

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 – BILL LUXFORD STUDIO
THURSDAY, APRIL 13, 2017
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Chair; Bill Avery, Vice Chair; Deb Schorr; Roma Amundson; and Jennifer Brinkman

Others Present: Kerry Eagan, Chief Administrative Officer; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on April 12, 2017.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:31 a.m.

AGENDA ITEM

A. APPROVAL OF APRIL 6, 2017 MINUTES

MOTION: Amundson moved and Avery seconded approval of the April 6, 2017 Staff Meeting minutes.

Brinkman asked that the word "as" in the second sentence in the fourth paragraph on Page 2 be changed to "was."

ROLL CALL: Amundson, Schorr, Brinkman and Wiltgen voted yes. Avery abstained from voting. Motion carried 4-0, with one abstention.

Avery exited the meeting at 8:37 a.m.

2 LEGISLATIVE UPDATE – Gordon Kissel, Joe Kohout and Jonathan Bradford, Kissel/E&S Associates (Legislative Consultants)

Joe Kohout, Kissel/E&S Associates, presented a legislative update (Exhibit A).

Avery returned to the meeting at 8:39 a.m.

A handout was presented showing the vote on the motion to invoke cloture on Legislative Bill (LB) 68 (Prohibit certain regulation of firearms, ammunition, and firearm accessories by counties, cities, and villages as prescribed) and the subsequent vote to advance the bill (Exhibit B). Kohout said the Nebraska Sheriff's Association has taken a position of opposition to the bill in its present form and an amendment that does not address its concerns regarding public facilities and governmental buildings. Kohout noted Senator Ernie Chambers has vowed that no amendments will be adopted. Brinkman asked whether the County has lobbied senators to oppose the bill. Kohout said, when asked, the lobbyists have indicated the County is in opposition to the bill.

Copies of the Revenue Committee's Statement on LB 461 (Correct references to a federal act in a revenue statute) and a chart prepared by the Nebraska Association of County Officials (NACO) outlining the impact of amending LB 338 (Adopt the Agricultural Valuation Fairness Act) provisions into LB 461 were disseminated (Exhibits C & D). Kohout noted an overall loss of value of 0.99% is projected for Lancaster County. Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, said that equates to a loss of \$641,000 in tax dollars at the existing rate, adding it would be shifted to residential and commercial sectors. Amundson, who serves on the NACO Board of Directors, said many counties have expressed concerns because it takes away their discretion. Gaines said the County Assessor's Office supports the legislation because it moves the burden of valuing agricultural land to the State level and takes the subjectivity out of it. Kohout said the bill has multiple components including income tax and the historic tax credit. The Board did not take a position on the bill.

Kohout said LB 145 (Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service) was incorporated into LB 259 (Provide for competency determinations in cases pending before county courts) along with an amended version of LB 395 (Change provisions relating to conditions of and ability to post bail) (Exhibit E). Kerry Eagan, Chief Administrative Officer, expressed concern regarding the following provision: *An indigent judgment debtor shall be entitled to representation by court-appointed counsel for contempt proceedings under this section if imprisonment is a possibility* (see Exhibit E, Page 1, Lines 22-24). He said that would extend the right to counsel to civil cases, such as debt collection cases. Kohout thought the language may have been part of a "debtors bill" that was also merged into LB 259. Eagan said the County was not given an opportunity to provide a fiscal note. Kohout recommended the County relay its concerns regarding that provision to Senator Matt Hansen, who introduced LB 259 and said it would also be helpful to provide an estimate of the number of cases it could involve.

The following documents were also provided to the Board: 1) Bills related to Lancaster County priorities; and 2) Legislative bill report (Exhibits F & G).

B. JOINT DEPARTMENT BUDGET HEARINGS – Dennis Meyer, Budget and Fiscal Officer

A. Aging Partners

Randy Jones, Aging Partners Director, introduced members of his staff: Nancy Niemann, Accounting Supervisor; Jennifer Hartman, Administrative Officer, Accounting; Martha Hankenkamp, Program Manager; and Sandy Lutz, Division Administrator, Community Activities & Services.

Jones provided an overview of the budget, programs, and funding sources for services in Lincoln and Lancaster County (Exhibits H & I). He said overall funding requested from the County is \$403,896, noting the County provides 10% of the overall budget, 50% of the cost of the Downtown Senior Center and 16.58% of the funding for the Rural Transit Program. **NOTE:** The figure includes administration and infrastructure. Jones said the Rural Transit Program is operated as a County-specific program so it was not included in the City's budget documents.

In response to a question from Wiltgen, Jones said Aging Partners is part of a multi-county service area (includes Butler, Fillmore, Polk, Saline, Saunders, Seward and York Counties).

Jones outlined efforts to reach more individuals throughout the County. Schorr inquired about outreach efforts in the Denton and Malcolm areas. Jones indicated plans to move into the northwest area of Lincoln which is closer to Malcolm and said they are providing some Rural Transit focus in the Malcolm area, such as trips for grocery runs.

Brinkman asked Jones if Aging Partners is communicating or collaborating with the Community Health Endowment (CHE) in terms of the Place Matters Community Mapping Project (mapping factors such as poverty, family structure, access to health care, obesity and more), the health disparities in certain areas and whether the services provided by Aging Partners would address those issues. Jones said they have not but will follow up with CHE.

Jones discussed how the President's Budget Blueprint, which eliminates formula grants from the Department of Commerce, would impact the Rural Transit Program (see Exhibit H). He noted there could also be reductions in United States Department of Agriculture (USDA) and United States Department of Housing and Urban Development (HUD) funding which could effect other programming. Jones said they have received a funding forecast from the State but said it is not a guarantee of funding. He added they do not know what specific programs in the Department of Health and Human Services (HHS) may be reduced.

Jones also discussed efficiencies within the department, such as bidding out a service they are directly providing to see if could be provided it at less cost by the private sector.

In response to a question from Schorr, Martha Hankenkamp, Program Manager, said Aging Partners would consider its Home Delivered Meal Program, which is federally required, to be a Tier 0 program. **NOTE:** The City has identified three tiers in its outcome-based budget process: Tier 0 services are those which are mandated; Tier 1 services are government functions which would be difficult to transfer to community providers; and Tier 2 services are those which could be transferred to other providers.

Jones was asked to update the documents to reflect the budget tiers and the funding amount for the Rural Transit Program.

Brinkman asked whether there are plans to change the location of the Downtown Senior Center when administration moves to Victory Park, a new complex planned for the Veterans Affairs Campus at 70th and "O" Street. Jones said the building will be closed as a whole. He said constituents will be able to receive services through the Belmont Center or the St. James Church facility or be transported to Victory Park. Brinkman then inquired about waiting lists for services. Jones said there is a waiting list of 20-30 for the In-Home Services Program. Brinkman also inquired how a private sector organization that is looking at providing rural transit would impact the Rural Transit Program. Jones said it will likely come down to affordability.

B. Planning Department

David Cary, Lincoln/Lancaster County Planning Department Director, provided an overview of the budget (Exhibit J), noting funding is an 80/20 split between the City and County, as established in an Interlocal Agreement that has been in effect since 1959. He said the cost to the County in the current City biennium budget is just over \$400,000 each year.

In response to a question from Wiltgen, Cary said the Planning Department is not an enterprise fund and application fees do not cover costs.

Cary noted 20% of their services are from activities funded by federal grants and said he is not sure how cuts to federal programs may affect that funding.

Cary discussed how the Planning Department's services fit within the tier structure that was set up in the City's outcome-based budget process:

- Tier 0 – Lincoln-Lancaster County 2040 Comprehensive Plan, Comprehensive Plan Conformity Reviews, Capital Improvement Program (CIP), Subdivision Applications, and Right-of-Way Applications

- Tier 1 - Lincoln Metropolitan Planning Organization (MPO), Transportation Planning, and Historic Preservation
- Tier 2 – Design Review Boards (Historic Preservation Commission, Nebraska Capitol Environs Commission, Urban Design Committee), Code Review and Streamlining Processes, and Zoning Applications

Schorr asked whether that list encompasses all of the Planning Department's functions. Cary said no, it is a generalized way of identifying some of the bigger work areas and whether they are required by State or Federal law. Schorr asked Cary to provide his priorities (see Exhibit K).

Cary said they are looking at moving to a digital municipal code and said they will likely take on the County Zoning Regulations as well.

Amundson asked how often fees are adjusted. Cary said about every four years.

Brinkman exited the meeting at 10:02 a.m.

C. Human Resources

Doug McDaniel, Lincoln-Lancaster County Human Resources Director, recognized the following members of his staff: Kari Foote, Human Resources Coordinator; Nicole Gross, Compensation Manager; and Bill Kostner, City Risk Manager.

Brinkman returned to the meeting at 10:06 a.m.

McDaniel provided an overview of the budget and the scope of services Human Resources provides to Lancaster County (see agenda packet). He noted they do not participate in disciplinary matters involving the uniformed services of the Lancaster Sheriff's Office (LSO). McDaniel said costs for services is charged quarterly (total annual amount is \$452,860) and is based on the ratio of employees (currently 28%).

Schorr inquired about prioritization of services. McDaniel said they consider all of the services to be essential.

Avery asked McDaniel whether there are any discretionary items in the budget. McDaniel indicated there are not.

D. Purchasing

Bob Walla, Purchasing Agent, provided an overview of the budget (Exhibit L), noting the Purchasing Department currently serves the City of Lincoln, Lancaster County, the Public Building Commission (PBC) and the West Haymarket Joint Public Agency (JPA).

Walla said the proposed budget for Fiscal Year (FY) 2017-18 is as follows:

- City - \$798,590 (with a new Contract Administrator position) and \$718,174 (without the position)
- County - \$179,031 (with a new Contract Administrator position) and \$160,537 (without the position)

NOTE: The City's portion of the annual budget is 77% and the County's portion is 23%.

Walla noted the PBC does not currently contribute to funding and said he, Dennis Meyer, County Budget and Fiscal Officer, and Brandon Kauffman, City Finance Director, have had discussions with Don Killeen, Facilities and Properties Director, about what percentage of funding might be appropriate. He said they are proposing a 5% contribution as a starting point, which equates to \$39,930 for FY 2017-18, which would change the City and County totals to 74% and 21%, respectively. Schorr felt a 5% contribution was too low. Meyer said it is difficult to come up with an appropriate percentage because much of the work the Purchasing Department does for the PBC either benefits the City or County. **NOTE:** Funding percentages are not defined in the Interlocal Agreement that created the joint Purchasing Department.

Avery inquired about savings from the audit of cellular phone usage. Walla estimated it at \$100,000 annually.

4 TRANSFER OF GENERAL ASSISTANCE (GA) TO PEOPLES HEALTH CENTER – Sara Hoyle, Human Services Director

Sara Hoyle, Human Services Director, discussed a proposal to transition the primary medical care that is being provided to General Assistance (GA) clients at the Lincoln-Lancaster County Health Department (LLCHD) to the Peoples Health Center (PHC), noting most of the clients will be referred to the Health 360 Integrated Care Clinic at 2301 O Street but can also be seen at other PHC clinics in Lincoln (see February 16, 2017 County Board Staff Meeting for information on the Health 360 pilot project for GA clients). She noted LLCHD had staff available to answer clients calls after hours, which helped contain costs, and said PHC has requested two full-time equivalents (FTE's) to staff a 24 hours/7 days-a-week phone line that clients can access to continue that service. Hoyle said PHC has also included a sliding fee scale and will bill the County \$30 each time a client sees a medical provider other than a registered nurse (RN), adding that usage will be tracked. She said PHC's total proposal is \$370,607, noting one of the in-kind services being offered is a prescription assistance program that is currently being provided through the Lancaster County Medical Society (LCMS) at a cost of \$25,000. **NOTE:** The County currently pays LLCHD \$418,000 for primary medical care for GA clients. Hoyle said the PHC's proposal also allows GA clients to establish a medical home.

Hoyle noted she is still working with the Purchasing Department on the pharmacy component, noting the County currently contracts with Kohll's Pharmacy & Homecare for pharmacy services for GA clients, noting Kohll's is the only provider of durable medical equipment registered with Medicaid. PHC contracts with Kohll's and has a Genoa/Qol Pharmacy on-site at Health 360 (2301 "O" Street).

In response to a question from Wiltgen, Hoyle said PHC indicated in its proposal that it will work to secure Medicaid reimbursement, adding there is not a lot of reimbursement for primary care.

MOTION: Amundson moved and Schorr seconded to authorize Sara Hoyle, Human Services Director, to work with the County Attorney's Office to develop a contract with the Peoples Health Center (PHC). Avery, Schorr, Brinkman, Amundson and Wiltgen voted yes. Motion carried 5-0.

Eagan noted the GA Guidelines will need to be revised to reflect the transfer of primary care services.

5 EXERCISE EQUIPMENT ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT WITH FRATERNAL ORDER OF POLICE (FOP), LODGE 32 – Kristy Bauer, Deputy County Attorney; Brad Johnson, Corrections Director

Brad Johnson, Corrections Director, noted the Corrections Department was authorized to split the cost of exercise equipment it received from the Cooper YMCA with the Fraternal Order of Police (FOP), Lodge 32 (see February 23, 2017 Staff Meeting minutes). He said the County Attorney's Office has advised him of the need for an agreement with the Union regarding ownership and maintenance of the equipment and the ability to discontinue use if there are injuries associated with the equipment or increased maintenance costs.

Kristy Bauer, Deputy County Attorney, said an addendum will be scheduled on the April 18, 2017 County Board of Commissioners Meeting agenda to change the bargaining agreement with the FOP to include the provision on exercise equipment.

RETURNING TO ITEM 2

Eagan referenced discussion earlier in the meeting regarding LB 259 (Provide for competency determinations in cases pending before county courts) and said he will forward a fiscal note request to Johnson.

ADMINISTRATIVE OFFICER REPORT

A. Nebraska Accountability and Disclosure Opinion for Commissioners Schorr and Avery

Eagan said according to the staff opinion Commissioners Schorr and Avery would have a conflict of interest as to District Energy Corporation (DEC) matters coming before the County Board and should abstain from participating or voting on the matters. He said he has shared the opinion with Chris Connelly, Assistant City Attorney, and Bill Austin, the DEC's general counsel.

Brinkman questioned whether the Board should consider appointing someone other than county commissioners to serve as the County's representatives on the DEC Board of Directors. Eagan said the Interlocal Agreement for the DEC does not require appointment of County Board or City Council members. He said the practice is to have two County Board members and one City Council member serve. The Mayor also makes an appointment to the body. Brinkman felt Schorr's and Avery's positions on the County Board should take precedence over their appointments to the DEC.

Schorr said the DEC provides power to nearly every County facility and she is representing the County's financial interest as a member of the DEC. Avery said he concurs and said it is clear the DEC wants to expand its client base. Schorr said this is the first time in DEC's history that such an interest has come forward (see opinion in agenda packet).

Eagan said he is not sure why the DEC was organized as a non-profit corporation, noting there would not have been a conflict of interest if it had been organized as a political unit. The Chair asked Eagan to follow-up with the DEC to see if its structure could be changed.

B. Trabert Hall Tour (April 18, 2017)

Informational only.

C. Tri-County Meeting Dates – October 5 or 12, 2017 at Innovation Campus

Schorr proposed that Adams, Buffalo and Hall County representatives be invited to attend as observers, noting those counties have discussed holding a Tri-County Meeting in that area.

Staff will contact Douglas and Sarpy County to see which date they would prefer.

D. Lincoln Journal Star Renewal

Minette Genuchi, Administrative Assistant to the County Board, appeared and reported that the annual cost for a digital only subscription is \$156 compared to \$399 for a

newspaper subscription. **NOTE:** Digital access is provided at no cost with a newspaper subscription.

MOTION: Schorr moved and Amundson seconded to renew the print newspaper subscription. Schorr, Brinkman, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.

6 JUSTICE COUNCIL DISCUSSION – Kim Etherton, Community Corrections Director; Joe Kelly, County Attorney; Brad Johnson, Corrections Director

Wiltgen noted the Board recently reactivated the Justice Council but it was set up differently than how the Interlocal Agreement that established the Justice Council in 1988 was written. Kim Etherton, Community Corrections Director, noted she was asked to chair the body but the membership defined in the Interlocal Agreement did not include Community Corrections because it did not exist at the time. It also did not include County Board members. **NOTE:** Commissioners Schorr and Wiltgen participated in the group's first meeting on March 3rd.

Joe Kelly, County Attorney, suggested the current focus is jail population reduction and said Brad Johnson, Corrections Director, provided them with goals to work towards. He said he envisions the Justice Council further defining the goals and steps. Etherton said it is difficult to get certain populations out of jail and will require efforts from a number of criminal justice entities.

Wiltgen said the District Court has indicated it will send a judge to the Justice Council meetings as an observer but not as an active participant. Schorr said the original bylaws specify that a judge from each of the courts (County, District and Juvenile) will serve as a voting member and felt they should be updated to take out that reference and expand the membership. Etherton noted several providers were also present at the meeting and said they provided valuable information. It was felt the core group should be defined but there should also be an ability to call in other experts, as needed. Kelly suggested it would also be beneficial to have a quarterly dashboard (real-time user interface) to show the impact of different measures.

7 ADDITIONAL APPROPRIATIONS – Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, said County Court will need an additional appropriation in the amount of \$214,000. A resolution will be scheduled on the April 18, 2017 County Board Staff Meeting agenda to transfer spending authority.

Avery suggested formation of a group of County Commissioners to study the issue of escalation of costs in the court system. Eagan said there is a report that addresses that

issue: The Lancaster County Indigent Defense Committee Report on the Costs of Legal Representation (<http://lancaster.ne.gov/pdefen/pdf/idac.pdf>).

8 ACTION ITEMS

There were no action items.

9 ADMINISTRATIVE OFFICER REPORT

- A. Nebraska Accountability and Disclosure Opinion for Commissioners Schorr and Avery
- B. Trabert Hall Tour (April 18, 2017)
- C. Tri-County Meeting Dates – October 5 or 12, 2017 at Innovation Campus
- D. Lincoln Journal Star Renewal
- E. Resolution Declaring April 21, 2017 as Newman United Methodist Church Day in Lancaster County

There was consensus to schedule the item on the April 18, 2017 County Board of Commissioners Meeting agenda as a special presentation.

- F. Welcome to the Nebraska Agricultural Stabilization County Office Employees (NEBRASCOE) Northwest Area Rally, Friday, April 28, 2017, 8:00 a.m. at the Embassy Suites

The Chair agreed to provide welcome remarks to attendees.

10 DISCUSSION OF OTHER MEETINGS ATTENDED

- A. Children's Justice Clinic – Schorr/Brinkman

Brinkman said she, Schorr, Eagan, and Theresa Emmert, Juvenile Court Administrator, met with Richard Moberly, Dean of the College of Law, University of Nebraska-Lincoln (UNL), and Michelle Paxton, Director of Legal Training, Center on Children, Families and the Law (CCFL), UNL, to discuss a proposal to add a track to the clinical services that third year law students can participate in for Guardian ad Litem (GAL) training. She said the Juvenile Court Judges are supportive of the concept. There was consensus to schedule a briefing by Paxton on a future meeting agenda.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Region V Services Executive Committee – Wiltgen

There was no meeting.

B. Region V Services Governing Board – Wiltgen

Wiltgen said the rules for Centers for Medicare and Medicaid Services (CMS) have been revised and the State and Regions are receiving less funding for group homes and said Region V Services lost \$200,000 in revenue last month. The Legislature has made them whole through May 1st but it is uncertain whether the State will continue to pick up costs going forward.

C. Region V Systems Governing Board – Wiltgen

Wiltgen said they made modifications to providers' budgets. He said the only significant change was to Lutheran Family Services (LFS) for medication management, explaining \$200,000 will be taken out of the budget and a different budget classification will be created for the Region. Wiltgen said that will give other providers an opportunity to provide the service.

D. Region V Systems Executive Committee – Wiltgen

Wiltgen said they approved the management review process.

E. Public Building Commission (PBC) Vice Chair Meeting with Mayor – Amundson

Amundson said a number of topics were discussed including the budget process, construction of a new 911/Emergency Communications Center, parking issues, and a new concept for the "K" Street Building.

F. Meeting with Mayor – Wiltgen/Avery

Wiltgen said they discussed modifications to the County budget process, improvements to the North 84th Street and Havelock Avenue intersection and the Pinewood Bowl Amphitheater. He said he briefed the Mayor on the selection of the Lancaster Event Center to host the 2020 and 2021 National High School Finals Rodeo (NHSFR) and the Mayor indicated the City will create events around the rodeo to make it a better experience. The Mayor also informed him that City Public Works & Utilities is working with the Nebraska Department of Roads (NDOR) to determine costs for the South Beltway and indicated the Railroad Transportation and Safety District's (RTSD's) portion could be \$16,000,000 to \$26,500,000.

G. Public Building Commission (PBC) – Amundson, Brinkman

Amundson said they discussed the 911/Emergency Communications Center and 605 Building projects, upgrades to the Bill Luxford Studio (Room 113), parking issues, and the energy efficiency audit.

H. Lincoln-Lancaster County Board of Health – Avery

Avery said he did not attend the meeting.

I. Mental Health Crisis Center Advisory Board – Avery

Avery said Eddie the therapy dog and his handler were introduced to the group. He said they also discussed building repairs and electronic health records software. Avery also reported that a staff member received a significant injury during a recent “take down” and was hospitalized. Schorr felt Scott Etherton, Mental Health Crisis Center Director, should have promptly notified the County Board of the incident. Wiltgen said he will speak to Etherton regarding the matter.

12 SCHEDULE OF BOARD MEMBER MEETINGS

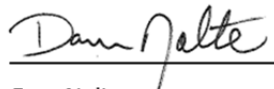
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13 EMERGENCY ITEMS

There were no emergency items.

14 ADJOURNMENT

MOTION: Schorr moved and Brinkman seconded to adjourn the meeting at 12:24 p.m. Brinkman, Amundson, Avery, Schorr and Wiltgen voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

