

**MINUTES
TRI-COUNTY MEETING
DOUGLAS, LANCASTER AND SARPY COUNTY BOARDS
INNOVATION CAMPUS – 2021 TRANSFORMATION DRIVE
THURSDAY, OCTOBER 5, 2017
8:30 A.M.**

Lancaster County: Todd Wiltgen, County Board Chair; Bill Avery, County Board Vice Chair; Roma Amundson and Deb Schorr, County Commissioners; Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Administrative Officer; Dennis Meyer, Budget & Fiscal Officer; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Bob Walla, Purchasing Agent; Minette Genuchi, County Board Administrative Aide; and Joe Kohout and Jonathan Bradford, Kissel/E&S Associates (Lancaster County Lobbyists)

Douglas County: Mike Boyle, Jim Cavanaugh, Clare Duda, PJ Morgan, Chris Rodgers, County Commissioners; Dan Esch, County Clerk; Sheri Larsen, Chief Deputy County Clerk; Patrick Bloomingdale, Chief Administrative Officer; Diane Carlson, Deputy County Administrator; Joe Lorenz, Budget & Finance Director; Marcos San Martin, Intergovernmental and Labor Relations Specialist; Catherine Hall, Assistant County Administrator; Leia Baez, Public Information Officer; and Sean Kelley and Julia Plucker, Kelley Plucker LLC (Douglas County Lobbyists)

Sarpy County: Don Kelly, Gary Mixan, Jim Thompson, Jim Warren, and Brian Zuger, County Commissioners; Dan Hoins, County Administrator; Fred Uhe, Community and Government Relations Coordinator; Bonnie Moore, Deputy County Attorney; Deb Houghtaling, County Clerk; and Tim Gay and Kaitlin Reece, Husch Blackwell (Sarpy County Lobbyists)

Other Attendees: Beth Ferrell, Legal Counsel, Nebraska Association of County Officials (NACO); and Abby Stenek, Lincoln Independent Business Association (LIBA)

NOTE: A copy of the Open Meetings Act was available.

1. RECEPTION & BREAKFAST

A reception and light breakfast were held beginning at 8:30 a.m.

2. WELCOME

Todd Wiltgen, Lancaster County Board Chair, opened the meeting at 9:00 a.m. Introductions were given by those in attendance.

Daniel Duncan, Nebraska Innovation Campus Executive Director, provided a welcome and overview of Innovation Campus.

3. REVIEW OF LEGISLATIVE AGENDAS

A. Lancaster County

1. Legislative Priorities

Kerry Eagan, Chief Administrative Officer, provided an overview of Lancaster County's 2018 legislative priorities including the standing priority of property tax relief. Potential new revenue sources for counties include the following: tobacco tax increase, occupation tax on wineries, removal of sales tax exemption on soda, energy drinks and candy and earmark the proceeds for property tax relief and handgun fee increase. Other priorities are funding for adult and juvenile justice system reform, allowing outpatient treatment for restoration of competency to stand trial, and statutory changes to implement a statewide 24/7 sobriety program and to increase minimum purchasing thresholds.

Eagan said LB 605 (Provide, change, and eliminate penalties, punishments, sentencing, restitution, probation, parole, and crime victim provisions and provide for post-release supervision, grants, and suspension of medical assistance for inmates) passed in 2015 is impacting jail populations. He felt additional funds from the State should be appropriated for programs to keep people out of jail. Wiltgen added that the County reactivated its Justice Council due to the rapid increase in the jail population. The group includes representatives from local governing bodies, corrections, law enforcement and other behavioral health agencies in the community.

Deb Schorr, Lancaster County Commissioner, discussed a Kansas City facility (Kansas City Assessment and Triage Center) that is being looked at as a possible model for Lincoln to help divert those with mental health issues away from the jail.

Patrick Bloomingdale, Douglas County Chief Administrative Officer, said Douglas County has over 1,300 inmates and approximately 65% have some type of mental health issue. He agreed that a forensic care unit is needed somewhere in the State. Wiltgen said he discussed this issue with the Department of Health and Human Services (HHS) and was told the level of care needs to be provided by a Board certified forensic psychiatrist and there are few of those in Nebraska.

Eagan briefly discussed the 24/7 sobriety program recently implemented in Lancaster County. The program works with chronic DUI (Driving Under the Influence) offenders with the goal of changing behaviors and preventing future arrests. Wiltgen explained that program participants are tested twice daily, therefore, statutory changes are needed to allow those with multiple DUIs to retain a driver's license so they can get to testing.

Bob Walla, City of Lincoln/Lancaster County Purchasing Agent, discussed the proposal to increase minimum purchasing thresholds. He said smaller purchases take as much staff time as larger ones. If the thresholds were increased this time could be better spent performing cost analyses and other strategic purchasing duties. He added that the Douglas and Sarpy County Purchasing Agents also support this proposal.

2. Legislative Proposals

Eagan provided an overview of Lancaster County's legislative proposals for the 2018 session (see agenda packet).

Cori Beattie, Lancaster County Deputy Clerk, discussed the application and issuing process for locksmith certificates. She noted that county clerks have no authority to deny a license upon receipt of a completed application form and \$5.00 fee and background checks are not statutorily required. Beattie said the Lancaster County Clerk's Office has ongoing concerns with the process and would like to see statutory changes including a fee increase.

In reference to LB 510 (Provide a restriction on installment contracts for the purchase of real or personal property by political subdivisions), Mike Boyle, Douglas County Commissioner, indicated that he would be interested in discussing this further with Lancaster County.

B. Douglas County

Copies of Douglas County Resolution No. 877 on legislative priorities were distributed (Exhibit A).

Marco San Martin, Douglas County Intergovernmental and Labor Relations Specialist, provided an overview of Douglas County's 2017 legislative session bills. He noted that criminal justice reform, unfunded/underfunded mandates and automotive sales tax revenue remain are ongoing legislative items, as well as property tax relief in general.

San Martin said Douglas County is also interested in continuing to monitor LB 605 and LB 81 (Change the application fee for handgun certificates). Discussion followed on data tracking related to LB 605. It was noted that Lancaster County received roughly \$70,000 from the State to assist with new programming related to this LB 605 while Douglas County received zero funds. Bloomingdale said Douglas County already had a lot of robust programs in place, thus, he felt statutes need to be amended to include funding for existing programs. Fred Uhe, Sarpy County Community and Government Relations Coordinator, said they received about \$25,000 and agreed that the legislation should be amended to allow more flexibility.

C. Sarpy County

Copies of Sarpy County's legislative agenda were distributed (Exhibit B).

Don Kelly, Sarpy County Commissioner, said they are onboard with a lot of issues already proposed by Lancaster and Douglas Counties. He provided an overview of their priorities including Tax Equalization and Review Commission (TERC) valuation protection, elimination of personal property tax and restoration of sales tax collection fees for motor vehicles (LB 531).

With regard to the TERC process, Kelly specifically addressed the issue of TERC or the Board of Equalization (BOE) lowering a property value one year and then it is increased the following year by the County Assessor. He proposed values be frozen for three (3) years.

Boyle said he would like to see the BOE abolished. He did not feel a three-year freeze would work. Instead he proposed a hybrid approach similar to California whereby when a property is purchased its value is set at a certain amount, e.g., 98% of market value. Annual increases are then set at 1% or established through some formula which is fair to taxpayers.

With regard to unfunded mandates, Uhe suggested Douglas, Lancaster and Sarpy Counties express their concerns to all state senators and indicate how this issue would help with property tax relief. Eagan recommended a more nuanced approach as all county functions could be considered unfunded mandates. He said counties may need to specify who benefits from services and reiterate that counties are paying for state costs. Wiltgen pointed out that when fees are not increased, costs are subsidized by property tax. Tim Gay, Sarpy County Lobbyist, suggested a coalition be formed to approach the Legislature about this issue.

D. Nebraska Association of County Officials (NACO)

Beth Ferrell, NACO, noted that they would be supportive of continuing to work with counties on unfunded mandates. She reviewed NACO's list of potential 2018 legislative issues (see agenda packet) noting that LB 47 (Change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated person) should be included on their list of carryover bills.

Schorr sought input on the issue of townhall meetings. Jim Cavanaugh, Douglas County Commissioner, said last summer's townhall meetings on the BOE process were helpful and even included some state senators. Dennis Meyer, Lancaster County Budget & Fiscal Officer, noted that Lancaster County has a Budget Monitoring Committee which reviews the annual budget. He added that public hearings do not generate much interest and he didn't feel a townhall meeting would be any more popular. Wiltgen felt townhall meetings would not really benefit the larger counties.

Boyle suggested that updates be made to antiquated statutes addressing District Court filings. He said the Douglas County Attorney has paid over \$700,000 on filing fees this year. It was noted these fees go toward the judicial retirement fund and Boyle thought an alternative funding source could be found.

4. BREAK

The meeting recessed at 10:55 a.m. and reconvened at 11:10 a.m.

5. OTHER TOPICS

a. Health Insurance Trends

Wiltgen noted the City of Lincoln and Lancaster County have chosen to change health insurance administrators as the rate increase proposed by Blue Cross and Blue Shield (BCBS) was 10% (County) and 20% (City). Aetna was selected as the new provider. He noted there will be a stronger wellness component and a significant reduction in administrative costs. Additionally, the Aetna contract will include performance benchmarks.

Bloomingtondale said Douglas County switched to BCBS due to previous concerns with Aetna's claims. Jim Warren, Sarpy County Commissioner, said they switched from BCBS to Aetna (Coventry) two years ago and withdrew from the contract six months later. He noted there were a lot of problems with pre-approvals, claims and prescriptions.

b. Collective Bargaining Issues

Bloomingtondale asked if other counties use arbitration as some Douglas County unions have proposed using this method to settle more appeals. Eagan noted some Lancaster County union contracts reference a Labor Management Committee which can meet quarterly to talk about issues of mutual interest. It was noted that Lancaster County tends to use mediation versus arbitration. Dan Hoins, Sarpy County Administrator, cautioned against using arbitration because research shows that the number of grievances would greatly increase as would costs. Bloomingtondale felt agreeing to arbitration could be a morale booster to some unions. Hoins suggested implementing a pilot project. Boyle said he favored arbitration with a narrow focus as it could help reduce the number of frivolous or low-dollar claims clogging up the courts.

c. Pension Issues

In reference to a Deferred Retirement Option Program (DROP), Bloomingtondale said Douglas County has an early retirement program for those hired before 2012 which provides one the ability to set aside money in addition to the pension plan. Eagan said DROP would only apply to counties with defined benefit plans (Lancaster and Sarpy Counties have defined contribution plans). He added that a defined contribution plan can make it difficult for employees to save enough money for retirement which, in turn, can cost counties more by employees working longer. Lancaster County also contributes a portion of unused sick leave into a Post Employment Health Plan (PEHP). Eagan emphasized that county boards have a fiduciary duty to make the best decisions for pension participants.

d. Cyber Liability and Personal Device Use for County Business

Wiltgen noted that Lancaster County is now considering cyber liability coverage. Chris Rodgers, Douglas County Commissioner, said this was a National Association of County Officials (NACo) initiative in the past and it is becoming more predominant. He added counties need to protect their data and provide adequate employee training. Douglas County has a person specifically in charge of system security and they utilize the Douglas Omaha Technology Commission (DOT.comm), a joint effort with the City of Omaha, for information technology services and

consulting. Wiltgen explained that Lancaster County and the City of Lincoln also have a joint Information Services (IS) Department but the interlocal agreement does not currently address cyber liability. Rodgers said Larry Dix, NACO Executive Director, would also be a good reference. Hoins noted that Sarpy County does have cyber liability coverage and he offered to forward the carrier's name to Eagan.

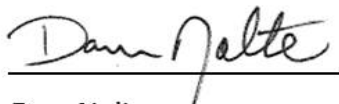
Wiltgen asked what others are doing with regard to the use of personal devices for work adding that oftentimes a system hack is traced back to a personal device. Bloomingdale confirmed that Douglas County employees can use personal cellular phones and computers to access the County's network. Uhe said Sarpy County takes security very seriously and noted that if employees log into the network remotely they must follow certain procedures. Diane Carlson, Douglas County Deputy Administrator, added that their employees must also agree in writing that if they use their personal phone to access county information and that phone is lost, the data can be wiped. She said managers also need to monitor the use of personal devices by non-exempt employees in order to minimize any overtime implications.

Ann Ames, Lancaster County Deputy Chief Administrative Officer, questioned text message retention. Rodgers thought messages were kept on the device until they "fall off." Wiltgen noted this becomes an issue when a public records request is received.

e. Pretrial Detention and Bail at County Jails

Copies of a letter to the Chief Justice of the Nebraska Supreme Court regarding the "3DaysCounty" campaign were distributed (Exhibit C). Rodgers said he requested the State participate in the pretrial program which could help lower the jail population. It was noted that Douglas County will be meeting with County Court representatives and others to discuss this issue further. Wiltgen said Lancaster County is also trying to expand pretrial services. He said he would mention this program to the Lancaster County Community Corrections director and the Justice Council. Kelly said support from judges is key so non-violent offenders can be released after booking.

There being no further business, the meeting ended at 12:14 p.m.



Dan Nolte
Lancaster County Clerk



Resolution No: 877 ADOPTED: December 20, 2016
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**BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA**

RESOLVED

WHEREAS, each year, the Douglas County Board of Commissioners prepares a set of initial legislative priorities; and,

WHEREAS, in addition to these priorities, the County Board formally considers supporting or opposing bills throughout the legislative session, consistent with the County's initial legislative priorities, or those that should be incorporated as a new priority or policy; and,

WHEREAS, this Board supports the following priorities as on-going, long-standing items, which we share in common with the other large urban counties of our state:

1. Support criminal justice reform, address rising jail costs, and mitigate the fiscal impact to county jails as of result of LB605 [104th].
2. Eliminate unfunded/underfunded mandates on Counties by the State; examples: eliminate the responsibility of counties to pay HHS office space(s) [proposed LB61-Bolz, 104th], Probation office space(s) [proposed LB427-Groene, 104th] and/or if legislation is introduced regarding the provision of crime lab services.
3. Counties to share proportionally in the automotive sales tax revenue collected by County Treasurers [proposed LB391-Crawford, 104th]; and,

WHEREAS, this Board supports the following items as the County's initial primary legislative priorities for 2017:

1. **SUPPORT** a legislative effort to provide statewide uniformity in the collection of 911 surcharges; allow counties containing a city of the metropolitan class the ability to collect the same surcharge amount per active telephone number as those counties not containing a city of the metropolitan class.
2. **SUPPORT** a legislative initiative to continue Medicaid coverage to eligible individuals in the County's jail custody until their sentencing and/or post-adjudication; **SUPPORT** requiring private health insurers in Nebraska be required to continue to provide health coverage to insured individuals in the County's jail custody until their sentencing and/or post-adjudication (applicable to individuals who enter the County's custody covered by a private health insurance policy).
3. **SUPPORT** a study ~~legislation~~ to expand Counties' ordinance making authority (grant 'home-rule' authority); allow counties containing a city of the metropolitan class, the ability to pass laws and ordinances to appropriately address their own unique needs and to more efficiently provide services to residents.
4. **SUPPORT** revisions to Chapter §77 pertaining to Board of Equalization (BOE) / Tax Equalization and Review Commission (TERC):
 - TERC appeal hearings to be held in Omaha in addition to Lincoln
 - Require TERC to implement a 'progression calendar-type' docket
 - Require one TERC Commissioner to be a licensed real-estate broker

Resolution No: 877 ADOPTED: December 20, 2016
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- Require TERC to grant a re-hearing, if requested, on any decision or order made by the commission
- Consider raising TERC filing fees
- Prohibit County Assessors from appealing directly to TERC without local BOE approval
- Better define the type of relief/discretion that a BOE may or may not exercise when reviewing a property owners' (appellants') appeals of denied property tax exemptions/homestead exemptions, when the reason for the denial is due to a late filing
- Prohibit an appeal to TERC without a property owner's express permission
- Allow TERC to utilize mass appraisal to assist in the appropriate increase/decrease of the value of a class/subclass of property in order to ensure that all classes/subclasses of property across the state fall into acceptable assessed ranges
- Require TERC to have the approval of the Governor and/or State Tax Commissioner in order to decree 'blanket-type' re-equalized assessments of property that affect multiple properties located a specific district/neighborhood-area; and,

5. **SUPPORT** all mail in elections.

WHEREAS, this legislation will result in a beneficial impact on Douglas County and is in the best interest of our residents to support these legislative priorities.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA, that this Board hereby supports the legislative priorities stated above, or similar/related legislation, and directs the County's lobbyists to pursue support of these priorities during the 105th Nebraska Unicameral, 1st Session.

DATED this 20th day of December, 2016

Motion by Boyle, second by Morgan to approve with amendments. I move the adoption of the resolution as amended.

Adopted: December 20, 2016

Yeas: Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers, Borgeson

(CERTIFIED COPY)



Daniel A. Esch
Douglas County Clerk



ATTORNEYS AT LAW

MICHAEL A. KELLEY (NE)

SEAN P. KELLEY (NE)

JULIA PLUCKER (NE)

TOM KELLEY (1919-1989)

May 19, 2017

Madame Chair Borgeson and Douglas County Commissioners,

Please receive this as your 2017 legislative session overview. The Legislature is set to adjourn Sine Die on May 23, 2017, the 86th legislative day. As we anticipated, the budget was the major issue of the session. In fact, the Legislature passed a deficit budget bill and the mainline biennial budget in the same session. With a nearly \$1 billion shortfall, it was primarily a defensive year.

There were 667 legislative bills introduced this session. Of the 667 bills, 170 became law. There were 107 priority bills. Seventy-one priority bills were passed with one bill vetoed. Of the 107 priority bills, twenty-two were filibustered. Aside from the budget, there was not a priority bill that overcame a filibuster to become law. As evidenced by this legislative session, filibusters are very difficult to overcome.

The Douglas County Board of Commissioners took positions on 21 legislative bills or resolutions. Only seven of the 21 received an outcome for the session. Three were positive, three were negative, and one was neutral. Of the remaining 14 positions, there are 11 support positions and 3 oppose positions.

Several outcomes were positive this session. First, LB152 (Craighead), change and eliminate provisions relating to the fees for recording and filing certain documents, passed. Additionally, LB333 (Riepe), eliminate an independent review of denial of aid to the disabled, was amended to eliminate the unfunded mandate to counties. LB333 would have been a significant unfunded mandate. A special thanks to Madame Chair Borgeson for her time and efforts throughout the session on this legislation. Last, LB10 (Krist), increase number of judges, was

amended to add two Douglas County juvenile judges. Fortunately, Senator Krist agreed to add only one judge as opposed to two and the Board was neutral with this language.

Three outcomes were negative. Two of the three were budget bills. Unfortunately, there were not enough votes to override the governor on his line item vetoes. The last negative outcome was LB358 (McCollister), change eligibility provisions relating to Supplemental Nutrition Assistance Program. LB358 failed to advance with 24 “yes” votes.

We anticipate another busy interim. Term limits increase legislative efforts throughout the interim. There are 127 legislative resolutions or interim studies introduced. Senator Wayne introduced LR206, interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries, at Douglas County’s request. Additionally, Senator Smith agreed to include TERC and property tax exemptions in his very broad property tax interim study (LR163).

Below is a detailed list of all positions, outcomes, and status.

Positive Outcome

LB333 (Riepe) - Eliminate an independent review of denial of aid to the disabled. **Passed without unfunded mandate.**

LB369 (Lowe) AND/OR LB152 (Craighead) - Change provisions relating to fees charged by the register of deeds. **Passed.**

LR1CA (Murante) - Constitutional amendment to require voter identification. **Failed to invoke cloture.**

Negative Outcome

LB22/23/24 (Scheer) - Provide, change, and eliminate provisions relating to appropriations and reduce appropriations. **Passed.**

LB327 (Scheer) - Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2019. **Passed.**

LB358 (McCollister) - Change income eligibility provisions relating to the Supplemental Nutrition Assistance Program. **Failed to advance.**

Neutral Outcome

LB10 (Krist) - Increase number of judges of the separate juvenile court as prescribed. **Passed with six judges.**

Holdover Bills – Support.

LB43 (Hilkemann) - Change provisions relating to surcharges for 911 service. **In Committee. Support.**

LB81 (Blood) - Change the application fee for handgun certificates. **General File. Support.**

LB216 (Harr) - Adopt the Redistricting Act. **In Committee. Support.**

LB322 (Craighead) - Change the Tax Equalization and Review Commission Act. **In Committee. Support.**

LB390 (Albrecht) - Change provisions relating to flood protection and water quality enhancement bonds. **In Committee. Support.**

LB480 (McCollister) - Provide requirements relating to health benefit plan coverage for insureds in jail custody. **General File. Support.**

LB531 (Harr)- Change sales tax collection fees for motor vehicles . **In Committee. Support.**

LB567 (Bolz) - Change funding for county public assistance offices. **In Committee. Support.**

LB619 (Wayne) - Permit certain counties to conduct elections by mail. **In Committee. Support.**

LB649 (Pansing-Brooks) - Prohibit additional services or populations under the Medicaid managed care program. **In Committee. Support.**

LR15CA (Morfeld) - Constitutional amendment prohibiting requiring a voter to present identification prior to voting. **In Committee. Support.**

Holdover Bills – Oppose.

LB367 (Krist) - Change provisions relating to payment of costs in juvenile matters. **In Committee. Oppose.**

LB410 (Smith) - Change boundaries and number of public service commissioner districts and provide for the appointment and election of new commissioners as prescribed. **In Committee. Oppose.**

LB573 (Friesen) - Change local competition determinations and rate list filing requirements under the Nebraska Telecommunications Regulation Act and provide for a nonregulated activity. **In Committee. Oppose.**

As always, we appreciate the opportunity to represent the Douglas County Board of Commissioners before the Nebraska Unicameral.

Thanks,

A handwritten signature in blue ink, appearing to read "Sean Kelley", written over the printed name "Michael A. Kelley".

Michael A. Kelley

Sean Kelley

Julia Plucker

DOUGLAS COUNTY LEGISLATIVE BILL SUMMARY

105th Legislature, 1st Session 2017 (final vers.)

BILL # AND SPONSOR	BILL TITLE	HEARING DATE	COUNTY BOARD POS'N	NEBR NACO POS'N	COUNTY BOARD ACTION	COMMITTEE ASSIGNMENT	NOTES / STATUS
LB10 (Krist)	Increase number of judges of the separate juvenile court as prescribed (<i>adds a 6th or 7th juvenile judge</i>)	1/18/2017	OPPOSE AM27 TO LB10	NO POS'N	BY MOTION 1/31/17 R#80-17		PASSED 43-3-3;
LB22/23/24 (Scheer @ Govr Req)	<i>Governor's Budget Package</i>	1/17/2017	OPPOSE	WATCH	BY MOTION 1/31/17 R#81-17		PASSED; 42-3-4
LB43 (Hilkemann)	Change provisions relating to surcharges for 911 service (<i>increases Douglas County's 911 surcharge amount</i>)	2/21/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Transportation / Telecommunications	in Committee
LB81 (Blood)	Change the application fee for handgun certificates	2/2/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Judiciary	on GENERAL
LB216 (Harr)	Adopt the Redistricting Act	1/30/2017	SUPPORT	SUPPORT	BY MOTION 2/7/17 R#106-17	Executive Board	in Committee
LB322 (Craighead)	Change the Tax Equalization and Review Commission Act	3/1/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Revenue	in Committee
LB327 (Scheer @ Govr Req)	Appropriate funds for the expenses of Nebraska State Government for the biennium ending June 30, 2019	2/21/2017	OPPOSE CUTS TO MEDICAID ASSISTED LIVING	NO POS'N, WATCH	R#203-17; MOTION to SUPPORT VETO OVERRIDE 5/16/17		PASSED 36-12-1; LINE-ITEM VETOES by GOVR; LEGIS FAILED TO OVERRIDE
LB333 (Riepe @ Govr Req)	Eliminate an independent review of denial of aid to the disabled (<i>end funding to the State Disability Program</i>)	1/12/2017	OPPOSE	NO POS'N	RESO 2/14/17 R#130-17		BILL SIGNIFICANTLY AMENDED; PASSED 48-0-1
LB358 (McCollister)	Change income eligibility provisions relating to the Supplemental Nutrition Assistance Program	2/16/2017	SUPPORT	NO POS'N	RESO 4/11/17 R#254-17	Health and Human Services	on GENERAL; failure to advance to E&R1
LB367 (Krist)	Change provisions relating to payment of costs in juvenile matters	1/24/2017	OPPOSE	OPPOSE	BY MOTION 1/31/17 R#82-17	Judiciary	in Committee
LB369 (Lowe) AND/OR LB152 (Craighead)	Change provisions relating to fees charged by the register of deeds / ... relating to the fees for recording and filing certain documents	2/16/2017 and 2/3/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17		LB152: PASSED 46-0-3;
LB390 (Albrecht)	Change provisions relating to flood protection and water quality enhancement bonds	2/1/2017	SUPPORT	NO POS'N	BY MOTION 1/31/17 R#83-17	Natural Resources	in Committee
LB410 (Smith)	Change boundaries and number of public service commissioner districts and provide for the appointment and election of new commissioners as prescribed	2/14/2017	OPPOSE	NO POS'N	BY MOTION 3/14/17	Transportation and Telecommunications	in Committee
LB480 (McCollister)	Provide requirements relating to health benefit plan coverage for insureds in jail custody	2/13/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Banking, Commerce and Insurance	on GENERAL
LB531 (Harr)	Change sales tax collection fees for motor vehicles	3/2/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Revenue	in Committee
LB567 (Bolz)	Change funding for county public assistance offices	2/22/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Government, Military and Veterans Affairs	in Committee
LB573 (Friesen)	Change local competition determinations and rate list filing requirements under the Nebraska Telecommunications Regulation Act and provide for a nonregulated activity	2/13/2017	OPPOSE	NO POS'N	BY MOTION 3/14/17	Transportation and Telecommunications	in Committee
LB619 (Wayne)	Permit certain counties to conduct elections by mail	3/15/2017	SUPPORT	SUPPORT	RESO 1/31/17 R#79-17	Government, Military and Veterans Affairs	in Committee
LB649 (Pansing-Brooks)	Prohibit additional services or populations under the medicaid managed care program	3/17/2017	SUPPORT	NO POS'N, WATCH	RESO 3/21/17 R#203-17	Health and Human Services	in Committee
LR1CA (Murante)	Constitutional amendment to require voter identification	3/2/2017	OPPOSE	WATCH	BY MOTION 2/7/17 R#107-17	Government, Military and Veterans Affairs	on GENERAL File; Senator Priority Bill; Invoke cloture FAILED
LR15CA (Morfield)	Constitutional amendment prohibiting requiring a voter to present identification prior to voting	3/16/2017	SUPPORT	WATCH	BY MOTION 2/7/17 R#107-17	Government, Military and Veterans Affairs	in Committee

Sarpy Legislative Agenda
October 5, 2017
(Bold Priority Issues)

- 1. TERC Valuation Protection: There's a great deal of frustration with the appeals process to TERC in general, but specifically when TERC rules in favor of the taxpayer and lowers the value to a certain dollar amount and the following year the Assessor increases back to the original protested amount or higher. Suggested solution would be to introduce legislation to freeze the value at the TERC level for 2-3 years. Many taxpayers file annually because of the (1) delays in TERC decisions and (2) to preserve the TERC approved value. Exemptions would need to be included to address improvements to the property and county-wide adjustments to classes of property. (Property Taxpayer Fairness Act)**
- 2. Elimination of Personal Property Taxes. Nebraska political subdivisions collect \$217.1 million in personal property taxes annually. Recent comments by members of the Revenue Committee indicate an interest in eliminating this tax. It's estimated that this would cost Sarpy County over \$1 million in revenue. Additional negative impacts on our subdivision and the State Aid to Education Formula. Recognizing the State's fiscal situation, the hope of sustainable replacement revenue is nil so this would further shift taxes onto the backs of residential homeowners since business and ag interests would experience some tax relief. We will oppose such a shift.**
- 3. LB531 (Harr) Our bill to restore the sales tax collection fees for motor vehicles. Bill remains in Revenue Committee. Fiscal Impact to Sarpy County over \$100K. Fiscal impact on the Highway Allocation and Highway Cash Fund, no State General Fund dollars impacted except for a one-time programming cost of \$12,000.**

Other Items of Interest

Carry Over Legislation (2017 Session)

LB567 (Bolz) Change funding for county public assistance offices. Remains in Government Committee. Sen. Bolz is considering an amendment to only reimburse counties that are paying rent for HHS space, Sarpy would be protected by the amendment. Approximate net cost (after Federal reimbursement) to the State would be \$3,228,300. Forty-nine counties provide space, Douglas County has 5 offices so there are 53 total office sites statewide.

LB81 (Blood) Change the application fee for handgun certificates, bill requested by Sarpy Sheriff's office. The \$5 fee was set in statute in 1991 and has remained the same, while the number of permits has quadrupled (according to Blood's office). Bill is on General File. In FY17, they issued 2,478 permits, this bill would increase county revenue by \$49,560.

LB357 (Bolz) Lancaster Treasurer's bill to increase title fees for vehicles transferred from another state. A complicated draft and additional distributions for title fees but overall impact on the counties would be an increase in revenue of \$500,000 plus statewide. Might be a vehicle to amend to just increase the county title fees. These are currently \$3.25 a title and it was set in 1983. The bill is still in the Transportation and Telecommunications Committee. Adjusting the county fee for inflation our share should be \$8.16. A \$5 increase would mean approximately \$300,000 for Sarpy County.

LB389 (Friesen) Adopt the Small Wireless Facilities Act. Planning and the County Attorney's office raised numerous problems with the bill and we were on record (via letter) in opposition. One amendment was offered and another amendment was being considered but Committee Counsel stated that the carriers could not reach

agreement. The bill as drafted had negative impacts on our permitting process and numerous financial and right-of-way concerns. The League of Municipalities was opposing as well. The bill remains in the Transportation and Telecommunications Committee.

LB544 (Watermeier) Provide for elimination of the office of the Clerk of the District Court as prescribed. Some cost to the State and details to be worked out on funding impact to the county. Chief Justice Heavican argues that a single court clerk office would be more efficient and save the counties money and space. Will work with Brian to identify potential savings and pitfalls in case this legislation proceeds.

Potential New Legislation

Changes to the “Greenbelt” program. Perhaps requiring proof of zoning and income to qualify for agricultural relief.

Increase thresholds in the County Purchasing Act. Lancaster has suggested over \$50,000 for formal bids, no bids for items under \$10,000 and informal bids \$ 10,000 to \$50,000.

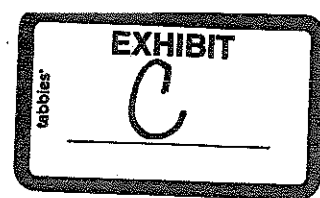
Reviewing impact of the 200,000 population threshold on Sarpy County. Quite likely we will reach that number as a result of the 2020 Census.

Statewide Legislation with Sarpy Impact

911 (NextGen): LB938 (911 Service System Act), approved by the Legislature in 2016 provided for the Public Service Commission to develop and present a plan for this system to the Appropriations and Transportation and Telecommunications Committees by Dec. 1, 2017. This report will recommend cost recovery systems and additional legislation needed to implement the plan. Once the report and presented we will have an idea of the legislation and potential impacts to Sarpy. The first draft mentioned the State would take our current landline revenue but in subsequent conversations with PSC Chair Tim Schram, he indicated that idea was likely off the table.

Tourism Improvement Districts (TID) tourism is the third largest industry in the State of Nebraska. A recent Appropriations Committee hearing dealt with restoring, developing and the capital improvement of sites that attract tourists to and within Nebraska.

Property Tax Relief: Attempting meaningful property tax relief in a short session election year could be a challenge but the potential for a rushed solution that has negative impacts on our political subdivisions is a real possibility. We need to guard against unintended consequences, levy or spending limits that could hurt a rapidly growing county like Sarpy. One size definitely does not fit all but politically you don’t want to be perceived to be against property tax relief. Our traditional stance has been that if the State would address the unfunded mandates and the millions they are costing County government we could offer tax relief while still providing needed and expected services.



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July 17, 2017

The Honorable Mike Heavican
Chief Justice of the Nebraska Supreme Court
1213 State Capitol
1445 K Street / P.O. Box 98910
Lincoln, NE 68509

cc. Corey Steele, State Court Administrator

Dear Mr. Chief Justice:

I write today to respectfully and formally request that the Nebraska Supreme Court joins the "3DaysCount" campaign, a nationwide effort of the Pretrial Justice Initiative (PJI). In addition to my duties as a Douglas County Commissioner, I also serve as national Board Chair of PJI. Multiple jurisdictions like Washington, Connecticut, Illinois, and Guam have formally joined this campaign to seek common sense solutions to increasing and widespread pretrial justice challenges, and many other states are applying.

The "three days" referenced in the name of the campaign recognizes that even three days in jail can be destructive to the homes, jobs and community connections of poor people who enter local jails, mostly for non-violent offenses. "Joining" or "signing up" for the campaign does not cost anything, but it does require the commitment and leadership of an executive member of one of the three branches of state government to explore changes in court rules, state statutes or implementation in counties to achieve more meaningful pretrial justice. Because of recently enacted legislation, the Nebraska Supreme Court is in an excellent position to lead on this important issue of judicial reform right now. The expertise and support of PJI and the momentum behind the "3DaysCount" campaign will be a perfect complement to the Court's swift implementation of recently enacted legislation.

This last session, the Legislature passed, and the Governor signed, LB 259 which enacted significant and sweeping bond reform and made changes to how courts impose fines. This was done to address the problem of "debtors prisons" and the increasing problem with criminal defendants who are unable to post a bond prior to resolving their cases nor able to pay fines. Impoverished inmates who cannot pay their fines and costs must "sit out" the equivalent dollar amount in jail.

This is a troubling scenario from a constitutional and public policy standpoint. Detention in jail comes with devastating human costs for low-income Nebraskans and Nebraska taxpayers. Being held in jail while awaiting trial means one is more likely to be found guilty and more likely to receive a stiffer sentence. A recent study by the ACLU of Nebraska showed that before they even get to trial, Nebraska defendants charged with nonviolent offenses spend an average of 48 days behind bars. Particularly troubling is that racial disparities exist at every stage of our criminal justice system nationally and right here in Nebraska.

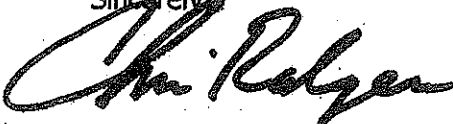
As a County Commissioner and former national President of NACO, I fully understand the burden these policies and practices impose upon property taxpayers. It costs a significant amount to house inmates in the Douglas County Jail. Incarcerating low-income people prior to trial or requiring an indigent defendant to "sit out" a fine cost much more than counties recoup. The same report from the ACLU of Nebraska showed that over half of the county jail populations were comprised of pretrial detainees, Nebraskans who were unable to afford bail. Indigent defendants sitting out a fine are doing so at taxpayer expense—it costs between \$80 and \$95 per day, per inmate, depending on the county involved. The annual costs to run the jails in our four largest counties (including Douglas County) will reach over \$73 million in 2017. Both practices strain county budgets and burden taxpayers unnecessarily without making a meaningful contribution to improving public safety.

The legislation passed and signed by the Governor provides that Nebraska courts must specifically take the financial ability of pretrial detainees into account when setting money bonds to avoid unnecessary pretrial detention. Additionally, the bill broadened the authority for courts to release pretrial detainees under community supervision programs. LB 259 provides for courts to specifically find that defendants can pay a fine. If defendants cannot afford to pay, the bill broadens the ability of the courts to discharge the fines, allow for defendants to perform community service, or to pay in installments.

The Supreme Court will soon provide training to the judicial branch, or some similar effort, to implement the provisions of the recent legislation. This provides an excellent opportunity for our state to work as part of a national effort to address the problems of debtors' prisons. I encourage the Court to join the 3DaysCount campaign, and you can count on me to actively participate should you choose to join. For more information about 3DaysCount, <http://projects.pretrial.org/3dayscount/>.

I look forward to hearing from you about your decision soon.

Sincerely,



Christopher T. Rodgers
Douglas County Commissioner – District 3
Chair – Pretrial Justice Institute Board of Directors

3 DAYS COUNT™

3DaysCount™ Commonsense Pretrial

We invite you to join our campaign to apply commonsense solutions to widespread pretrial justice challenges, making our country safer and ensuring the best possible outcomes for all.

The campaign, which we call 3DaysCount™, is a nationwide initiative to

- reduce unnecessary arrests that destabilize families and communities,
- replace discriminatory cash bail with practical, risk-based decision-making, and
- enable transparent detention for the small number of defendants who pose a genuine threat to public safety.

And we will do this in 20 states by 2020.

Three Days Count

Our justice system currently operates like a complex maze, with too many entry points and too few exits. As a result, many people enter jail—and stay in pretrial detention—unnecessarily, which increases their chances of getting stuck in the maze. In fact, each year nearly 12 million people are booked into U.S. jails, mostly for nonviolent misdemeanors, and more than 60 percent of jail inmates are unconvicted—largely because they are too poor to post even small money bond amounts.

Even three days in jail can be too much, leaving low-risk defendants **less likely** to appear in court and **more likely** to commit new crimes—because of the stress incarceration places on fundamentals like jobs, housing and family connections.

Meanwhile, half of the highest-risk defendants go free by posting cash bail under laws that currently hinder judges' ability to detain based on risk.

People who could safely await trial under community supervision are also more likely to be sentenced to probation (instead of jail) if convicted, since they've already demonstrated good behavior under monitoring. By keeping nonviolent defendants out of the maze, we can improve their outcomes. This is a more commonsense approach to justice, producing better public safety and saving money.



The 3DaysCount™ Solution

3DaysCount™ will follow the example of places like Colorado, Kentucky, New Jersey, Washington, DC, and dozens of other locales where updated state laws encouraged local jurisdictions to reliably implement smarter pretrial justice policies and practices.

To meet the goals of the 3DaysCount™ campaign, PJI and its partners will support participating states to

- **Improve State Statutes and Court Rules**—For example, by reducing severity for certain low-level offenses; encouraging “cite and release” practices instead of custodial arrest for low-level misdemeanors, guided by risk; and replacing the use of cash bail with pretrial risk assessment
- **Change State Constitutions**—Where necessary, constitutional changes can allow for preventive detention based on assessed risk and with due process
- **Implement evidence-based tools**—Introducing or refining objective pretrial risk assessment and supervision guidelines lets courts make better informed decisions about pretrial release and conditions
- **Litigate**—In jurisdictions where practices are not in line with the law, work with partners on litigation strategies

Any state can join and be one of the 20 states that will set a new national standard for pretrial justice. Some of you already are on your way. Signing up for the campaign requires the commitment by a leader from one of the three branches of state government or a prominent state-based advocacy or stakeholder association (such as a state association of sheriffs, police chiefs, or county commissioners).

There’s no cost to joining 3DaysCount™, but a state must be ready to make changes and report back on its progress. We invite you to join this campaign and the big goal of achieving pretrial justice.

“There has never been a time more ripe than now to bring commonsense pretrial to our country. Families and communities have the right to expect our systems to work, and those who work in the system have the vision and commitment to see this through. We can take what we have seen work and accelerate progress throughout the whole country, state by state. We can do this.” — Cherise Fanno Burdeen

For more information about joining this important campaign to achieve pretrial justice in 20 states by 2020, visit our website, www.pretrial.org/3DaysCount.