

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, JUNE 4, 2015
8:30 A.M.**

Commissioners Present: Roma Amundson, Chair
Larry Hudkins, Vice Chair
Deb Schorr
Bill Avery
Todd Wiltgen

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dennis Meyer, Budget and Fiscal Officer
Dan Nolte, 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 June 3, 2015.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:33 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES FOR MAY 28, 2015

MOTION: Avery moved and Wiltgen seconded approval of the May 28, 2015 Staff Meeting minutes. Avery, Schorr, Wiltgen and Amundson voted aye. Hudkins was absent from voting. Motion carried 4-0.

2 ADDITIONS TO THE AGENDA

- A. Prosper Lincoln
- B. Appointment to the Air Pollution Control Advisory Board (Exhibit A)
- C. Appointment to the Aging Partners Areawide Advisory Council (Exhibit B)
- D. South Downtown (SoDo) Open House

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

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

3 DISASTER DECLARATION AND DAMAGE UPDATE FOR STORMS OF MAY 6-7, 2015 - Jim Davidsaver, Emergency Management Director; Pam Dingman, County Engineer; Erik Hubl, Geographic Information Systems (GIS) Mapping Division Head, County Engineering

Pam Dingman, County Engineer, and Erik Hubl, Geographic Information Systems (GIS) Mapping Division Head, County Engineering, gave a PowerPoint presentation on the damage from storms on May 6th and 7th to County infrastructure (Exhibit C). Lancaster County had nearly 10 inches of rain those two days, much of it falling along the Salt Creek Watershed. Dingman said there were approximately 1,800 points of damage, including 28 bridges. Photographs of the storm damage were geo-coded and brought into the Geographic Information System (GIS). Damage points were cataloged on active and in-active maps. **NOTE:** An active map allows a viewer to hover over a dot to view photographs of the damage, how much material was needed in repairs and how many hours of labor were involved.

Hudkins said he was contacted about a significant amount of gravel and crushed rock that was swept out into a cornfield south of Denton. Dingman said County Engineering will work to retrieve that material, noting the County has lost more than 10,000 tons of gravel as a result of storms.

Dingman said Federal Emergency Management Agency (FEMA) representatives made a visit on Friday and indicated FEMA would consider assisting with debris removal at the rate of 85% for the first 30 days, including labor, but not outside of the right-of-way (ROW). The 30 day period began the prior Sunday when a severe thunderstorm occurred (FEMA considers it one storm event). Reimbursement would be at a rate of 80% from Day 31 through Day 90 and 75% from Day 91 through Day 180. Reimbursement would end at that point.

Dingman said the railroad also had significant damage from the flood and shut down three county roads to store their materials without notifying the County.

Jim Davidsaver, Emergency Management Director, discussed the FEMA/NEMA (Nebraska Emergency Management Agency) preliminary damage assessment and the disaster declaration process (Exhibit D). He said storm damage estimates for the City and County total more than \$3,900,000 (damage to County roads and bridges exceed

\$1,500,000). Wiltgen noted storm damage was not localized. Davidsaver said he does not anticipate hearing whether it is a declared disaster until late July or early August. If a declaration is issued, public bodies and individual property owners will be able to apply for assistance.

4 LABOR NEGOTIATIONS - Doug McDaniel, Lincoln-Lancaster County Human Resources Director; Nicole Gross and Amy Sadler, Compensation Technicians; Kristy Bauer, Deputy County Attorney; Sheli Schindler, Youth Services Center (YSC) Director

MOTION: Schorr moved and Wiltgen seconded to enter Executive Session at 9:07 a.m. for the purpose of protecting the public interest with regards to labor negotiations.

The Chair restated the motion for the record.

ROLL CALL: Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

MOTION: Wiltgen moved and Hudkins seconded to exit Executive Session at 9:41 a.m. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

5 CRIMINAL BACKGROUND CHECKS FOR APPLICANTS OFFERED EMPLOYMENT - Pat Kant, Human Resources Coordinator

Pat Kant, Human Resources Coordinator, said the practice has been to do local criminal background checks of job applicants and to utilize One Source for more comprehensive background screening of finalist candidates. She said the account for that service is in the City's name and said she plans to set up a separate account for the County to facilitate billing the appropriate department. Kant estimated the fee for the service at less than \$20 and explained there will be additional fees for credit checks or criminal background searches in other states.

In response to a question from Avery, Kant said there are no questions about criminal background on the job applications but candidates are asked to complete a form summarizing the information if offered an interview. That information is used for comparison when doing a background criminal check to see if the applicant has misrepresented the information.

MOTION: Hudkins moved and Wiltgen seconded to allow Human Resources, in consultation with the Budget and Fiscal Officer, to set up a separate account for the County. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

6 BUDGET UPDATE - Dennis Meyer, Budget and Fiscal Officer
A. District Court

Public Defender

Joe Nigro, Public Defender, appeared and discussed his request for funding of a part-time attorney who handles the re-entry process. He said the attorney seems to be having an impact and has been able to drive the planning process because of her expertise. The position was funded through a grant last year. That funding expired and the department has funded the position out of its budget since January. Nigro said Sara Hoyle, Human Services Director, has some unused grants funds that are to be used for the re-entry process and will be able to cover the cost of the attorney position from January-September, 2015.

Hoyle appeared and explained the County had funded a reporting center, the BEST Alternative School and tracker services as part of the graduated sanctions budget. Those costs were shifted to Probation as a result of Legislative Bills (LB's) 561 and 464 so there is approximately \$188,000 in County dollars left over. She felt funding this attorney position would be an effective use of those funds to help reduce the juvenile justice population. Meyer noted those dollars reflect a cost savings to the County's General Fund and said Nigro is requesting \$44,712 of those dollars to be utilized for that position.

Schorr asked whether the attorney could assist with the large number of youth who are sitting in the Youth Services Center (YSC) without placement. Nigro said her workload is pretty consistent so he is reluctant to make that commitment at this time.

MOTION: Schorr moved and Hudkins seconded to approve the shift of those juvenile justice funds to pay for a part-time attorney in the Public Defender's Office. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

Nigro also asked that a social worker position be added to his staff stating he believes the position could help reduce the juvenile and adult detention center populations by helping divert individuals into programming and ultimately reducing recidivism. Hoyle said there are funds in the Community Aid Fund that could be used to help pay for the position but said the funds would be limited to services for pre-adjudicated youth.

Schorr inquired about the estimated cost for the position. Nigro said he budgeted for a \$60,000 salary after consulting Human Resources and the UNO Social Work Program.

Hudkins said he favors contracting for the service over adding a full-time equivalent (FTE). Nigro said he has looked at several agencies and doesn't feel that is an option. He added he spoke to other offices around the country, as well as the head of the Social Work Program at the University of Nebraska-Omaha (UNO), and said they all indicated it works better if the social worker is in-house.

Wiltgen suggested exploring whether the County Justice Reinvestment Grant Program, which was created out of LB 605, could fund the position.

ADMINISTRATIVE OFFICER REPORT

H. Reappointment of Stan Beeder and Brad Roth to the Lancaster County Indigent Defense Advisory Committee

Nigro said Beeder and Roth have both agreed to serve another term, noting they were nominated by the Lincoln Bar Association's Executive Committee.

MOTION: Schorr moved and Hudkins seconded to schedule the reappointments on the June 9, 2015 County Board of Commissioners Meeting agenda. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

RETURNING TO ITEM 6

District Court

District Court Judge Steven Burns appeared and discussed the video conferencing project, noting they will now be working on the State video conferencing "backbone" which has saved about \$40,000. He said the State has agreed to contribute a total of \$31,000 to the cost, is providing the courts a WebEx (a video conferencing application that does not require participants to have a particular video conferencing program in order to participate in court hearings), and is carrying all the maintenance on the video conferencing "backbone". Judge Burns said his courtroom has been wired and equipped for the video conferencing and equipment is on order for four more District Court courtrooms and one County Court courtroom. Two or three Juvenile Court courtrooms will also be equipped with the funding now available. He said they are in the process of building two attorney/client conference rooms on the District Court level. There is already one on the County Court level and plans to build one for the

Juvenile Court level. Another set of video conferencing equipment will also be made available at the Lancaster County Adult Detention Facility (LCADF) with funding from the State. Judge Burns said two or three District Court courtrooms and one or two Juvenile Court courtrooms will be equipped with the funds the County has allocated to the project from the Keno Fund (estimated cost of \$17,150 each). The District Court has also included the equipping of one additional courtroom in its budget (estimated cost of \$18,000).

Judge Burns said they have been testing the equipment with the Nebraska State Penitentiary and said it is his understanding the Nebraska Department of Correctional Services (NDCS) intends to roll it out to all of their facilities. He noted the Lancaster Sheriff's Office (LSO) spent approximately \$12,000 transporting prison inmates to the courts last year and suggested that cost could be reduced significantly through use of video conferencing.

Wiltgen said he wants to make sure the equipment will be utilized. Judge Burns said the majority of the transports are for routine court matters that can be done by video conferencing. Joe Nigro, Public Defender, appeared and said there are times when an attorney wants the client present in the courtroom, particularly in more involved proceedings. There are also instances when a victim wants the accused to be present in court.

Schorr asked Mike Thurber, Corrections Director, who was present, if a second video conferencing setup would affect his staffing. Thurber said it would and said he would want to make sure a schedule is developed and that the equipment is utilized to its full capacity. He added they have talked about making the second set a portable unit. Judge Burns noted the State's system has a built-in scheduler. Jennifer Kulwicki, District Court Administrator, appeared and said it is sometimes difficult to gauge how much time to set aside for arraignments since some individuals may waive their right to appear.

Meyer inquired about the time line for installation. Judge Burns said he anticipates the District Court and County Court will be up and running by the end of summer. He said they have not ordered the equipment for Juvenile Court yet because they are still working on the configuration of those courtrooms.

Schorr asked how much of the funds set aside in the Keno Fund have been expended. Meyer estimated \$40,000 has been spent with \$160,000 remaining.

Schorr noted the District Court is also requesting \$30,000 for sound equipment. Kulwicki explained the sound equipment in their building is old and expensive to maintain, noting the County and Juvenile Courts have issues as well. She said Don Killeen, County Property Manager, has indicated the Public Building Commission (PBC) would be responsible for replacement of existing equipment but the County would be responsible for costs if there is a desire to move to newer technology. Kulwicki was asked to research it further and to bring back cost estimates.

MOTION: Hudkins moved and Schorr seconded to allow the request for one (1) additional District Court courtroom to be equipped with video conferencing equipment.

Schorr asked where the District Court is on the court billing system, noting it has been used successfully in the County and Juvenile Courts. Kulwicki said it is missing the piece that would allow the District Court to enter the bills on the Judicial Users System to Improve Court Efficiency (JUSTICE) so there is a court record. She said that is a statutory requirement and they are not comfortable moving forward until the system interacts properly. Kulwicki explained the District Court is waiting for the Nebraska Supreme Court to determine whether development of that piece is a priority for the State.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to send a letter to the Nebraska Supreme Court urging it to move forward with implementation of the Judicial Users System to Improve Court Efficiency (JUSTICE) System interface as quickly as possible.

The seconder agreed to the friendly amendment.

In response to a question from Eagan, Kulwicki explained the District Court has different statutory obligations than the County and Juvenile Courts but said those courts want that piece as well. Judge Burns said the District Court does not anticipate significant cost savings from the billing system because the judges review every attorney fee application.

ROLL CALL: Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

Avery exited the meeting at 10:38 a.m.

Corrections

Mike Thurber, Corrections Director, appeared and said he is willing to make the following adjustments to the Corrections budget: 1) Eliminate capital outlay in the budget (\$120,300) and fund those items out of Furniture, Fixtures & Equipment (FF&E); 2) Reduce the Regular Salary (Line Item 61210) by \$180,000; and 3) Reduce Retirement Contributions and Group Health Insurance (Line Items 61520 and 61530) by a total of \$100,000.

Avery returned to the meeting at 10:43 a.m.

7 LEGISLATIVE UPDATE - Gordon Kissel, Joe Kohout and Jonathan Bradford, Kissel/E&S Associates

Joe Kohout, Kissel/E&S Associates, gave a final update on the 2015 legislative session (Exhibit E) noting points to consider entering the interim period before the 2016 legislative session:

- Re-focus on those bills that did not pass this session that were identified as priorities of the County
- Monitor interim studies
- Research legislative history relating to Legislative Resolution (LR) 196, an interim study to examine current state statutes governing population thresholds for Nebraska counties
- Monitor the implementation of Legislative Bill (LB) 605 which changes the classification of penalties, punishments, probation and parole provisions, and provisions relating to criminal records and restitution and provides for a special legislative committee

Avery exited the meeting at 10:51 a.m.

Hudkins noted the County was unsuccessful this year in getting LB 61 passed which would have eliminate the responsibility of counties to pay Nebraska Department of Health and Human Services (DHHS) rent that is related to administration of public assistance programs.

Avery returned to the meeting at 10:53 a.m.

Schorr noted there is new leadership at DHHS and suggested the Board invite key personnel to informally discuss several issues.

8 A) AGRICULTURAL LAND VALUATION; AND B) TAX EQUALIZATION AND REVIEW COMMISSION (TERC) UPDATE - Tom Kubert, Great Plains Appraisal Company (Referee Coordinator)

Tax Equalization and Review Commission (TERC) Update

Tom Kubert, Great Plains Appraisal Company (Referee Coordinator), said there 674 appeals pending before the Tax Equalization and Review Commission (TERC), representing 1,059 TERC cases over multiple years. Of those open cases, 337 appear to be lot values, noting the lot valuation issue is being resolved through legislation. He noted the County Clerk's Office "flags" protests that have pending TERC cases and said if an issue is resolved for 2015 through the Board of Equalization (BOE) process it will be reviewed to assess whether it can help to resolve the TERC cases at that point. Kubert stressed they work to resolve cases, whenever possible, because it is very costly to go to TERC.

Hudkins asked for suggestions on how to reduce the number of TERC cases. Kubert said many of the cases pending before TERC tie back to the 2012 re-evaluation when referees did not meet with all of the property owners that filed protests. He noted the County Attorney's Office is filing for discovery earlier in the process so they can try to resolve cases rather than waiting for them to be called. The County Assessor's informal hearings with property owners also helps to reduce the number of protest filings.

Agricultural Land Valuation

Kubert noted he previously outlined three options to deal with the issue of the State increasing agricultural land values by 8% across-the-board (see May 14, 2015 County Board Staff Meeting minutes): 1) Agree with the State and do a standard review; 2) Reduce values by 8% and do a standard review; or 3) Ask the referee coordinator to do a study of uninfluenced agricultural sales and make a recommendation. He outlined the advantages and disadvantages of each option (see agenda packet). Kubert said it is his recommendation that the Board leave the values at the State recommended 8% increase with a review to make sure that each one doesn't exceed actual value. He noted after the value (the lower of the actual value or the special agricultural value) is set, it is assessed at 75% of that number.

Hudkins asked whether the law allows the assessment to be 69%-75%. Kubert said there is a range of acceptability when they review the assessment sales ratios. He said the County Assessor was at 73% or 74% and the State was about 8% behind, based on their sales analysis. Kubert noted the State didn't take the County to the low end of the range, rather the difference between where their analysis was up to that 75%. He said the County has the ability to appeal the TERC decision but waives that when it moves the BOE completion date from July 20th to August 10th, which is necessary in a re-evaluation year.

The Board concurred with Kubert's recommendation.

ADDITIONS TO THE AGENDA

A. Prosper Lincoln

Schorr said Prosper Lincoln, a new community initiative to envision and enact a set of community-wide priorities to make Lincoln prosper. Lincoln residents have been asked to join the discussion and provide ideas at www.prosperlincoln.org. She said the Mayor plans to send an email to City employees asking for their participation and said she believes the Board should do the same. Schorr suggested the email to County employees be sent out during Prosper Lincoln Week, which begins June 14th.

DISCUSSION OF BOARD MEMBER MEETINGS

C. Air Pollution Control Advisory Board - Avery

Avery said they discussed the impact of the burning of prairie grass in Kansas and fugitive dust, particulate that is lifted into the air either by man-made or natural activities in large open areas, on air quality.

ADDITIONS TO THE AGENDA

- B. Appointment to the Air Pollution Control Advisory Board (Exhibit A)**
- C. Appointment to the Aging Partners Areawide Advisory Council (Exhibit B)**

There was consensus to schedule the appointments on the June 9, 2015 County Board of Commissioners Meeting agenda.

9 ACTION ITEMS

There were no action items.

10 CONSENT ITEMS

There were no consent items.

11 ADMINISTRATIVE OFFICER REPORT

A. Prairie Corridor Visitors Improvement Fund Grant Request

MOTION: Avery moved and Hudkins seconded to refer the request to the Visitors Promotion Committee (VPC) for review and recommendation. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

B. Strategic Planning Date

The Board scheduled a strategic planning discussion on July 28th and asked staff to explore options for a facilitator.

C. Request from Harry Barr to Build a Fence at Northwest 12th Street, North of Raymond Road

Kerry Eagan, Chief Administrative Officer, stated the County closed this road as part of a settlement agreement with the U.S. Fish and Wildlife Service (the area is habitat for the endangered Salt Creek Tiger Beetles). He said Pam Dingman, County Engineer, has recommended denial of the request.

MOTION: Hudkins moved and Wiltgen seconded to deny the request, based on the recommendation from the County Engineer. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

Eagan said he will notify Harry Barr of the Board's decision.

D. Personnel Policy Board Appointment

Eagan reported that Linda Crump has declined the appointment (see May 28, 2015 Staff Meeting minutes).

MOTION: Schorr moved and Hudkins seconded to contact Bill Harding and ask if he would be interested in serving. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

E. June Management Team Meeting Agenda Items and Date

There was consensus to reschedule the meeting to June 18th. Agenda items include the Prosper Lincoln initiative and records management.

F. Saltdogs Baseball Game (June 20, 23 or 24th, 2015)

There was consensus to attend the June 23rd game.

G. 2015 Nebraska Association of County Officials (NACO) Annual Conference in Kearney, Nebraska (December 9-11, 2015)

All of the Commissioners indicated plans to attend.

H. Reappointment of Stan Beeder and Brad Roth to the Lancaster County Indigent Defense Advisory Committee

Item was moved forward on the agenda.

I. Voting Credentials for National Association of County Officials (NACo) 2015 Annual Conference

The Chair indicated interest in attending the conference.

MOTION: Hudkins moved and Wiltgen seconded to: 1) Allow Commissioner Amundson to attend the conference and to pay for her expenses, with the exception of transportation; and 2) Authorize Commissioner Amundson to have voting credentials for Lancaster County.

It was noted NACo has provided one registration to the County at no cost.

Schorr said she is uncomfortable approving the out-of-state travel for a Board member knowing the Board may deny out-of-state travel requests from other County departments.

ROLL CALL: Hudkins, Wiltgen, Avery and Amundson voted aye. Schorr voted nay. Motion carried 4-1.

J. Hewlett Packard (HP) TRIM Maintenance Agreement

Eagan said the invoice from Hewlett Packard (HP) for the TRIM license maintenance agreement will be scheduled as a claim on the June 9, 2015 County Board of Commissioners Meeting agenda.

Amundson referenced a legal opinion the Board received regarding the TRIM maintenance agreement and said Doug Cyr, Chief Deputy County Attorney, stated: *I recommend that you make no further payments under the Hewlett-Packard Support Agreement for the TRIM software until such support is provided as required of Hewlett-Packard in the agreement.* She said she believes the Board should delay a decision given the cost of the support agreement with HP, \$118,716.80 to be paid in three annual installments of \$37,905.60, plus the additional \$8,000 that is to be paid to Kapish North America Services, Inc., for professional TRIM telephonic consultation services.

Eagan noted the Board signed the support agreement with HP in January, 2015. He said attempts have been made to negotiate with HP to reduce the number of TRIM software licenses and that is what Cyr is referencing in the legal opinion. Eagan explained, under terms of the agreement, the County can call HP if there is a maintenance issue and HP will correct it. The County is also entitled to upgrades. He noted the questions specifically asked of the County Attorney's Office was how can the County cancel the contract and how to reduce the number of licenses. With regard to reducing the number of licenses, Cyr indicated the County simply has to negotiate with HP. There is a provision for a 30-day notice, with a 60-day window, to cancel the contract. Eagan said the County was led to believe that HP was willing to reduce the number of software licenses but HP ultimately declined, indicating they have a signed contract. He said the County then requested a quote for next year, based on a reduction to 125 software licenses. HP responded with a quote of \$26,352. Eagan noted one of the main things the County is paying for are the upgrades and said those have a fixed cost. He said the County would need a legal basis to cancel the contract and said Cyr has indicated the County could argue there has been lack of performance under the contract. However, Cyr also indicated if the County doesn't pay the license maintenance agreement, the County would not get the upgrades. Eagan said the County needs the upgrade because HP is not going to maintain the old version. He said regardless of what system the Board elects to go with, it should want the database to be in the best condition possible.

Wiltgen noted additional information has been received since the legal opinion was issued. Eagan said the opinion was held because they were waiting to hear back from HP. Gwen Thorpe, Deputy Chief Administrative Officer, remarked she has had a lot of contact from HP in the past six weeks and has a hard time thinking they haven't been responsive.

Amundson asked Steve Henderson, Chief Information Officer, Information Services (IS), who was present for the discussion, if the County could migrate from TRIM to OnBase enterprise content management (ECM) software if it was using an older version of TRIM. Henderson said he believes it could, adding he agrees with Eagan that regardless of whether the County stays with TRIM or migrates to another product, it is in the County's best interest to have maintenance in place.

Eagan said the Board could go back and assess the requirements without doing a full request for proposal (RFP) and make a rational decision about which product, TRIM or OnBase, best meets those needs. Wiltgen noted the Board made a decision to have the County Clerk's Office be responsible for records management (see May 14, 2015 Staff Meeting minutes). Avery noted the Board had asked the County Clerk's Office whether TRIM met its needs and the answer was yes.

Amundson requested the amount of time it would take to do a migration and an estimate of costs. Henderson estimated it would take DataBank, which provides support for OnBase, 100 hours to migrate the 104,000 documents the County has stored in TRIM to OnBase, at a cost of approximately \$14,000. Eagan noted there would be other costs such as product configuration. Henderson said they would need more details about the County's business requirements. He estimated the cost of straightforward solutions, such as storing documents in the environment and retrieving them with a search, at \$5,000 to \$8,000. More complex solutions, such as workflow and calculations, could cost \$50,000 to \$100,000. Henderson said the costs will be dependent on the complexity or sophistication of the business requirements.

MOTION: Schorr moved and Hudkins seconded to withhold the payment and to continue negotiations with Hewlett Packard (HP) to reduce the number of software licenses with the assistance of the County Attorney's Office.

Hudkins said it is his understanding the Cyr has affirmed his statements in the legal opinion. Amundson said that is correct, noting Cyr stated in his opinion: *I attempted to contact the designated account administrator from Hewlett-Packard on April 27, 2015 at the email address provided in the Support Agreement and the email bounced back as no such address exists. Subsequent to that time, Gwen Thorpe and I made an inquiry to Hewlett-Packard about the issues raised in your request for an opinion and we have not received a response to our request. It does not appear that the contracted software support is being provided by HP as required in the Support Agreement. I recommend that you make no further payments . . .*

Wiltgen there is no reason for HP to negotiate with the County at this point since there is a signed contract in place.

Avery felt the County would be in breach of the contract if it refused to make the payment.

Wiltgen said he believes the objective is to cancel the contract which he does not support.

Eagan said the services under the contract are technical support and upgrades and said HP has not breached that. He said what HP hasn't done is communicate well with the County about its attempts to renegotiate the contract. Eagan said Cyr was asked a specific question about how to cancel the contract and he answered it to the best of his ability. He noted payment is past due and suggested that if the Board wants to delay payment, it should specify a time limit for a final decision.

Hudkins asked whether TRIM will function without the update. Henderson said the software is running fine but said the County will be in a weak position if something happens and the County is without a maintenance agreement.

Amundson said she would like to call for a proof of concept. Schorr felt that will confuse the issue.

Eagan said it is a difference of \$11,000 and said the Board is risking losing its maintenance agreement.

Thorpe said if the Board agrees to the upgrade she will arrange a special training session for the Board on TRIM. She felt that would give Board members a better understanding of the product in making a decision on whether to migrate to different software.

Amundson said she wants to delay a decision for a month. Henderson said HP is a large corporation and suggested payment could be delayed for months without them noticing. He cautioned that the Board would be putting the County at risk. Thorpe said she has already received an inquiry from HP. Avery said he believes it is reckless to default on payment. He said it calls the integrity of the Board into question and said he will not be a part of that.

The maker of the motion and the seconder withdrew their motion.

There was general consensus to delay payment and schedule discussion with Cyr on the June 18th Staff Meeting agenda. Eagan said he will pull the claim from the June 9, 2015 County Board of Commissioners Meeting agenda.

12 PENDING

There were no pending items.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Parks and Recreation Advisory Board Futures Meeting - Hudkins

Hudkins said they reached a compromise regarding proposed expansion of the Lincoln Children's Zoo.

Avery exited the meeting at 12:41 p.m.

B. Human Services Joint Budget Committee (JBC) - Amundson, Schorr

Schorr said funding requests total \$1,551,000 with \$1,270,000 in available funds. She said they did not allow any increases in funding for existing agencies. There is \$152,000 in requests for eight new programs and funding was allocated for seven of those.

Avery returned to the meeting at 12:44 p.m.

C. Air Pollution Control Advisory Board - Avery

Item was moved forward on the agenda.

D. Chamber Coffee - Amundson

Amundson said a variety of topics were discussed including legislation, business growth, the Angelou Study of Lincoln's economic landscape, and the Prosper Lincoln initiative.

E. Juvenile Justice Review Committee (JJRC) - Amundson

Amundson said they discussed how to allocate the grant funds.

ADDITIONS TO THE AGENDA

D. South Downtown (SoDo) Open House

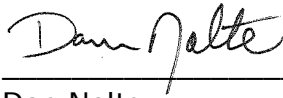
Avery and Schorr indicated they attended the event, noting the group is seeking public input and looking for catalyst projects.

14 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

15 ADJOURNMENT

MOTION: Wiltgen moved and Hudkins seconded to adjourn the meeting at 12:51 p.m. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



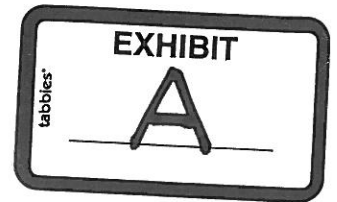


MAYOR CHRIS BEUTLER
555 South 10th Street Suite 301 Lincoln, NE 68508
402-441-7511 lincoln.ne.gov

RECEIVED

JUN 03 2015

LANCASTER COUNTY
BOARD



MEMO

TO: Lancaster County Board of Commissioners

FROM: Denise Pearce *DPW*
Aide to the Mayor

DATE: June 2, 2015

RE: Appointment to the Air Pollution Advisory Board

Please consider approval of the following appointment to the Air Pollution Advisory Board for a term to expire on 9.1.17 (replacing Wilbur Dasenbrock):

- Mitch Paine

Mr. Paine's application is attached.

If you have any questions, please contact me at 441-8044. Thank you for your consideration.

F:\FILES\MAYOR\Boards and Commissions (Denise)\Specific Boards\Health Department Boards\AirPollutionAdvisoryBoardCountyMemo(Paine),5.27.15.doc

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 5/21/2015
Salutation: Mr. **Applicant Name:** Paine, Mitch
Legal Residence: 3039 W St **City/State/ZipCode:** Lincoln, NE 68503
Residence Telephone: (402) 430-7942 **Business Telephone:**
Applicant Occupation: Planner **Employer:** NE Dep't of Natural Resources
E-mail Address: paine.mitch@gmail.com
Affirmative Action Information: Sex Male **Racial/Ethnic Background:** Caucasian/White

EDUCATION

Cornell University, Master of Regional Planning
University of Nebraska-Lincoln, BS Environmental Economics

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

StarTran Advisory Board
Mayor's Environmental Task Force

EMPLOYMENT

State of Nebraska, 2013-present
World Bank, 2013
City of Lincoln, 2009-2011

Board(s) Requested

Air Pollution Advisory Board
Historic Preservation Commission
Lincoln City Library Board
Lincoln Electric System Administrative Board
Lincoln Housing Authority Board
Lincoln-Lancaster County Planning Commission
Mayor's Committee For International Friendship
Startran Advisory Board

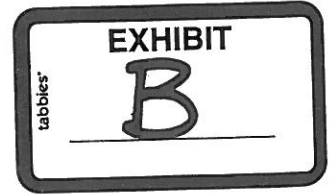


MAYOR CHRIS BEUTLER
555 South 10th Street Suite 301 Lincoln, NE 68508
402-441-7511 lincoln.ne.gov

RECEIVED

JUN 03 2015

LANCASTER COUNTY
BOARD



MEMO

TO: Lancaster County Board of Commissioners

FROM: Denise Pearce
Aide to the Mayor

DATE: June 2, 2015

RE: Appointment to the Aging Partners Areawide Advisory Council

Please consider approval of the following appointments:

- Paul Barnett (term expiring 6.30.17)
- Steven A. Egglund (term expiring 6.30.17)
- Harold Simpson (term expiring 6.30.18)
- Gloria Aron (term expiring 6.30.18)
- Steve Walline (term expiring 6.30.16)
- Rebecca Meinders (term expiring 6.30.16)

Applications for the candidates are attached for your review.

If you have any questions, please contact me at 441-8044. Thank you for your consideration.

F:\FILES\MAYOR\Boards and Commissions (Denise)\Specific Boards\Aging Partners\AgingPartnersCountyMemo(Multiple),5.29.15, dkp.doc

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 12/27/2013
Salutation: Mr. **Applicant Name:** Barnett, Paul
Legal Residence: 5901 Bartholomew Circle **City/State/ZipCode:** Lincoln, NE 68512
Residence Telephone: (402) 423-5901 **Business Telephone:** (402) 467-7771
Applicant Occupation: Treasury Manager **Employer:** Ameritas Life Insurance Corp
E-mail Address: pbarnett@ameritas.com
Affirmative Action Information: Sex Male **Racial/Ethnic Background:** Caucasian/White

EDUCATION

Lincoln East High - graduate
Nebraska Wesleyan University - graduate (business and religion)

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

Current -
Leadship Lincoln - Project ALL participant
Cable Television Advisory Board
Prior -
Lincoln Goodwill Board
Allocation Teams for United Way

EMPLOYMENT

Ameritas Life Insurance Corp - 1999 to present
Union Insurance - 1992 - 1999
Alexander & Alexander Insurance Broker - 1980 - 1992

all employment in Lincoln

Board(s) Requested

Aging Partners Areawide Advisory Council
City Performance Audit Committee
Commission On Human Rights
Housing Advisory And Appeals Board
Internal Audit Review Committee (city council board)
Lincoln City Library Board

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 2/24/2011
Salutation: Mr. **Applicant Name:** Egglund, Steven
Legal Residence: 6039 Hidcote Dr **City/State/ZipCode:** Lincoln, ne 68516
Residence Telephone: 402.202.3090 **Business Telephone:**
Applicant Occupation: Retired Professor and Exec Dir **Employer:** University of NE and ACICS
E-mail Address: steveegglund@yahoo.com
Affirmative Action Information: Sex Male **Racial/Ethnic Background:** Caucasian/White

EDUCATION

Roland high School Roland, IA 1956-1960 Diploma
University of northern Iowa Cedar Falls, IA 1963-1967 BA MA
University of Wisconsin Madison, WI 1969-1971 PhD

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

Habitat for humanity First Vpresident and Constructin Volunteer Current
Volunteer Instructor in Business Management Southwest High School Current
Board Member Lauer ALS Foundation Lincoln, NE Current
Malcolm Nebraska School Board Member and President 1978-1983
Nebraska State School Boards Assoc. Board of Directors 1980-1982
Lincoln Symphony Board of Directors 1985

EMPLOYMENT

Board(s) Requested

Aging Partners Areawide Advisory Council
Board Of Zoning Appeals
Building Code Board Of Appeals
City Personnel Board
Commission On Human Rights
Dangerous Building Code Board Of Appeals
Historic Preservation Commission
Housing Advisory And Appeals Board
Lincoln Housing Authority Board
Lincoln-Lancaster County Planning Commission
Mayor's Committee For International Friendship
Parks And Recreation Advisory Board
Pinnacle Bank Arena Advisory Committee
Telecommunication/Cable Television Advisory Board

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 12/26/2013
Salutation: Mr. **Applicant Name:** Simpson, Harold
Legal Residence: 1831 Fairfield **City/State/ZipCode:** Lincoln, NE 68521
Residence Telephone: (402) 476-2081 **Business Telephone:**
Applicant Occupation: Retired **Employer:**
E-mail Address: hsimpso@lps.org
Affirmative Action Information: Sex Male **Racial/Ethnic Background:** Caucasian/White

EDUCATION

High School Diploma Lincoln Public Schools 1965
Bachelor of Science in Education UNL 1969
Master of Science in Education UNK 1972
Administration in Education UNL 1994

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

EMPLOYMENT

Winside Public Schools 1969-1971
Graduate Assistant UNK 1971-1972
Hebron Public Schools 1972-1976
Lincoln Public Schools 1976-2006 Lincoln High

Board(s) Requested

Aging Partners Areawide Advisory Council
Citizen Police Advisory Board
Parks And Recreation Advisory Board
Pinnacle Bank Arena Advisory Committee
Telecommunication/Cable Television Advisory Board

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 5/25/2015
Salutation: Ms. **Applicant Name:** Aron, Gloria
Legal Residence: 431 Lakewood Dr **City/State/ZipCode:** Lincoln, NE 68510
Residence Telephone: (402) 730-5921 **Business Telephone:**
Applicant Occupation: **Employer:**
E-mail Address: garon@neb.rr.com
Affirmative Action Information: Sex Female **Racial/Ethnic Background:** Caucasian/White

EDUCATION

1983 Southeast Community College, Associate of Science, Accounting
1996 College of Saint Mary, Business Administration, with distinction
1999 Licensed Realtor in state of Nebraska

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

Past community volunteer positions: served on boards including, but not limited to, Abendmusik, American Cancer Society, First Plymouth Church Diaconate Board & Christian Outreach Board, Heartland Big Brothers/Big Sisters, Lincoln Lancaster Women's Commission, then Mayor's Commission on Women until 2014. Commissioned as a Stephen's Minister in 2015.

EMPLOYMENT

Firstier, 1967-1974
Union Bank & Trust, 1974-2001
Woods Bro. Realty, 2001-2014, license currently on inactive status

Board(s) Requested

Aging Partners Area-wide Advisory Council

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 12/20/2013
Salutation: Mr. **Applicant Name:** Walline, Steve
Legal Residence: 1020 Garber Avenue **City/State/ZipCode:** Lincoln, NE 68521
Residence Telephone: (402) 217-6767 **Business Telephone:** (402) 217-6767
Applicant Occupation: Former teacher **Employer:** retired
E-mail Address: stecurwal@gmail.com
Affirmative Action Information: Sex Male **Racial/Ethnic Background:** Caucasian/White

EDUCATION

UNK Kearney NE 1976 Bus Admin Bachelor of Science
UNK Kearney 1986 Teaching Endorsements

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

Board Member NE State Independent Living Council
Advisory Board Member Assistive Technology Partnership
Volunteer League of Human Dignity

EMPLOYMENT

Board(s) Requested

Aging Partners Areawide Advisory Council
Commission On Human Rights
Housing Advisory And Appeals Board
Lincoln Housing Authority Board
Pinnacle Bank Arena Advisory Committee
Startran Advisory Board
Telecommunication/Cable Television Advisory Board

City of Lincoln Appointment Application

PERSONAL INFORMATION

Application Date: 5/22/2015
Salutation: Ms. **Applicant Name:** Meinders, Rebecca
Legal Residence: 842 South 33rd St **City/State/ZipCode:** Lincoln, NE 68510
Residence Telephone: (402) 641-9410 **Business Telephone:** (402) 481-4307
Applicant Occupation: Social Worker-Mental Health **Employer:** Bryan Health
E-mail Address: meindersherd@yahoo.com
Affirmative Action Information: Sex Female **Racial/Ethnic Background:** Caucasian/White

EDUCATION

University of New England 2010-2013 (Biddeford, Maine)
Master of Social Work

Doane College 2001-2004 (Crete, NE)
BA Psychology (Mental Health Focus)

PRESENT OR PREVIOUS COMMUNITY/VOLUNTEER ACTIVITIES

Randolph Elementary PTA 2006-2014
Friendship Home Intern/Volunteer 2013-Present

EMPLOYMENT

Bryan Health 2/2015-Present (Mental Health Services)
2300 South 16th Street
Lincoln, NE 68502

Lutheran Family Services 2005-2015
2200 South 16th Street
Lincoln, NE 68502

Board(s) Requested

Aging Partners Areawide Advisory Council
Commission On Human Rights
Community Health Endowment Board Of Trustees
Mayor's Commission On Women

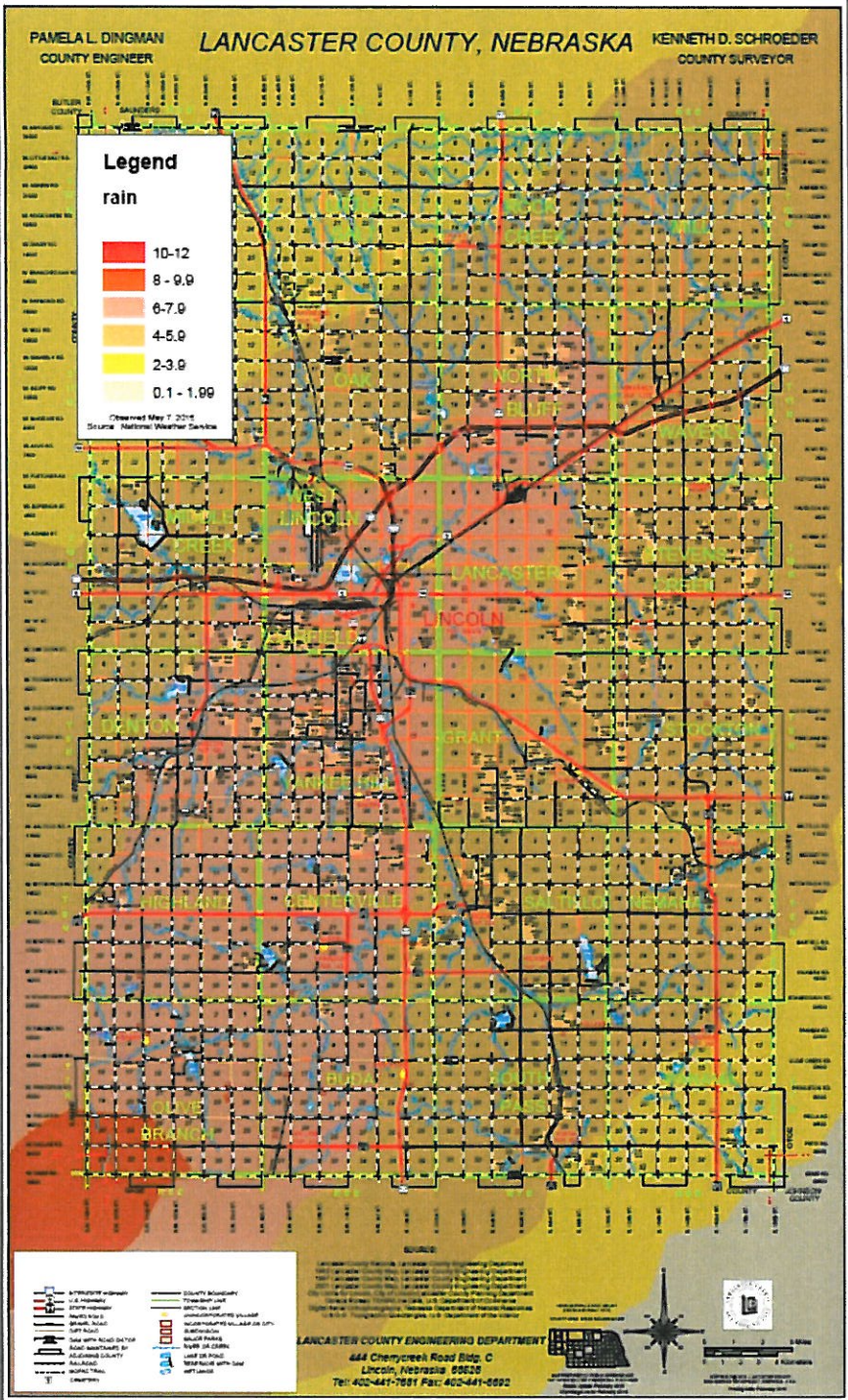
Pamela L. Dingman
County Engineer

Kenneth D. Schroeder
County Surveyor



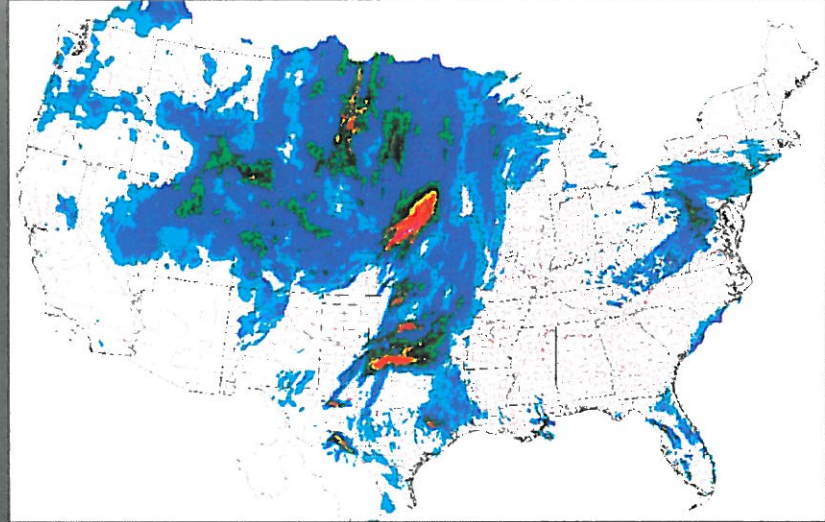
MAY 6-7 2015 STORM

Lancaster County Engineering Dept.



On Wednesday and Thursday, May 6 - 7, 2015 nearly 10 inches of rain fell in Lancaster County with much of it falling along the Salt Creek Watershed.

Data Source: National Weather Service

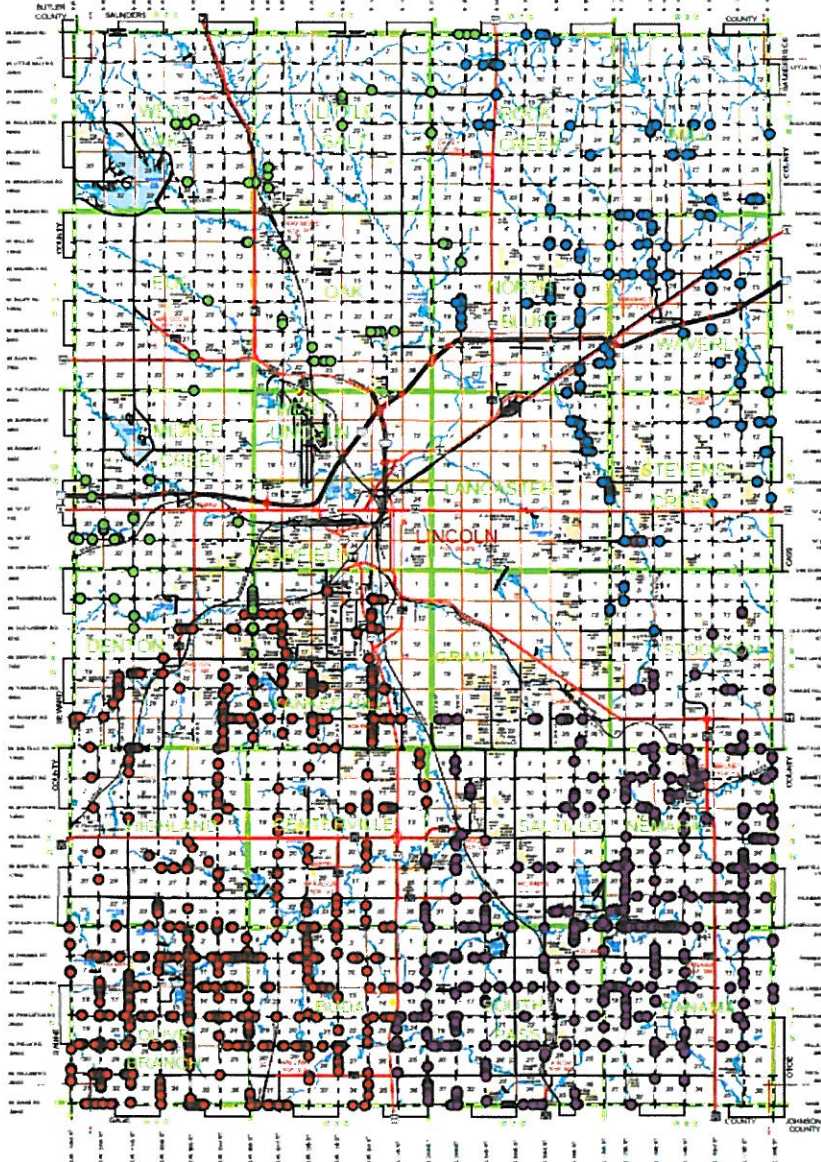


PAMELA L. DINGMAN
COUNTY ENGINEER

LANCASTER COUNTY, NEBRASKA

KENNETH D. SCHROEDER
COUNTY SURVEYOR

Data 99% Complete - Draft Copy



Legend for symbols and lines:
- State Boundary
- County Boundary
- Township Boundary
- Section Boundary
- Railroad
- Water Body
- Road
- Other symbols for infrastructure and land use.

Legend for Districts:
● District 1 (Blue)
● District 2 (Green)
● District 3 (Red)
● District 4 (Purple)

Photograph Locations of Damage
May 6-7 Storm Event

LANCASTER COUNTY ENGINEERING DEPARTMENT
444 Cherry Creek Road, Bldg. C
Lincoln, Nebraska 68526
Tel: 402-441-7851 Fax: 402-441-8692

Date: 5/28/2015

Scale: 0 1 2 3 Miles

District Supervisors, using a Samsung (Android) Tablet, captured pictures at locations of storm damage.

Each picture was time-stamped and geo-coded (GPS coordinates) and brought into the County-City GIS.

1,776 pictures were taken and after screening, 838 were selected to tag with additional information.



5-07-2015
08:40:00

Bridge N-19 had a 10 foot scour hole behind the abutment.



5-08-2015
12:14:00

Bridge T-171 had to be closed for repairs.



5-07-2015
11:01:00

Bridge T-171 had a 11 foot scour hole behind the abutment.



5-07-2015
14:39:16

There were over 550 locations where water was over the road.



5-07-2015
14:47:34

Over 2,000 locations where culverts have to be cleaned or repaired.



5-08-2015
08:46:25

Debris had to be cleared from many roads.



5-08-2015
09:21:00

Debris had to be cleared from many culverts.



5-12-2015
12:41:31

Many locations with shoulder repair and gravel retrieval.



5-14-2015
13:37:46

Multiple soft spots need a load of rock dumped.



5-12-2015
12:36:00

2015/05/12

Bank slumping occurred on many of the streams.



5-15-2015
11:59:00

Bank slumping occurred on many of the streams.



5-10-2015
14:56:00

Bank slumping occurred on many of the streams.



5-07-2015
07:05:02

A few of the more interesting views...



5-07-2015
08:36:58

A few of the more interesting views...



2015/05/07

5-07-2015
09:50:00

A few of the more interesting views...



5-07-2015
11:05:00

A few of the more interesting views...



5-07-2015
12:33:07

A few of the more interesting views...



5-07-2015
13:15:00

A few of the more interesting views...



5-07-2015
13:51:39

A few of the more interesting views...



2015/05/07

5-07-2015
13:52:00

A few of the more interesting views...



5-07-2015
14:35:16

A few of the more interesting views...



5-07-2015
14:59:06

A few of the more interesting views...



5-08-2015
12:45:42

A few of the more interesting views...



5-14-2015
08:16:49

A few of the more interesting views...



5-15-2015
09:10:13

A few of the more interesting views...



5-15-2015
13:17:00

A few of the more interesting views...



5-20-2015
10:07:00

A few of the more interesting views...

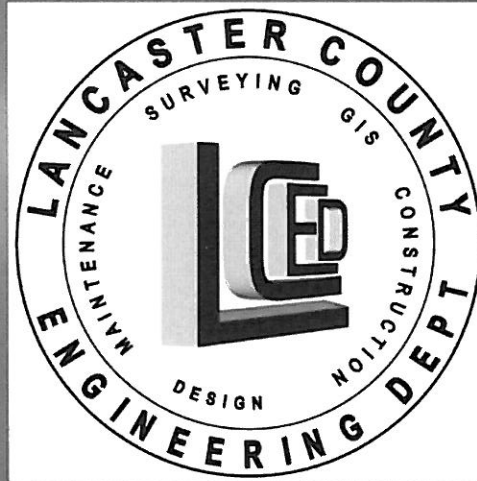


5-21-2015
15:09:39

A few of the more interesting views...

District 2 Supervisor
Larry Ahrens

District 1 Supervisor
Dave Halla



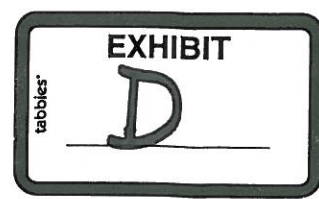
Road Maintenance Superintendent
Bob Jacobs

District 3 Supervisor
Harold Baker

District 4 Supervisor
Jeff Manske

GIS Crew: Erik Hubl, Scott Robinson, Chad Kendall, Kim Pester

Bridge Crew: Virgil Dearmont, Chris Podany, Eric Hanson, Daniel Cadenbach



**FEMA/NEMA Preliminary Damage Assessment (PDA) Visit Schedule
Municipal Services Center (MSC), 901 W. Bond, Lincoln, NE
Entrance 'B' (Blue Awning)**

Wednesday, May 27

8:30am

Departments

Lancaster County Sheriff's Office

Lincoln Police Department

Lincoln Fire & Rescue

Lincoln-Lancaster County Health Department

City of Lincoln Parks and Rec

PDA may include site visit(s) of Parks and Rec damage

[Jamaica North Trail-Wilderness Park- south of 6th & Old Cheney](#)

Wednesday, May 27

1:00pm

Departments

City of Lincoln Public Works

PDA may include site visit(s) of Public Works damage including the Saunders County well fields

[Saunders County well fields](#)

Friday, May 29

8:30am

Departments

County Engineer

PDA may include site visit(s) of county road and bridge damage

[Waverly/Northeast Lancaster County bridge & road damage and creek bank erosion](#)

[Sprague/Southwest Lancaster County bridge and road damage](#)

Theresa Weldon
Public Assistance Group Supervisor
FEMA Region VII
Kansas City, MO
816-718-5805
theresa.weldon@fema.dhs.gov

Donny Christensen
Public Assistance Officer
Nebraska Emergency Management Agency
2433 NW 24th St, Lincoln, NE 68524
402-471-7416 Phone
donny.christensen@nebraska.gov



Lancaster County Board Briefing
Thursday, June 4, 2015
0830hrs

Disaster Declaration Process *(Robert T. Stafford Act)*

- Preliminary Damages Estimates: \$3.9 million
 - Public property and critical infrastructure
 - Includes Lincoln and Lancaster County
 - \$1.5 million damages to Lancaster County roads and bridges
- FEMA's Preliminary Damage Assessment (PDA)
 - What was the **IMPACT** of the event?
- FEMA's Disaster Declaration Decision
 - If declared, available assistance includes:
 - Public Assistance
 - Grants reimburse 75% of local costs
 - Individual Assistance
 - Small Business Administration (SBA) loans
 - Low-interest loans for businesses and home owners
 - Applicant Briefings/Kickoff Meetings
 - FEMA Team Project Worksheets (PWs)

Timeline

- May 27-29, 2015
 - FEMA PDA conducted in Lancaster County
- Late-July/Early Aug, 2015
 - If granted, formal disaster declaration issued
- Within 30 days of declaration
 - Applicant Briefings-Kickoff Meetings
- Post Applicant Briefings
 - FEMA Project Formulation and preparation of Project Worksheets



FEMA

Fact Sheet

Public Assistance

The Public Assistance Program provides grants to state and local governments and certain non-profit entities to assist them with the response to and recovery from disasters. Specifically, the program provides assistance for debris removal, emergency protective measures, and permanent restoration of infrastructure.

Eligible Applicants: Eligible applicants include state governments, local governments and any other political subdivision of the state, Native American tribes and Alaska Native Villages. Certain private non-profit (PNP) organizations may also receive assistance. Eligible PNPs include educational, utility, emergency, medical, temporary or permanent custodial care facilities (including those for the aged and disabled), irrigation, museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation, shelter workshops and health and safety services and other PNP facilities that provide essential services of a governmental nature to the general public. PNPs that provide "critical services" (power, water - including water provided by an irrigation organization or facility, sewer, wastewater treatment, communications and emergency medical care) may apply directly to FEMA for a disaster grant. All other PNPs must first apply to the Small Business Administration (SBA) for a disaster loan. If the PNP is declined for a SBA loan or the loan does not cover all eligible damages, the applicant may reapply for FEMA assistance.

Public Assistance Process: As soon as practicable after the declaration, the grantee (state or tribe), assisted by FEMA, conducts the Applicant Briefings for state, local and PNP officials to inform them of the assistance available and how to apply for it. A Request for Public Assistance must be filed with the state or tribe within 30 days after the area is designated eligible for assistance. Following the Applicant's Briefing, a Kickoff Meeting is conducted where damages will be discussed, needs assessed, and a plan of action put in place. A combined federal/state/tribal/local team proceeds with Project Formulation, which is the process of documenting the eligible facility, the eligible work, and the eligible cost for fixing the damages to every public or PNP facility identified by State, tribal, or local representatives. The team prepares a Project Worksheet (PW) for each project.

Public Assistance Projects Categories:

- Category A: Debris removal
- Category B: Emergency protective measures
- Category C: Roads and bridges
- Category D: Water control facilities
- Category E: Public buildings and contents
- Category F: Public utilities
- Category G: Parks, recreational, and other

Small Projects: Projects falling below a certain threshold are considered "small." The threshold is adjusted annually for inflation. For fiscal year 2014, that threshold is \$120,000. For small projects, payment of the federal share of the estimate is made upon approval of the project and notification is required upon completion of the project.

Large Projects: For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA obligates funds to the grantee, further management of the assistance, including disbursement to sub-grantees is the responsibility of the grantee. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

The federal share of assistance is not less than 75% of the eligible cost for emergency measures and permanent restoration. The grantee determines how the no-federal share (up to 25%) is split with the sub-grantees (eligible applicants).

###

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."

Fiscal Year 2014



FEMA

OFFICE OF EXTERNAL AFFAIRS
CONGRESSIONAL AFFAIRS DIVISION

A GUIDE TO THE DISASTER DECLARATION PROCESS AND FEDERAL DISASTER ASSISTANCE

State, Local, Tribal and Territorial governments share the responsibility for protecting their citizens from disasters, and for helping them to recover when a disaster strikes. In some cases, a disaster is beyond the capabilities of the State, Local, Tribal and Territorial governments to respond.

In 1988, the Robert T. Stafford *Disaster Relief and Emergency Assistance Act*, 42 U.S.C. §§ 5121-5207, was enacted to support State, Territory, Tribal, and local governments and their citizens when disasters overwhelm them. This law, as amended, establishes a process for requesting and obtaining a Presidential disaster declaration, defines the type and scope of assistance available from the Federal Government, and sets the conditions for obtaining that assistance. The Federal Emergency Management Agency (FEMA), part of the Department of Homeland Security, is tasked with coordinating the response.

This paper explains the declaration process and provides an overview of the assistance available.

— THE DECLARATION PROCESS —

The Stafford Act (§401) requires: “All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State.” A State also includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Marshall Islands and the Federated States of Micronesia are also eligible to request a declaration and receive assistance under the Compact of Free Association.

The Governor’s request is made through the FEMA Regional Office. Federal, State, Local, Tribal and Territorial officials conduct a joint Preliminary Damage Assessment (PDA) to estimate the extent of the disaster and its impact on individuals and public facilities. The PDA team is comprised of personnel from FEMA, the State’s emergency management agency, Territorial, Tribal, county, and local government officials and the U.S. Small Business Administration. The team’s work begins with reviewing the types of damage or emergency costs incurred by the units of government, and the impact to critical facilities, such as public utilities, individuals’ homes and businesses. This assessment includes the number damaged, the number of people displaced, and the threat to health and safety caused by the storm event. Additional data from other local voluntary agencies may also be reviewed. During the assessment, the team will collect estimates of the expenses and damages. This information is included in the Governor’s request to show that the disaster is of such severity and magnitude that effective response is beyond the combined capabilities of the State, Local, Tribal and Territorial governments and that Federal disaster assistance is necessary. Normally, the PDA is completed prior to the submission of the Governor’s request. However, per 44 Code of Federal Regulations §§ 206.33(d) and 206.36(d), the requirement for a joint PDA may be waived for those incidents of such unusual severity and magnitude that formal field damage assessments are not required to establish the need for supplemental federal assistance under the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act). When a severe or catastrophic event occurs, the Governor’s request may be submitted prior to the PDA. Nonetheless, the Governor must still make the request.

As part of the request and a prerequisite to assistance under the Stafford Act, the Governor must take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sector, and provide an estimate of the type and amount of assistance needed under the Stafford Act. In addition, the Governor will need to certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements.

Federal disaster law restricts the use of arithmetic formulas or other objective standards as the sole basis for determining the need for federal supplemental aid. As a result, FEMA assesses a number of factors to determine the severity, magnitude, and impact of a disaster event. Primary factors considered include:

- Amount and type of damage (number of homes destroyed or with major damage);
- Impact on the infrastructure of the affected areas or critical facilities;
- Imminent threats to public health and safety;
- Impacts to essential government services and functions;
- Unique capability of Federal government;
- Dispersion or concentration of damage;
- Level of insurance coverage in place for homeowners and public facilities;
- Assistance available from other sources (Federal, State, local, voluntary organizations);
- State and local resource commitments from previous, undeclared events; and
- Frequency of disaster events over recent period of time.

Based on the Governor's request, the President may declare that a major disaster or emergency exists, thus activating an array of Federal programs to assist in the response and recovery effort.

— ASSISTANCE AVAILABLE —

Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered.

FEMA disaster assistance falls into three general categories:

- **Individual Assistance** — aid to individuals and households;
- **Public Assistance** — aid to public (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster-damaged facilities;

- **Hazard Mitigation Assistance** — funding for measures designed to reduce future losses to public and private property.

Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed in most situations.

A summary of each of these programs follows. Because program complexities require lengthy explanations, the discussion that follows is simply an overview.

INDIVIDUAL ASSISTANCE

Individuals and Households Program

The Individuals and Households Program (IHP) is a combined FEMA and State program. The IHP provides up to \$32,400 (FY 2014) for financial help or direct services to those who have necessary expenses and serious needs if they are unable to meet the needs through other means. When a disaster occurs, this program provides grant money and services to people in the declared area whose property has been damaged or destroyed and whose losses are underinsured or not covered by insurance. In every case, the disaster survivor must register for assistance and establish eligibility. The toll-free telephone registration number is 1-800-621-FEMA (3362). Individuals who have a speech disability or hearing loss and use TTY should call 1-800-462-7585 directly; those who use 711 or Video Relay Service (VRS) should call 1-800-621-3362. Applicants may also register online at www.disasterassistance.gov or via their mobile device at m.fema.gov FEMA (or the providing agency) will verify eligibility and need before assistance is offered.

What Types of Assistance Are Provided?

The IHP has two provisions: Housing Assistance and Other Needs Assistance. The IHP - Housing Assistance (HA) (including Temporary Housing, Repair, Replacement, and Semi-Permanent or Permanent Housing Construction) assures that people whose homes are damaged by a disaster have a safe place to live. The IHP - Other Needs Assistance (ONA) (including personal property and other items) provides financial assistance to individuals and households who have other disaster-related necessary expenses or serious needs. These programs are designed to provide funds for expenses that are underinsured or not covered by insurance. They are available only to homeowners and renters who are United States citizens, non-citizen nationals, or qualified aliens affected by the disaster. The following is a list of the types of assistance available through this program and what each provides.

Housing Assistance (HA)-

Temporary Housing - homeowners and renters receive funds to rent a different place to live or a temporary housing unit when rental properties are not available.

Repair - homeowners receive grants to repair damage from the disaster that is not covered by insurance. The goal is to make the damaged home safe and sanitary.

Replacement - homeowners receive limited funds to replace their destroyed home.

Semi-Permanent or Permanent Housing

Construction - This type of assistance occurs only in insular areas or remote locations specified by FEMA, where no other type of housing assistance is possible.

Other Needs Assistance (ONA)-

Applicants receive grants for necessary and serious needs caused by the disaster. This includes personal property, transportation, funeral, medical, dental, moving and storage, and other expenses that FEMA approves. The homeowner or renter may need to apply for a SBA loan before receiving assistance.

Small Business Administration: Disaster Loans

The U.S. Small Business Administration (SBA) can make federally subsidized loans to repair or replace homes, personal property, or businesses that sustained damages not covered by insurance. The SBA can provide three types of disaster loans to qualified homeowners, renters and businesses:

- (1) **home disaster loans** to homeowners and renters to repair or replace disaster-related damages to home or personal property,
- (2) **business physical disaster loans** to business owners to repair or replace disaster-damaged property, including inventory, and supplies; and
- (3) **economic injury disaster loans**, which provide capital to small businesses and to

small agricultural cooperatives to assist them through the disaster recovery period.

For many individuals the SBA disaster loan program is the primary form of disaster assistance.

Disaster Unemployment Assistance

The Disaster Unemployment Assistance (DUA) program is funded by FEMA and administered, under a delegation of authority, by the U.S. Department of Labor. DUA provides unemployment benefits and re-employment services to eligible individuals who have become unemployed because of major disasters. DUA benefits are generally paid up to 26 weeks beginning with the first week following the date the major disaster began and ending with the 26th week following the date the major disaster is declared by the President., as long as the individual's unemployment continues to be a direct result of the major disaster. These benefits are made available to individuals not covered by other unemployment compensation programs, such as self-employed, farmers, migrant and seasonal workers, and those who have insufficient quarters to qualify for other unemployment compensation.

All unemployed individuals must register with the State Workforce Agency in the declared State by phone, internet, or in person at local claims offices to determine their eligibility for the DUA program

Legal Services

Pursuant to 42 USC §5182 of the Stafford Act, whenever the President declares a major disaster, FEMA, through a Memorandum of Agreement with the Young Lawyers Division of the American Bar Association, provides free legal assistance to disaster survivors. Legal advice is limited to cases that will not produce a fee (i.e., these attorneys work without payment). A legal service hotline toll-free number may also be available as a means for individuals to contact the volunteer lawyers for assistance with legal questions and concerns. Cases that may generate a fee are turned over to the local lawyer referral service. The assistance that participating lawyers

provide typically includes:

- Assistance with insurance claims (life, medical, property, etc.);
- Assistance with home repair contracts;
- Counseling on landlord/tenant problems;
- Assisting in consumer protection matters, remedies, and procedures and
- Replacement of wills and other important legal documents destroyed in a major disaster

Disaster legal services are provided to low-income individuals who, prior to or because of the disaster, are unable to secure legal services adequate to meet their needs as a consequence of a major disaster.

If the loss was sustained from a federally declared disaster, the taxpayer may choose which of those two tax years provides the better tax advantage.

The Internal Revenue Service (IRS) can expedite refunds due to taxpayers in a federally declared disaster area. An expedited refund can be a relatively quick source of cash, does not need to be repaid, and does not need an Individual Assistance declaration. It is available to any taxpayer in a federally declared disaster area.

Crisis Counseling

The Crisis Counseling Assistance and Training Program (CCP) is designed to provide supplemental funding to States for short-term crisis counseling services to people affected in Presidentially declared disasters. Supplemental funding for crisis counseling is available to the State through two grant programs: the Immediate Services Program which provides funds for up to 60 days of services immediately following a disaster declaration; and the Regular Services Program which provides funds for up to nine months following a disaster declaration. A State may request either or both types of funding. The following services are offered under the CCP grant program:

- Individual Crisis Counseling - Helps survivors understand their reactions, improve coping strategies, review their options, and connect with other individuals and agencies that may assist them.
- Basic Supportive or Educational Contact - General support and information on resources and services available to disaster survivors.
- Group Crisis Counseling - Group sessions led by trained crisis counselors who offer skills to help survivors cope with their situations and reactions.
- Public Education - Information and education about typical reactions, helpful coping strategies, and available disaster-related resources.
- Community Networking and Support - Relationship building with community resource organizations, faith-based groups, and local agencies.

To be eligible for crisis counseling services funded by this program, the person must be a resident of the designated area or must have been located in the area at the time the disaster occurred. The person must also have a mental health problem which was caused by or aggravated by the disaster or its aftermath, or he or she must benefit from services provided by the program.

Disaster Case Management

The Disaster Case Management (DCM) Program is funded by FEMA and implemented in partnership with the U.S. Department of Health and Human Services Administration for Children and Families (ACF). Under this program FEMA offers a two-phased approach to assist disaster survivors with disaster caused unmet needs.

Phase I Direct Federal DCM Services - This is the rapid response element of DCM and includes the rapid deployment of a national team to the impacted area to begin immediate outreach and assessment with eligible clients impacted by the disaster. This team is on the ground within 72 hours of deployment. Team deployments may last 30 to 180 days, depending on the State's need.

Phase II DCM Grant – This is a federal grant to States to support the delivery of long-term DCM assistance up to 24 months from the date of the declaration, or if Phase I was implemented, an additional 18 months not to exceed a total of 24 months. This grant makes funds available to the State for disaster case managers to work directly with disaster survivors to assist them with the development of a disaster recovery plan that may include referrals, monitoring of services and advocacy, when needed.

Internal Revenue Service Special Tax Considerations

Taxpayers who have sustained a casualty loss from a declared disaster may deduct that loss on the federal income tax return for the year in which the casualty actually occurred, or elect to deduct the loss on the tax return for the preceding tax year. The National Disaster Relief Act provides the following tax benefits:

- Allows all taxpayers, not just those who itemize, to claim the casualty loss deduction regardless of the taxpayer's adjusted gross income level.
- Increases the amount by which all individual taxpayers must reduce their personal casualty losses from each casualty from \$100 to \$500 for taxable years beginning after Dec. 31, 2008. The reduction amount returns to \$100 for taxable years beginning after Dec. 31, 2009.
- Removes the requirement that the net casualty loss deduction be allowed only if the casualty loss exceeds 10 percent of the taxpayer's adjusted gross income.

- Provides a five-year net operating loss (NOL) carryback for qualified natural disaster losses.
- Waives certain mortgage revenue bond requirements for affected taxpayers and allows the bond proceeds to be used for rebuilding.

PUBLIC ASSISTANCE

The Public Assistance Program provides supplemental Federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities, and the facilities of certain Private Non-Profit (PNP) organizations, following a Presidentially declared disaster or emergency. Eligible applicants include the States, local governments, Federally-recognized Indian tribal governments, and certain PNP organizations. Eligible PNP facilities generally include medical, custodial care, educational, emergency (fire, police and EMS), utilities, and irrigation facilities, as well as other PNP facilities that provide essential services of a governmental nature to the general public. PNPs that provide “critical services” (power, water--including water provided by an irrigation organization or facility, sewer, wastewater treatment, communications, educational facilities and emergency medical care) may apply directly to FEMA for a disaster assistance. All other PNPs must first apply to the Small Business Administration (SBA) for a disaster loan. If the PNP is declined for a SBA loan or the loan does not cover all eligible damages, the applicant may re-apply for FEMA assistance.

As soon as practicable after the declaration, the State, assisted by FEMA, conducts the Applicant Briefings for State, Tribal, local and PNP officials to inform them of the assistance available and how to apply for it. A Request for Public Assistance must be filed with the State within 30 days after the area is designated eligible for assistance. Following the Applicant’s Briefing, a Kickoff Meeting is conducted with each Applicant where damages will be discussed, needs assessed, and a plan of action put in place. A combined Federal/State/Tribal/local team proceeds with

Project Formulation, which is the process of documenting the eligible facility, the eligible work, and the eligible cost for restoring the damages to every public or PNP facility identified by State or local representatives. The team prepares a Project Worksheet (PW) for each project. Projects fall into the following categories:

- Category A: Debris removal
- Category B: Emergency protective measures
- Category C: Road systems and bridges
- Category D: Water control facilities
- Category E: Public buildings and contents
- Category F: Public utilities
- Category G: Parks, recreational, and other

For insurable structures within special flood hazard areas (SFHA), primarily buildings, assistance from FEMA is reduced by the amount of insurance settlement that could have been obtained under a standard NFIP policy. For structures located outside of a SFHA, FEMA will reduce the amount of eligible assistance by any available insurance proceeds. The Applicant must also obtain and maintain insurance on damaged insurable facilities, in the amount of the eligible damage for the hazard that caused the damage, as a condition of receiving PA funding.

FEMA reviews and approves the PWs and obligates the Federal share of the costs (which cannot be less than 75 percent) to the State. The State then disburses funds to local applicants. Once a declaration has been made, a Tribal government may request to serve as its own Grantee for Public Assistance.

Projects falling below a certain threshold are considered ‘small.’ For fiscal year 2014, that threshold is \$120,000. For small projects, payment of the Federal share of the estimate is made upon approval of the project and no further accounting to FEMA is required. For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA obligates funds to the

State, further management of the assistance, including disbursement to subgrantees is the responsibility of the State. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

HAZARD MITIGATION

Hazard Mitigation refers to sustained measures enacted to reduce or eliminate long-term risk to people and property from natural hazards and their effects. In the long term, mitigation measures reduce personal loss, save lives, and reduce the cost to the nation of responding to and recovering from disasters.

Two sections of the Stafford Act, §404 and §406, authorize hazard mitigation funds when a Federal disaster has been declared. In each case, the Federal government can provide up to 75 percent of the cost, with some restrictions.

Through the Hazard Mitigation Grant Program (HMGP), authorized by §404 of the Act, communities can apply for mitigation funds through the State. The State, as grantee, is responsible for notifying potential applicants of the availability of funding, defining a project selection process, ranking and prioritizing projects, and forwarding projects to FEMA for funding. The applicant or subgrantee carries out approved projects. The State, local government or homeowner must provide a 25 percent match, which can be fashioned from a combination of cash and in-kind sources. Federal funding from other sources cannot be used for the 25 percent non-federal share with one exception. Funding provided to States under the Community Development Block Grant program from the Department of Housing and Urban Development can be used for the non-federal share.

Total Federal funding under HMGP is based on a sliding scale of the estimated grants for individual assistance programs and public assistance projects. Section 322 of the Disaster Mitigation Act of 2000 emphasizes the importance of planning in reducing disaster losses. States were required to develop a State Mitigation Plan that provided a summary of the hazards facing them,

an assessment of the risks and vulnerabilities to those hazards, and a strategy for reducing those impacts. These plans were required by May 1, 2005 as a condition of non-emergency assistance under the Stafford Act, and must be reviewed and updated every three years. States may choose to develop an Enhanced State Mitigation Plan in order to receive an increased amount of up to 20 percent for Hazard Mitigation Grant Program funding. By November 1, 2004, local jurisdictions also were required to develop mitigation plans in order to be eligible for project grant funding under the Hazard Mitigation Grant Program. In addition, States may use a set-aside of up to five percent of the total HMGP funds available for mitigation measures at their discretion. To be eligible, a set-aside project must be identified in a State's hazard mitigation plan and fulfill the goal of the HMGP, that is, to reduce or prevent future damage to property or prevent loss of life or injury.

Eligible mitigation measures under the HMGP include acquisition or relocation of property located in high-hazard areas; elevation of flood prone structures; seismic rehabilitation of existing structures; strengthening of existing structures against wildfire; dry flood proofing activities that bring a structure into compliance with minimum NFIP requirements and State or local code. Up to seven percent of the HMGP funds may be used to develop State and/or local mitigation plans.

All HMGP projects, including set-aside projects, must comply with the National Environmental Policy Act and all relevant Executive Orders. HMGP grants cannot be given for acquisition, elevation, or construction purposes if the site is located in a designated Special Flood Hazard Area (SFHA) and the community is not participating in the NFIP.

Funding under §406 that is used for the repair or replacement of damaged public facilities or infrastructure may be used to upgrade the facilities to meet current codes and standards. It is possible for mitigation measures to be eligible for funding under both the HMGP and §406 programs; however, if the proposed measure is funded through §406, the project is not eligible for funds under the HMGP as well.

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Region 2

New Jersey, New York, Puerto Rico, Virgin Islands
Federal Emergency Management Agency
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Region 3

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Federal Emergency Management Agency
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Region 4

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
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Region 5

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Region 8

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MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Gordon Kissel
Joseph D. Kohout
Jonathan G. Bradford

DATE: June 4, 2015

RE: Final Update on the 2015 Legislature

Please accept this as your final update of the Nebraska Legislature for 2015. Senators met Tuesday through Friday of last week and adjourned sine die on Friday. In the closing days of the session, there were two successful votes to override gubernatorial vetoes: First, his veto of the repeal of the death penalty; second, his veto of young immigrants' drivers' licenses. We will discuss this more below.

Senators passed a bill on Tuesday, May 26, 2015 to change the retirement plan for Nebraska judges. LB468, introduced by Omaha Senator Jeremy Nordquist, creates a new tier of reduced benefits for judges who become members of the judges' retirement plan on and after July 1, 2015. The bill requires that the final retirement benefit be calculated using an average of the five highest years of salary. New judges will be required to contribute 10 percent of their annual salaries to the retirement plan. LB468 passed with an emergency clause on a 44-2 vote.

Wednesday of last week saw another historic vote on the repeal of capital punishment in Nebraska. Introduced by Senator Ernie Chambers, LB268 replaces death penalty provisions with a life sentence. The bill applies to 10 inmates currently serving capital punishment sentences at the Tecumseh State Correctional Institution. An 11th death row inmate, Michael Ryan, died in prison of natural causes on May 24, 2015. He had been on death row since 1986. The bill was passed by the Legislature May 20, 2015 on a 32-15 vote, but Governor Pete Ricketts vetoed it May 26, 2015. Then on Wednesday May 27, 2015 Senators voted 30-19 to override that veto. 30 votes were needed.

The following day saw yet another veto override by the senators. Introduced by Senator Jeremy Nordquist, LB623 allows Nebraska residents of driving age who are covered by the federal Deferred Action of Childhood Arrivals (DACA) program to secure a driver's license or state identification card. Senators passed the bill on May 21 on a 34-9 vote but Governor Pete Ricketts vetoed it on May 27, 2015. In his veto message to the Legislature, Ricketts said that the bill would give too many illegal immigrants privileges. To qualify for the program, residents must have lived in the United States continuously since June 15, 2007, entered the country prior to their 16th birthday, not been convicted of a felony or

significant misdemeanors, and attended school and earned a diploma or general education certificate. Lawmakers voted 34-10 to override the governor's veto. Again, 30 votes were needed.

The Omaha World-Herald reported that Omaha City Councilwoman Aimee Melton, former State Board of Education member Bob Evnen and Judy Glassburner will head up a group called Nebraskans for the Death Penalty that will look at gathering signatures for a voter referendum on the repeal law. Too, some conservatives are looking at possible ballot language to reinstitute a bicameral system and to potentially require 40 votes to override a gubernatorial veto, as reported by Nebraska Watchdog.

THOUGHTS ON THE SESSION

This session was the most interesting in all of our years of lobbying the legislature. With 18 new members, the expectations of observers before the session started were that the legislature would focus on smaller issues. Surprisingly, some very high profile issues were considered and passed by the Legislature. These included the repeal of the death penalty, DREAMers drivers' licenses, a \$.06 gas tax increase implemented over 4 years, a \$60 Million increase in property tax relief, a compromise on use of lottery funding for education and a 3.1% budget. The full impact of the decisions of the Legislature during this session has yet to be seen. Obviously, there is a tremendous amount of exposed nerves in light of those controversial decisions. Too, Governor Ricketts will need to take some time to digest the session and determine how to engage them during the next session.

As we prepare to enter the interim between the 2015 and 2016 sessions, there are a number of points that we believe are necessary for us to consider:

1. Re-focus on those bills that did not pass this session that were priorities of the County: Obviously, there are a few measures that did not pass this session. Those that we would recommend be focused on for next session include:
 - a. Funding for Sex Offenders through a supplemental / deficit request.
 - b. LB542 – the sales tax exemption for county agricultural societies.
 - c. Transfer of HHS rent and potentially look at Probation costs as well.
2. Interim Studies. We are attaching a list of those interim studies introduced by both individual members and committees. As you can see from that list, there are several measures that will impact counties. We will monitor the scheduling of these studies with the potential impact on Lancaster County. There are a few that we would note of some interest:
 - a. LR228 (Harr) Interim study to examine the Commission on Industrial Relations
 - b. LR257 (Kuehn) Interim study to examine how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions.
 - c. LR282 (Mello) Interim study to examine the reasons for the higher cost of juvenile services under the Office of Probation Administration
 - d. LR281 (McCollister) Interim study to examine ways in which Medicaid expansion could be implemented in Nebraska under the federal Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals.
 - e. LR311 (Harr) Interim study to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, to determine whether the program would be workable in Nebraska

- f. LR318 (Transportation & Telecommunications) Interim study to conduct a comprehensive study of Nebraska's state and local roads system
 - g. LR327 (Davis) Interim study to examine the procedures and categories used by county assessors to classify types of land for valuation and taxation purposes
3. LR196 (Hansen) Interim study to examine current state statutes governing population thresholds for Nebraska counties. This is the interim study requested by Senator Hansen regarding the county population threshold increase. We have begun our internal process of research on this resolution. We have hired an individual on our staff to begin researching the roughly 15 areas of statute that the proposed increase effects and to read the floor debates and other legislative histories on these. We then will work with Senator Hansen's office to deliver research that he will find useful to his office for considering introduction of the increase in population thresholds bill.
 4. Monitor the implementation of LB605. The largest legislation that passed this session with potential for fiscal impact is LB605. We will need to monitor its implementation and impact on county jail population. If legislation is needed to seek an increase in the appropriation to the fund created under the bill, we will need good, reliable data upon which to base the request.

2015 Lancaster County Legislative Priorities:

1. **Property Tax Relief:** The Board has identified several potential options under this priority.

RESTORE STATE AID TO COUNTIES:

LB 609 – Adopt the Nebraska Bridge Repair Act
Introduced by Senator Jim Smith of Papillion
Hearing Date: March 9, 2015
Transportation & Telecommunication

LB 609 creates a mechanism for priority of bridge repairs in Nebraska which includes a process whereby projects are prioritized by a commission including some county commissioners. Engineer Dingman has expressed a concern about the design-build as well as the level of bureaucracy that the bill will provide.

POSITION: OPPOSE. The hearing on this measure was March, 9, 2015 before the Transportations and Telecommunication Committee. Engineer Dingman testified in opposition to the bill. Senator Smith indicated that he plans to hold the bill for discussions in the interim. With the introduction of LR318, he has focused that effort in the interim.

LB 610 – Change motor vehicle fuel excise taxes.
Introduced by Senator Jim Smith of Papillion
Hearing Date: March 6, 2015
Revenue

Increases the gas tax by \$.015 over the next four years to a total of \$.06.

POSITION: SUPPORT. The hearing on this measure occurred Friday, March 6, 2015. There was a significant amount of support for the measure. Engineer

Dingman testified on behalf of Lancaster County in support. The bill was advanced by the Revenue Committee and prioritized by Sen. Curt Friesen of Henderson. The bill advanced to Select File on April 1, 2015. The bill advanced to Final Reading on April 13, 2015 and was passed on May 7, 2015. It was vetoed by Governor Ricketts on the same day. Senator Smith's motion to override the Governor's veto was successful with 30 yeas, 16 nays and 3 not voting.

As a result of this measure, the estimated revenue for Lancaster County over the next five years is as follows: FY2016 - \$107,715; FY2017 - \$434,260; FY2018 - \$760,772; FY2019 - \$1,087,283; and FY2020 \$1,306,046.

LB 626 – Create a fund and change motor vehicle fees and taxes and their distribution.

Introduced by Senator Kathy Campbell, Lincoln

Hearing Date: March 9, 2015

Transportation & Telecommunication

Is intended to increase the registration fee for vehicles and move an amount into a Bridge Bank which will be used to repair bridges throughout Nebraska.

POSITION: MONITOR. The hearing on this measure was on March 9, 2015 before the Transportation and Telecommunication Committee. Similar to LB609, Senator Campbell offered the bill to the committee to have the committee potentially use the bill for a roads package. The bill did not advance.

LB 633 – Appropriate funds for state aid to municipalities and counties.

Introduced by Senator John Stinner, Gering

Hearing Date: March 18, 2015

Appropriations

LB 633 appropriates \$20,000,000 to counties and \$20,000,000 to cities for infrastructure projects for one year.

POSITION: SUPPORT. The hearing on this measure occurred yesterday. A significant amount of support was registered before the committee including NACO, the City of Lincoln, the City of Omaha, and Pam Dingman on behalf of Lancaster County. The Appropriations Committee chose not to fund this at any level because of the passage of LB610.

OPPOSE ELIMINATION OF THE INHERITANCE TAX:

No legislation was introduced this year that would eliminate the inheritance tax

ELIMINATE UNFUNDED MANDATES:

LB 105 - Change Provisions relating to payment of fees and costs associated with deaths of incarcerated persons and grand juries

Introduced by Senator Dan Watermeier, Syracuse

Hearing Date: February 12, 2015

Government

LB 105 would change provisions relating to the payment of fees and costs associated with the deaths of incarcerated persons and grand juries when it relates to the state. The State of Nebraska would be responsible for payment of juror when the individual in question died by unlawful means while serving at a state facility. An autopsy done by the county coroner of that individual shall be charged back to the state.

POSITION: SUPPORT. The hearing on this bill was on Thursday February 12th, 2015. Mr. Eagan testified on behalf of Lancaster County. Those in support included NACO. No one appeared in opposition. The committee did advance the measure with an amendment attached. We have provided that amendment with a previous report. The bill will be eligible for debate next session.

LB 427 – Provide for payment of probation office cost by the state
Introduced by Senator Mike Groene, North Platte
Hearing Date: February 29, 2015
Government

This bill allows for the state to pay the cost of probation offices and those facilities performing in their official capacity. Actual and necessary expenses shall be paid. As Prior to July 1, 2015, counties providing space for probation services, may negotiate lease arrangements. Upon the close of business of June 30, 2015, the county shall no longer provide office and facilities to probation

POSITION: SUPPORT. The hearing on this bill was on Thursday, January 29, 2015. Those appearing in support included Joe Hewgley from the Lincoln County Board of Commissioners, Larry Dix with NACO, Mike Kelley representing the Douglas County Board of Commissioners and Kerry Eagan representing this board. There was no opposition to the bill. An amendment prepared by NACO in consultation with Douglas and Lancaster County to limit the legislation to only cover rent which will limit the fiscal impact to approximately \$4 million. The bill is still in committee.

LB 341 – Provide requirements relating to health benefit plan coverage for insureds in jail custody.
Introduced by Senator Sara Howard, Omaha
Hearing Date: March 9, 2015
Banking
DOUGLAS COUNTY PRIORITY

LB 341 states that an insurer may not cancel coverage or deny reimbursement for services covered by the plan for an individual in jail. LB 341 allows for reimbursement of a political subdivision by the insurer for services covered of an individual in custody. Coverage can be denied if the injuries occurred as a result of violation of law.

POSITION: RECOMMEND SUPPORT. The hearing on this bill was on March 9, 2015. Douglas County Board Commissioner Mary Ann Borgeson, Mr. Mark Foxall, Director of Corrections for Douglas County and Elaine Menzel, NACO all testified in support. No opponent testimony and Eric Dunning for Blue Cross Blue Shield testified in a neutral capacity. The bill is still in committee.

RAISE COUNTY FEES:

LB 88 – Raise marriage license fees
Introduced by Senator Kathy Campbell, Lincoln
Hearing Date: January 21, 2015
Judiciary

As introduced and advanced by the Committee, the bill would raise marriage license fees to \$50 from \$15 and certified copies from \$6 to \$16. An amendment was adopted on General File that capped the fee at \$25,

POSITION: SUPPORT. This bill was advanced on a near-unanimous vote by the Judiciary Committee including three Lancaster County Senators – Senators Coash, Morfeld & Pansing Brooks. Dan Nolte did a great job testifying on behalf of Lancaster County. Senator Chambers began to filibuster the bill. An amendment had been agreed to by Senators Campbell and Bill Kintner of Papillion that would change the language in the bill so that the county board can set the rate in a range between \$30 and \$50 and certified copies be \$16. However concerns were raised on this methodology due to consistency across the state. Senators Campbell and Chambers agreed to an amendment on LB88 that would raise fees to \$25. The amendment was adopted the bill advanced to Select File. The bill was debated last week on Select File. After conversations on the floor and after concerns were raised about continued debate and potential loss of votes, an agreement was reached to amend the bill to reflect a \$9.00 fee for certified copy. The bill advanced to final reading. The bill was presented to the Governor on March 6, 2015. The Governor signed the bill on March 12, 2015.

SUPPORT ADEQUATE APPROPRIATIONS FOR IMPLEMENTATION OF LB561:

We continue to monitor all efforts in this area.

2. Support Medicaid Expansion under the Affordable Care Act:

LB 472 – Adopt the Medicaid Redesign Act.
Introduced by Senator Kathy Campbell, Lincoln
Hearing Date: February 25, 2015
Health and Human Services

LB 472 sets out to redesign Nebraska's Medicaid program with a specific plan. LB 472 creates the Medicaid Redesign Task force to review the Medicaid program and provide recommendations. LB 472 allows DHHS to work with the federal government to create a coverage plan. An estimated 1.8 billion in funds would be returned to Nebraska's economy from now until 2020. The Governor and DHHS would design and implement a Nebraska plan. The bill would ask that enrollees to contribute 2% of their income, unless active in a wellness program.

POSITION: SUPPORT. The hearing on this bill was on February 25, 2015. Commissioner Schorr testified in support on behalf of Lancaster County. The bill advanced to General File with a committee amendment that rewrites a section regarding composition of the Task Force. The debate on this measure occurred last Wednesday and after 3 hours of debate, the Legislature bracketed LB 472. By way of reminder, the only record vote was on adoption of the committee

amendment. Those members of the Lancaster County delegation voting in support were: Baker, Bolz, Campbell, Haar, Hansen, Morfeld, Pansing Brooks. Those who voted not to adopt the committee amendment were: Coash, Ebke. The bill did not come up again this year.

However, we would note that Senator John McCollister did introduce an interim study calling for a study of implementation of Medicaid expansion.

3. **Address Lancaster County Obligations under the 300,000 population threshold.** As mentioned previously, this legislation was drafted at our request for potential introduction. Once the bill was drafted it became very clear that a significant number of sections were opened up. There was a concern raised about the diversity of sections that were being opened up as well as the fact that it may implicate some of Douglas County's thresholds. In discussion with staff, it was determined to take some time to go through the draft and spend some analyzing the multitude of sections opened up. Senator Hansen introduced LR 196 on April 20, 2015. This should be a major focus for us during the interim.
4. **Eliminate the Responsibility of Counties to Pay HHS Rent:** LB61 was heard before the Government, Military & Veterans Affairs Committee. Mr. Eagan testified on behalf of Lancaster County. Those joining in support included Commissioner Mary Ann Borgeson on behalf of Douglas County, Dick Clark with the Platte Institute, Colby Mach with LIBA, Larry Dix with NACO and Fred Uhe with Sarpy County. Those opposed included Acting CEO of HHS Dr. Joseph Acierno. This bill, like the other unfunded mandate bills, are currently held in Government Committee. We should make another effort to seek advancement of this bill – particularly in light of the new leadership at HHS. We recommend a meeting between the new CEO of the system and leadership from Lancaster, Douglas, Sarpy Counties and NACO.
5. **Amend Mental Health Commitment Act / Funding for Community Based Sex Offender Treatment.** After discussion regarding the size of this request as drafted - \$7.5 Million – it was determined that Lancaster County should make a request of the Appropriations Committee at their hearing. The thought is that the complete picture of the LR424 task force recommendation – the prison review – are not complete and this could be a part of that broader conversation.

Deputy Administrator Gwen Thorpe testified on behalf of Lancaster County and asked the committee to appropriate \$250,000 to fund Counseling Affiliates. Too, Joe Nigro has visited directly with members of the Appropriations Committee to fund not only this \$250,000 but also \$100,000 for a pilot mental health court in Lancaster County. The committee re-appropriated \$2.5 million for FY 2015 – 2016 and appropriated \$2.5 million in General Funds for 2016 – 2017 into behavioral health aid. They did not include the \$250,000 to fund Counselling Associates however there is a pot of one – time money of \$500,000 that is available to the Regions for one – time costs. The budget package was signed by the Governor with no mainline vetoes.

I would recommend that we re-examine this issue in the interim with the purpose being to seek a supplemental/deficit appropriation during the 2016 session.

Also, the following bill is of note on this issue as well:

LB 592 – Change provisions relating to corrections and parole and mentally ill offenders
Introduced by Senator Kate Bolz of Lincoln
Hearing Date: February 20, 2015

Judiciary

LB 592 is one of six legislative bills introduced this session to address issues raised by the Interim Study report 424. LB 592 adds “personality disorder” to the definition of a mentally ill. The bill creates a clear separation of independence between the Department of Corrections and Pardons board when determining the treatment of inmates. Department of Corrections shall be responsible for an inmate while in confinement and Pardons board shall address the re-entry back to the general public. LB 592 adds a clean-up measure to the Sex Registry by adding “personality disorder” to the definition of mentally ill. The hearing on this bill was February 20, 2015. While the bill was not advanced on its own, the provisions of this bill have been included as part of the Committee Amendment to LB 598. That amendment has been forwarded to Mr. Eagan. LB 598 was signed by the Governor on May 28, 2015.

6. Monitor Adult Corrections Reform. We will continue to monitor introductions for legislation that affects adult corrections reform.

LB 119 – Change where certain sentences of imprisonment may be served
Introduced by Senator Paul Schumacher of Columbus
Hearing Date: 2/12/15
Judiciary

The Nebraska Criminal Code at Neb. Rev. Stat §28-105 sets out penalties for the various classes of felonies which range from Class IV, with the least severe penalty, to Class I, with the most severe. Class IV and Class IIIA felonies have maximum penalties of 5 years imprisonment with no minimum sentences or fines. Section (2)(a) of §28-105 requires sentences of imprisonment of one year or more for convictions of Class IV and Class IIIa felonies be served in a State prison facility and sentences of less than one year be served in the county jail.

All sentences of imprisonment for classified felonies and sentences of more than 1 year and any lesser sentence shall be served concurrently or consecutively with such sentences. Sentence of 1 year or less may be served in a county jail.

Quoting from the fiscal note, “In the past 12 months Lancaster County has sent 268 felony 3,3A and 4 offenders to the Nebraska Department of Correctional Services. We are assuming the upper sentence level of these inmates is not included in this impact statement. Knowing inmates are credited for time served in a pre-trial capacity, and accrue good time, we feel we would add 59 inmates per day to our average daily population. By using an average cost of \$94.00 per day the impact to our FY15, would be approximately \$2,000,000. With this potentially growing population, we would be concerned our bed capacity would be limited in the following years. The County would be hard pressed to find available bed space for pre-trial offenders.”

POSITION: OPPOSE. The hearing on this bill was on February 12th, 2015 before the Judiciary Committee. Mike Thurber testified in opposition on behalf of Lancaster Co. No one appeared in support. The bill did not move this session.

7. Retirement Adjustment. LB126 signed by the governor on February 26, 2015.

Other Legislation:

1. LB 374 - Direct transfers from the State Recreation Road Fund
Introduced by Senator Ken Haar of Malcom
Hearing Date: March 12, 2015
Appropriations Committee
Engineer Dingman Discussed at January 29, 2015 Meeting

The bill would cap the amount in the State Recreation Road Fund at \$15 Million and move the amount greater than that to Game and Parks State Park Improvement and Maintenance Fund.

POSITION: Engineer Dingman testified in support of this legislation. The bill is held in Committee. However, under LB661 the Appropriations Committee did cap the fund at \$14 million and transferred approximately \$700,000.

2. LB 398 – Exempt all tangible personal property from property tax
Introduced by Senator Burke Harr of Omaha
Hearing Date: March 5, 2015
Revenue

This bill sets forth that beginning January 1, 2017, all tangible personal property shall be exempt from property tax. Property owned and used for agricultural and horticultural societies, educational, religious, etc. The fiscal impact that NACO submitted was \$217,700,000 statewide. The TEOSSA impact is \$67,000,000. The bill remains in committee.

3. LB 476 – Provide duties for county assessors and Property Tax Administrator relating to tax – exempt real property.
Introduced by Senator Al Davis of Hyannis
Hearing Date: March 5, 2015
Revenue

On or before December 1 each year, the county assessor will compile a list of parcel of real property in the county exempt from the property tax, and determine the estimated market value. The Property Tax Administrator shall prepare a report based off of the list. The report is due to the Clerk of Legislature before December 31, of each year.

POSITION: NO POSITION. Scott Gaines has raised a concern about this legislation as there may be a sizable cost associated with performing this responsibility. The bill remains in committee.

4. LB 542 – Provide a sales tax exemption for purchases by county agricultural societies
Introduced by Senator Burke Harr of Omaha
Hearing Date: March 6, 2015
Revenue

The purpose of Legislative Bill 542 is to provide a sale and use tax exemption outlined in state statute 77-2704.15 for a “county agricultural society”.

POSITION: SUPPORT. The hearing on this measure was on last Friday. Testifiers included Amy Dickerson, Steve Kruger, Alan Wood and Commissioner Amundson. The bill was advanced unanimously by the Revenue Committee. There are 4 bills that appeared on yesterday’s agenda that could become vehicles for an amendment for the

provision of LB542. We did attempt to work with Senator Schilz's office for a potential amendment to LB329 – the agri-tourism bill. But, Senator Schilz was uncomfortable with the divergence from the subject matter. This bill will remain on General File over the interim. During that time we will work to identify a potential priority status for this bill next year in an effort to pass the bill in 2016.

5. **LB 13 – Change Community-based Juvenile Services Aid Program provisions**
Introduced by Senator Bob Krist of Omaha
Hearing Date: February 26, 2015
Judiciary

LB 13 states 10% of the annual GF appropriation to the community-based Juvenile Services Aid Program shall be set aside for the development of a common data system at the University of Nebraska at Omaha, Juvenile Justice Institute, to assess the effectiveness of community-based Juvenile Services Aid program.

In conversations with Senator Krist, he has indicated that he intends this to be a one-time earmark not an ongoing one. We previously reported that the Appropriations Committee has included \$7.5 million in funding for 2015-16 and \$10 million in funding for 2016-17. In the final budget, we noticed that the Appropriations Committee funded this program at \$7.0 million per year.

POSITION: NEUTRAL. The bill advanced with an amendment we provided with last week's report which embodied changes suggested by multiple groups including Lancaster County. The language from LB13, as amended, was amended into LB265 via an amendment offered by Senator Krist - AM1014. LB 265 was signed by the Governor on May 27, 2015.

LB13 was killed on a procedural motion on day 89.

6. **LB 15 – Provide additional powers and duties for guardians ad litem**
Introduced by Senator Bob Krist of Omaha
Hearing Date: February 26, 2015
Judiciary

LB 15 states that a guardian ad-litem (GAL) is to receive required training required by the Nebraska Supreme Court. GAL is allowed to review and receive records/court plans prepared by the DHHS pertaining to the juvenile. GAL shall meet with the juvenile, upon the juvenile's request. LB 15 was introduced as a response to the guardian ad-litem contracting situation in Douglas County. The committee advanced the measure with an amendment which included (a) a requirement that the Supreme Court adapt a court rule on GALs; (b) to clarify how these contracts work/their transparency; (c) provisions that are currently contained in LB 265 which was placed on final reading on tuesday of this week.

POSITION: NEUTRAL. The bill was advanced to General File with the amendments provided in last week's report. Joe Nigro testified in support on behalf of the county. The bill advanced to Select File after adoption of the committee amendment. Joe Nigro, representatives of Legal Aid and Joe Kohout met with Senator Krist to develop an agreement that would eliminate any financial impact to Lancaster County. That amendment was adopted on March 30, 2015. On Tuesday, Senator Krist attached AM1067

to the bill. Joe Nigro submitted a fiscal note demonstrating AM 1067 had no fiscal impact to the county. The bill was signed by the Governor on April 29, 2015.

I would note that for items 7 – 10 under this section that the Appropriations Committee included almost \$ 60 million into additional Property Tax Credit Cash Fund and an amendment was adopted to the mainline budget to increase this to \$202,000,000 in both FY2015-16 and FY2016-17. When the Governor approved the budget this additional funding was approved as well.

7. **LB 309 – Appropriate additional funds to the Property Tax Credit Cash Fund**
Introduced by Senator Al Davis of Hyannis
Hearing Date: February 27, 2015
Appropriations

In addition to other appropriations for FY2016-17 to the Property Tax Credit Cash Fund, the State Treasurer shall transfer \$25,000,000 from the General Fund to the Property Tax Credit Cash Fund

In addition to other appropriations for FY2015-16 to the Property Tax Credit Cash Fund, the State Treasurer shall transfer \$25,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 15, 2015, on such date as directed by the budget administrator of the budget division of the Department of Administrative December 15, 2016, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services. The bill remains in committee.

8. **LB 364 – Provide for transfers to the Property Tax Credit Cash Fund and appropriations**
Introduced by Senator Dan Watermeier of Syracuse
Hearing Date: February 27, 2015
Appropriations

FY2015-16 the State Treasurer shall transfer \$60,000,000 from the General Fund to the Property Tax Credit Cash Fund and (2) FY2016-17 the State Treasurer shall transfer \$60,000,000 from the General Fund to the Property Tax Credit Cash Fund. Appropriation of (1) \$60,000,000 for FY2015-16 and (2) \$60,000,000 for FY2016-17 from the Property Tax Credit Cash Fund to the Department of Revenue, Program 132, to carry out the purposes of the property tax credit program. The bill remains in committee.

9. **LB 387 – Transfer funds from the Cash Reserve Fund to the Property Tax Credit Cash Fund**
Introduced by Senator David Schnoor of Fremont
Hearing Date: February 27, 2015
Appropriations

The State Treasurer shall transfer sixty million dollars from the Cash Reserve Fund to the Property Tax Credit Cash Fund on or before December 15, 2015, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services. The bill remains in committee.

10. **LB 442 – Appropriate additional funds to the Property Tax Credit Cash Fund**
Introduced by Senator Kate Bolz of Lincoln
Hearing Date: February 27, 2015
Appropriations

In addition to other appropriations for FY2016-17 to the Property Tax Credit Cash Fund, the State Treasurer shall transfer \$20,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 15, 2015.

In addition to other appropriations for FY2015-16 to the Property Tax Credit Cash Fund, the State Treasurer shall transfer \$20,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 15, 2015, on such date as directed by the budget administrator of the budget division of the Department of Administrative December 15, 2016, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services. The bill remains in committee.

11. **LB 265 – Change provisions relating to juveniles and child welfare**
Introduced by Senator Kathy Campbell of Lincoln
Hearing Date: February 27, 2015
Judiciary

LB 265 states a guardian ad-litem (GAL) will make a reasonable effort to become familiar with the needs of a juvenile by consultation with juvenile in his or her respective placement within 2 weeks of appointment and every 3 (was 6) months thereafter. GAL shall provide a written report, not limited to number of visits and make recommendations. LB 265 states the Foster Care Review board may participate in proceedings of the juvenile. LB 265 defines Trial Home visits as from the placement from foster care to the home of the legal guardian. LB 265 establishes a pilot project to determine whether policy outcomes meet the well-being outcomes for a juvenile and child-welfare involved in out of home placement. LB265 was signed by the Governor on May 27, 2015.

12. **LB 391 – Change sales tax collection fees for motor vehicles**
Introduced by Senator Sue Crawford of Bellevue
Hearing Date: February 27, 2015
Revenue

LB 391 adds language in 77-2703(1)(I)(iii) to read:

The county treasurer shall deduct and withhold for the use of the county general fund, from all amounts required to be collected under this subsection, the collection fee permitted to be deducted by any retailer collecting the sales tax plus an additional one-half of one percent of all amounts in excess of three thousand dollars remitted each month.

POSITION: SUPPORT. This bill comes out of the unfunded mandate study of last interim. The hearing on this measure occurred on February 27, 2015. Joe provided the letter to the committee. Concerns were raised by Senator Smith at the hearing about the impact on roads funding. The bill remains in committee.

13. **LB 564 – Change duties and obligations relating to the mowing of weeds along county roads**
Introduced by Senator Brett Lindstrom of Omaha
Hearing Date: March 3, 2015
Transportation and Telecommunications

The bill would limit mowing to one side of the road.

POSITION: OPPOSE. The hearing on this measure occurred on March 3, 2015. The bill has not advanced from committee. The bill remains in committee.

14. **LB 499 – Provide duties for the Department of Health and Human Services relating to behavioral and mental health services**
Introduced by Senator Bob Krist of Omaha
Hearing Date: March 4, 2015
Health and Human Services

LB 499 states DHHS will reestablish the provision of behavioral and mental health services throughout Nebraska. Departments of Corrections, Probation Administration, and Juvenile Services will assist

POSITION: NO POSITION. This is a placeholder bill for legislation that may come from the LR434 recommendations. This measure was heard in committee on March 4, 2015. The bill remains in committee.

I would note that items 15 & 16 remain a high priority for Governor Ricketts. During consideration of LB 419 & LB 414, senators offered amendments to amend the provisions of LB 350 into both LB414 and 419. There was not sufficient support for these several measures inside of the Revenue Committee. As such, they did not advance from committee.

15. **LB 293 - Change valuation of agricultural land and horticultural land**
Introduced by Senator David Schnoor of Scribner
Hearing Date: February 19, 2015
Revenue

Lowers agricultural and horticultural land valuations from 75% to 65% of actual. The bill remains in committee.

16. **LB 350 - Change valuation of agricultural land and horticultural land**
Introduced by Senator Lydia Brasch of Bancroft
Hearing Date: February 19, 2015
Revenue

Lowers agricultural and horticultural land valuations from 75% to 65% of actual. The bill remains in committee.

17. **LB 384 - Provide for reclassification of agricultural land and horticultural land**
Introduced by Senator Brett Lindstrom of Omaha
Hearing Date: February 19, 2015
Revenue

The bill would allow for a reclassification of up to 30 acres per quarter section of cropland as range or pasture for purposes of property taxes. The bill remains in committee.

18. **LB 605 – Change classification of penalties, punishments, probation and parole provisions, and provisions relating to criminal records and restitution and provide for a special legislative committee**
Introduced by Senator Heath Mello of Omaha
Hearing Date: February 20, 2015

Judiciary

LB 605 is the first part of recommendations stemming from the CSG working group that was created at the end of last session. We were asked by Commissioner Hudkins to convey County Attorney Joe Kelly's concern to Senator Mello. That was done as requested. Questions were raised during the hearing regarding both the County Attorney's suggested amendments and additional county aid. Senator Mello in follow-up conversations, is committed to the county aid we discussed at the 2/19/15 meeting. A copy of the amendment was forwarded to Mr. Eagan for his review. The debate on LB 605 was very centered on two areas – first, the penalty changes that were embodied in LB 605 and second, the data that was presented to affect the prison population.

Senator Seiler filed an amendment to LB 605 – AM1530 - that was adopted on Select File. It was 137 pages and was forwarded to Mr. Eagan for review. It included the provision we discussed that makes the funding under the grant program available in the first year (See sec. 87, p. 108). Too, it included a provision that would say that if the maximum penalty would place the individual in a state facility then that is where they will go (see sec. 6, p. 10). That amendment was adopted but right after an amendment by Senator Mello – AM1609 – was adopted that gives the oversight commission the ability to look at data from counties. The bill was passed on Final Reading and signed by the Governor on May 27, 2015. The County Aid provision that was created under LB605 would be funded at an amount of \$500,000.

19. **LB 606 – Adopt the Office of Inspector General of the Nebraska Correctional System Act, change provisions relating to the Public Counsel, and mandate a declaration by the Governor of a correctional system overcrowding emergency as prescribed**
Introduced by Senator Heath Mello of Omaha
Hearing Date: February 20, 2015
Judiciary

LB 606 would establish a full-time program of investigation and performance review to provide increased accountability and oversight of the Nebraska correctional system. The office of Inspector General of the Nebraska Correctional System is created within the office of the Public Counsel for the purpose of conducting investigations, audits, inspections and other reviews of corrections. LB 606 states that the Governor shall declare a correctional system overcrowding emergency when the population is determined to be over 140% of capacity by certification of the director. The provisions of LB606 were amended into LB598, which is a Legislative Performance Audit Committee priority bill. This bill was advanced to Select File on April 13, 2015 after 30 minutes of debate. LB598 was signed by the Governor on May 27, 2015.

20. **LB 273 – Authorize voters to decide partisan status of county offices**
Introduced by Sen. Kate Sullivan of Cedar Rapids
Hearing Date: February 25, 2015
Government, Military and Veterans Affairs

Bill is to authorize voters to vote regarding partisan or nonpartisan ballots for nominations and election of county officers in certain counties. Summary of new language:

- (1) All county officers elected shall be nominated and elected on a partisan ballot.
- (2) County boards with a population of twenty thousand or fewer inhabitants may adopt a resolution requiring the submission of the question to the voters. Registered voters of a county with a population of ten thousand or fewer may file petition with county clerk requesting the

question be put to the voters. The question shall be put to the voters at the first statewide general election after the adoption of the resolution.

(3) If the vote on the question is in favor of the nomination and election of all officers elected on a nonpartisan ballot, shall be nominated and elected at all subsequent elections.

LB 273 removes language in several sections including at 32-325, that states that the county surveyor shall be elected on the partisan ballot and 32-326 that states that the county engineer shall be elected on the partisan ballot. The bill remains in committee.

21. LB188 - Change provisions relating to innocent third parties injured during a vehicular pursuit.

Introduced by Senator Dan Watermeier of Syracuse

Hearing Date: January 23, 2015

Judiciary

This is Senator Watermeier's bill that states that a passenger in a fleeing vehicle shall not be considered to be an innocent third party if the passenger (a) enters with knowledge the driver is under the influence (b) fails to take steps to persuade the driver of the fleeing vehicle to stop the vehicle (c) promotes or provokes the driver to flee (d) are themselves subject to arrest or (e) is engaged in illegal activity that would itself give rise to arrest.

POSITION: SUPPORT. LB188 was heard by the Judiciary Committee on January 23, 2015 and was opposed by several groups including the Nebraska Association of Trial Attorneys. The bill was advanced to General File with an amendment that is still pending. The bill will remain on General File and eligible for debate next session.

22. LB142 - Create the Aquatic Invasive Species Program and provide funding.

Introduced by Senator Ken Schilz of Ogallala

Hearing Date: January 21, 2015

Natural Resource

To create the Nebraska Aquatic Invasive Species Program to be used by Game and Parks to prevent and mitigate damage caused by aquatic invasive species such as the zebra mussel, silver carp, and other such species. These species have proven destructive to the ecosystems and usability of surface waters in surrounding states, and steps must be taken to prevent their establishment in Nebraska. The Aquatic Invasive Species Program will be funded with a fee of between five and ten dollars, every three years that is paid with motorboat registration and/or renewal. Non-Nebraska boats shall be eligible for a yearly stamp at a cost of between ten and fifteen dollars. These funds are to be allocated for use in monitoring, testing, decontamination, and mitigation of aquatic invasive species in Nebraska surface waters.

POSITION: Monitor. This bill advanced from the Natural Resources Committee with an amendment - AM45 which creates the Aquatic Invasive Species fund at the Department. The bill was approved by the Governor on March 5, 2015.

23. LB66 - Require political subdivisions to make disclosures regarding bonds and provide for liability.

Introduced by Senator Paul Schumacher of Columbus

Heading Date: January 21, 2015

Judiciary

As we read this bill, it would require the following disclosure on bond documents:

- (a) The amount of any unfunded pension obligations of the school district, city, village, or county
- (b) The actual amount of the valuation of the real estate subject to taxation in the school district, city, village, or county,
- (c) the actual amount of the valuation of the real estate in the school district, city, village, or county that will not be available for payment of the bonds because of tax increment financing, and
- (d) A statement substantially as follows: It is uncertain if the bonds being issued would have priority over the pension obligations of (insert name of school district, city, village, or county) if it declares bankruptcy.

It also provides for pretty stringent liabilities in the case of non-disclosure including the governing board members in their personal capacities.

POSITION: OPPOSE. The hearing on this bill was held on January 21, 2015 and bond counsel for the city of Lincoln testified and stated that Lancaster County opposed the bill in his testimony. There was significant opposition and no support for the measure other than the introducer. The bill remains in committee.

24. LB 132 – Change joint public agency bonding powers and procedures.
Introduced by Sen. Laura Ebke, Crete
Hearing Date: January 29, 2015
Government

LB 132 links Joint Public Agency bond issuance procedures to taxing powers. It requires Joint Public Agencies follow the bond issuance procedures a participating public agency would be required to follow to bond the particular revenue stream.

POSITION: OPPOSE. This bill was heard by the Government Committee on January 29, 2015. Mr. Eagan noted potential concerns with this bill that could affect the JPA. The supporters of the bill included LIBA and the Platte Institute. Those in opposition included bond counsel for the City of Lincoln and Lynn Rex representing the League. The bill was advanced to General File on March 6, 2015 with a committee amendment attached. We included a copy of the amendment with a previous report. The bill has been declared to be a Government Committee priority bill.

AM 582 to LB 132 addresses technical issues, but keeps the original content of the bill. AM 582 clarified electorate language relating to a vote on a bond issue. JPA shall have only those powers of taxation as one or more of participating public agencies as provided by agreement proposing creation of JPA. The JPA shall not levy a local option sales tax. A levy in property tax cannot exceed the limit agreed upon, if agreement limits the levy authority of overlapping participating public agencies to same amount. Levy authority of a JPA shall be allocated by city or county. If a participating agency is a municipality agreement, an agreement can allow for any occupation or wheel tax. Prior to the issuance of bonds and pledge of property tax levy authority to a JPA, the question shall be put forth to the registered voters of the participating public agency. If voters exist in an overlap area of public agencies, the voter shall only vote once.

We met (along with Mr. Eagan) with Senator Ebke along with representatives of LIBA, the city of Lincoln and Senator Murante and Senator Morfeld's offices to bring up our two concerns about LB 132 – those about exemption under 23 – 120 and refinancing. While they have accepted our group's recommendations on the refinancing language, Senator Ebke has not agreed to the language allowing the use of the broader power of JPAs. We continued to work with her offering different options – along with those authored by the city of Lincoln. These amendments were not accepted by the bill's proponents. April 28, 2015, the bill moved to Final Reading after adoption of the refinancing language agreed to by the parties.

The bill passed on Final Reading with a 41-1-1 vote and was sent to the Governor on May 7th, 2015. The bill was approved by the Governor on May 13th, 2015.

OTHER LEGISLATION OF NOTE RAISED BY DEPARTMENT HEADS:

1. **LB482 - Change provisions relating to juveniles**
Introduced by Senator Bob Krist of Omaha
Hearing Date: February 25, 2015
Judiciary

Restraints shall not be used on a juvenile during a juvenile court proceeding and removed prior to the juvenile's appearance before the juvenile court. Unless there is cause to show the need of restraints in the court proceeding. If there is a determination that restraints are needed, juvenile court shall provide the juvenile, the juvenile's attorney, or the juvenile's parent or guardian an opportunity to be heard before ordering the use of restraints.

POSITION: NO POSITION. Senator Krist has indicated that he introduced this legislation to conform to best practices. During debate on this measure on Tuesday he made reference to Lancaster County's Staff secure facility. This bill passed on April 23, 2015 and was signed by the Governor on April 29, 2015.

We are aware that there are concerns about some potential financial impact with the passage of this bill. We will continue to work with Mr. Eagan, Ms. Thorpe and Ms. Schindler over the interim to examine potential legislation for next session to address this – if needed.

2. **LB 266 – Change provisions relating to jurisdiction for municipalities to ordinances**
Introduced by Senator Sue Crawford of Bellevue
Hearing Date: February 3, 2015
Urban Affairs

Municipalities currently have the authority to regulate nuisances within their extraterritorial zoning jurisdiction. LB 266 amends various nuisance statutes to clarify this existing authority.

POSITION: NO POSITION: An amendment was worked out prior to the hearing to work out concerns raised by the League. An amendment was offered to the Committee during the hearing that would exempt out counties of greater than 100,000 – citing joint planning boards and commissions – and providing for a notice to County Boards of development in the ETJ of a city. The bill was signed by the Governor on March 5, 2015.

3. **LB 543 – Provide for certification of community paramedics and reimbursement under Medicaid**
Introduced by Senator Burke Harr of Omaha
Hearing Date: February 6, 2015
Health and Human Services
PRIORITY FOR DOUGLAS COUNTY

LB 543 establishes criteria and requirements for certification for community paramedics. To be eligible for certification, an individual must be a licensed paramedic and completed a paramedic education program from a board approved university or college.

POSITION: NO POSITION. This is a priority for Douglas County. There was significant opposition leveled at the hearing including most of the home-based healthcare organizations in the state. Senator Harr offered AM153 that is still pending.

The bill remains in committee. Senator Harr did introduce LR310 which would call for a study by the Health and Human Services Committee to examine services provided by community paramedics. We would recommend that we keep an eye on this interim study.

4. **LB 106 - Adopt the Livestock Operation Siting and Expansion Act and change powers of counties relating to zoning**
Introduced by Senator Dan Watermeier of Syracuse
Hearing Date: February 12, 2015
Government, Military & Veterans Affairs Committee
NACO PRIORITY

This bill creates a mechanism for livestock operation siting and allows for certain officials to be on the board. This bill ran into serious opposition when debate began on this measure last Monday afternoon and Tuesday morning. Ultimately there was compromise on the bill and moved to Select File. The bill was signed on May 27, 2015 by Governor Ricketts.

5. **LB 98 - State intent regarding appropriations for tobacco use prevention control**
Introduced by Senator Kate Bolz of Lincoln
Hearing Date: March 16, 2015
Appropriations Committee
Judy Halstead Discussed at January 29, 2015 Meeting – Support with caveat around Health Care Cash funding levels

The bill would appropriate \$7 Million in both years of the biennium for tobacco use cessation. The committee funded this at \$200,000 in each year of the budget from the Health Care Cash Fund. The bill remains in committee.

6. **LB 118 - Provide for licensure of cigar shops**
Introduced by Senator Tyson Larson of O'Neill
Hearing Date: January 26, 2015
General Affairs Committee
Judy Halstead Discussed at January 29, 2015 Meeting – Oppose

The bill re-creates an exemption for cigar bars. The bill was signed by the Governor on February 26, 2015.

7. LB 148 - Provide for medical assistance program coverage for certain youth formerly in foster care
Introduced by Senator Sue Crawford of Bellevue
Hearing Date: January 30, 2015
Health & Human Services Committee
Judy Halstead Discussed at January 29, 2015 Meeting – Support

This bill carries former foster youth on Medicaid until the age of 26. The bill remains in committee.

8. LB 332 - Appropriate funds for the statewide prescription drug disposal project
Introduced by Senator John Kuehn of Heartwell
Hearing Date: March 16, 2015
Appropriations Committee
Judy Halstead Discussed at January 29, 2015 Meeting - Support

This bill appropriates \$600,000 in each year of the biennium to a drug disposal program. The committee funded this at \$300,000 in each year of the budget from General Funds. The bill remains in committee.

9. Appropriation for Public Health Aid – HHS Budget
The Department of Health – along with others – is seeking a \$5.2 Million Appropriation. This would mean \$700,000 to Lincoln/Lancaster in both years of the biennium. The committee funded this at \$200,000 in each year. Last week, there was a question about the funding level of this appropriation. I would note that while the original report was \$5.2 million which would have generated the \$700,000 in additional funding to Lancaster County. This represents roughly 13% of the appropriation. Applying this percentage, it would mean \$26,000 per year to Lancaster County. I encourage you to verify this with Judy Halstead.

This concludes our report. Once again, thank you so much for trusting your legislative interests to Kissel/ES Associates. We have enjoyed working with and for you this year.

**LANCASTER COUNTY BOARD OF COMMISSIONERS
INTERIM STUDIES OF INTEREST**

LR 22	Gloor	Interim study to monitor medical care transformation in Nebraska including health care delivery process of Patient-centered medical home. (HHS CMTE)
LR 39	Seiler	Interim study to examine certain acts to ensure the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent. (Jud)
LR 152	Crawford	Interim study to examine the Child and Maternal Death Review Act. (Urban Affairs)
LR 155	Urban Aff Cmte	Interim study to examine current and potential economic development tools available to municipalities in Nebraska.
LR 156	Urban Aff Cmte	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee.
LR 196	Hansen	Interim study to examine current state statutes governing population thresholds for Nebraska counties. (Gov)
LR 200	Mello	Interim study to examine the history and development of the Nebraska Innovation Campus at UNL (Approp)
LR 233	Howard	Interim study to examine payday loans and other short-term lending practices where high interest rates are charged and collected from customers. (Banking)
LR 243	Retirement Cmt	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board.
LR 250	Campbell	Interim study to examine issues under the jurisdiction of the HHS Committee. (HHS)
LR 252	Judiciary Cmte	Interim study to examine court costs and fees in Nebraska.
LR 257	Kuehn	Interim study to examine how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions. (Approp)

LR 258	Johnson	Interim study to determine whether the Real Property Appraiser Act should be amended. (Banking)
LR 260	Mello	Interim study to examine feasibility of developing tax-preferential zones on college and university campuses for the strategic development of new start-up business and expanding the commercialization of joint public/private research values. (Revenue)
LR 261	Mello	Interim study to examine implementing the use of body cameras For state and local law enforcement in Nebraska. (Judiciary)
LR 262	Bolz	Interim study to examine creation of separate program within the budget of the Dept. of HHS for long-term care expenditures made from all funding sources. (Approp)
LR 265	Davis	Interim study to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities. (Judiciary)
LR 266	Larson	Interim study to examine state law as it relates to weight limits for a single axle and a group of axles and the maximum load limits for motor vehicles carrying agricultural products or commodities. (Transportation)
LR 279	Seiler	Interim study to examine issues under the jurisdiction of the Judiciary Committee. (Judiciary)
LR 282	Mello	Interim study to examine the reasons for the higher cost of juvenile services under the Office of Probation Administration. (Approp)
LR 292	Campbell	Interim study to examine issues relating to public assistance programs for relative or kinship caregivers. (HHS)
LR 294	Murante	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee (Govt)
LR 300	Campbell	Interim study to examine the out-of-state placements of Nebraska children. (HHS)
LR 301	Retirement Cmte	Interim study to examine the practice of “double dipping” which occurs when public employees retire with a public pension and become reemployed by the same or different public employer and earn a second public pension benefit.

LR 302	Schumacher	Interim study to examine whether imposition of a sales or income tax upon the sale of agricultural land may provide funding for a targeted property tax relief fund for agricultural property owners. (Revenue)
LR 305	Mello	Interim study to examine issues under the jurisdiction of the Appropriations Committee. (Approp)
LR 306	McCollister	Interim study to examine ways in which medicaid expansion could be implemented in Nebraska under the Federal Patient protection and Affordable Care Act for medical assistance for newly eligible individuals. (HHS)
LR 308	Harr	Interim study to examine issues regarding the growth of Nebraska's agricultural-related economy. (Revenue)
LR 310	Harr	Interim study to examine services provided by community paramedics. (HHS)
LR 311	Harr	Interim study to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, determine if the program would be workable in Nebraska. (Judiciary)
LR 312	Harr	Interim study to examine ways to improve and fund child behavioral health programming in Nebraska.(HHS)
LR 313	Scheer	Interim study to examine the process utilized by the Department of Roads in design and construction of the Nebraska expressway system. (Transportation)
LR 316	Lindstrom	Interim study to examine Nebraska withdrawing from the Master Settlement Agreement and increasing its tobacco excise tax to approximate the Master Settlement Agreement payment. (Revenue)
LR 317	Smith	Interim study to review the Nebraska Rules of the Road and provisions which establish maximum weight limits. (Transportation)
LR 318	Smith	Interim study to conduct a comprehensive study of Nebraska's state and local roads system. (Transportation)
LR 325	Davis	Interim study to examine the current method of using adjusted property valuation as the primary measurement of local resources in Nebraska's public education funding formula. (Revenue)

LR 326	Davis	Interim study to examine the procedure for and use of like-kind exchanges under sec. 1031 of the Internal Revenue Code and their impact on the taxable value of agricultural and horticultural land. (Revenue)
LR 327	Davis	Interim study to examine the procedures and categories used by county assessors to classify types of land for valuations and taxation purposes. (Revenue)
LR 328	Davis	Interim study to examine options for implementing a “circuit breaker” tax credit to protect agricultural property owners from a property tax overload. (Revenue)
LR 329	Gloor	Interim study to examine the structure of, compliance with, and administration of state and local sales and use taxes. (Revenue)
LR 330	Gloor	Interim study to examine the structure of, compliance with, and administration of real and personal property taxes.(Revenue)
LR 333	Watermeier	Interim study to examine methods to improve government efficiency. (Approp)
LR 339	Garrett	Interim study to examine the current statutory requirements governing the removal of roadside vegetation. (Transportation)