounts)*

This authorization will remain in effect until such a time as I submit another Voluntary Payroll Deduction Form changing or stopping my contribution.

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

*\* For those who already have SilverSaver accounts, the Employer Account Code is a code you customize on the 'security' page when you are logged in to your account at silversaver.com. Failure to provide your correct MM account number and Employer Account Code will result in having multiple accounts.*



# SILVER SAVER<sup>®</sup>

PMA



## Employee FAQs

### **Q. What is SilverSaver<sup>®</sup> PMA?**

A. SilverSaver<sup>®</sup> PMA (Precious Metal Account) is a secure and trusted way for you to accumulate physical silver and gold through the convenience of payroll deduction. For the past several years, individuals in all 50 states and Canada have been saving through SilverSaver<sup>®</sup> via checking and savings account withdrawals. Now, to make this process even easier, we have enabled savings through this unique employee benefit.

### **Q. How does SilverSaver<sup>®</sup> PMA compare to other benefits?**

A. Most benefits exist to manage risk in some way. SilverSaver<sup>®</sup> PMA does so by allowing you to diversify into tangible assets with a 5,000 year history. Many of the worlds most well-known investors see value in having a portion of their savings in precious metals.

### **Q. What is the minimum amount I can save?**

A. You can choose to save as little as \$10 per pay period or more and you can split your purchase in any whole % amount between silver and gold (60% silver, 40% gold, etc.).

### **Q. What price am I paying for my silver and gold?**

A. You purchase at 4.99% over the SilverSaver<sup>®</sup> Base Price, our once-daily 'spot' price, on the day your employer processes your payroll transaction.

### **Q. How secure is the depository and my personal information?**

A. First State Depository is a highly protected, world-class facility located in Wilmington, Delaware. All metal is titled in your name and 100% insured through a policy with Lloyd's of London. Additionally, all employer and employee information is stored on our secure servers using industry best practices. This includes high levels of encryption and highly secure transfer of data.

### **Q. What happens if I want to close and/or liquidate my account?**

A. Since your account is a voluntary, after-tax account, you have easy access to your savings. You can stop at any time and liquidate your account by selling your holdings. Keep in mind, precious metals are meant to be intermediate to long-term savings.

### **Q. Will you ship my silver and gold if I want it delivered?**

A. Yes, you can have metal shipped to you once you have accumulated 20 ounces of silver or one ounce of gold. SilverSaver<sup>®</sup> can securely ship your metal in many deliverable forms including bars and coins. An additional fee applies depending on what particular forms you wish to have sent to you.

### **Q. What happens to my account if I leave my employer?**

A. You can maintain a fully functional account by adding your personal bank information or your account is portable to other employers who offer SilverSaver<sup>®</sup> PMA.

*For more information, visit [silversaverpma.com](http://silversaverpma.com)*

**Recommendations: Banking Services Request for Proposal (RFP)**  
From Lancaster County Treasurer's Office and City/County Purchasing  
October 31, 2013

City/County Purchasing released the Banking Services Request for Proposal #13-204 on June 14, 2013. The RFP included the following services: Cash Management, Remote Deposit Capture, County Credit Cards and Automating Payables, Merchant Processing (Credit Card Processing), Branded Prepaid Cards, and ATM.

An RFP team comprised of qualified staff included personnel from the County Treasurer's Office, the County Clerk's Office, the Clerk of the District Court's Office, and City/County Purchasing. This team worked together to develop the original RFP, scoring pieces, and completed the evaluation of the RFP responses and oral interviews. Dennis Meyer from Budget & Fiscal also participated during oral interview and evaluated the vendor's financials. Information Services reviewed technical responses to information technology questions.

15 banks were notified of the upcoming RFP issuance. Five vendors submitted a response to either part or all of the RFP. Vendors were not required to bid on all services in order to be considered. The vendors submitted 78 questions during the RFP question and answer time frame to gain a deeper understanding of Lancaster County's requirements. Submitting vendors included: Wells Fargo, First National Omaha, US Bank, Great Western Bank, and Mutual of Omaha. Applicants were required to submit an executive summary, corporate overview, financial statements, respond to specific technical questions relating to each of the services they responded to, discuss disaster recovery solutions, provide detailed information regarding subcontractors, and provide sample reporting.

A consensus approach was taken when determining which vendors the County would invite to oral interviews. The top three vendors for each type of service (except ATM) were invited for oral interviews based on their submitted written technical responses and services offered. Oral interviews ranged from 1 ½ hours to 3 ½ hours per vendor depending on the number of services the vendors was invited to present on before the RFP team.

RFP oral interviews						
Bank Name	RFP Services					
	Cash Management	Remote Deposit Capture	Merchant Processing	Co. Credit Cards and Automating Payables	Branded Prepaid Cards	ATM
First National Omaha	X	X	X	X		
Mutual of Omaha			X	X		
US Bank	X	X	X	X	X	

Wells Fargo	X	X	
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Oral interviews consisted of vendors demonstrating technical solutions detailed in their RFP response and answering evaluation team questions.

All vendors reaching oral presentations/interviews demonstrated the technical expertise to serve Lancaster County. The committee met a few days after oral presentations to select the top two vendors. First National Omaha and US Bank were selected to move forward. Purchasing contacted both vendors to request clarification on some technical questions and seek more competitive pricing.

*Both vendors exhibited to following strengths:*

- Government client experience
- Detailed technical proposal response
- Excellent oral presentation/demonstration
- Experienced vendor team to work with County staff
- Good communication skills
- Known leader in the banking industry

The committee recommends the County Board move forward to develop a 5 year contract to award the Banking Services RFP to US Bank. The contract with US Bank will represent the following cost savings and additional services to Lancaster County:

- Bundled service pricing capped at \$3,500 a month for the initial term of the contract (annual savings of \$11,000 a year for the County Treasurer’s Office and \$5,700 for Clerk of the District Court’s Office). The bundled pricing includes the all bank accounts operated by the County Treasurer’s Office and the Clerk of the District Court.
- Free check scanning equipment offered as a part of the contract (8 machines for a total savings of \$11,600). This benefit allows the County Treasurer’s Office to replace 7 existing old machines and gives the Clerk of the District Court’s Office one machine. The Clerk of the District Court’s Office currently does not have a machine in their office.
- First three months of services during transition at no cost to Lancaster County (approximate value \$10,500)
- Additional new technical services, revenue sharing opportunities, and efficiencies that will assist Lancaster County.
- In total, this RFP will save the County \$105,600 in service fees and new equipment costs over the next 5 years. This savings does not include efficiencies or any revenue sharing opportunities the County explores.

Only service not awarded is the ATM machine. The County Treasurer’s Office and City/County Purchasing are working on finding a vendor to provide that service.