

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY OCTOBER 8, 2019
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
8:00 A.M.**

Commissioners Present: Roma Amundson, Chair; Sean Flowerday, Vice Chair; Deb Schorr, Rick Vest and Christa Yoakum

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; and Leslie Brestel, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on October 7, 2019.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:00 a.m.

AGENDA ITEM

1) APPROVAL OF STAFF MEETING MINUTES FOR OCTOBER 3, 2019

MOTION: Vest moved and Flowerday seconded approval of the October 3, 2019 Staff Meeting minutes. Amundson, Vest, Flowerday and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

2) 2020 LEGISLATIVE PRIORITIES – Kerry Eagan, Lancaster County Chief Administrative Officer; Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates

Eagan distributed and reviewed the Legislative priorities (Exhibit A). He noted the Board had discussed both the issues of placing liens on properties that have uncontrolled noxious weeds on common areas, and the County Engineer's ability to tow vehicles. Neither issue was added to the priority list.

Schorr entered the meeting at 8:05 a.m.

Amundson stated the Board should monitor LB20 (Require voter approval of public building commission bonds) as requiring a public vote could harm what Public Building Commissions do. Currently, the bill is in committee with four committee members in support and four opposed. She suggested Lancaster County and Douglas County lobbyists discuss the bill. Kohout added Flowerday testified in opposition last legislative session.

Flowerday felt the priorities should be limited to five and should include Items 1, 2, and 4 from Exhibit A, bail reform and mental health care advanced directives.

Kohout said he felt it is the intent of the Speaker to get the property tax reform bill and the incentives bill introduced early in the 2020 session.

Schorr suggested removing Items 3 and 5 on Exhibit A and combine all other priorities except Item 1 into a judiciary reform package.

Regarding financing of County bridges, Kohout stated he met with Senator Bolz in September to discuss the bill.

In reference to the bill on the statewide 24/7 Sobriety Program, Kohout said he met with Pat Condon, County Attorney; Joe Nigro, Public Defender; Kim Etherton, Community Corrections Director; and VigilNet. The discussion centered around the goal of keeping the original intent of the bill while making it not technologically specific regarding judicial authority.

Kohout and Miller met with Senator Geist on the Mental Health Commitment Act amendment. Another meeting will be set with essential parties. Last legislative session, there were concerns from the Bar Association, which will be addressed in the bill.

Regarding property tax relief, Amundson suggested Kohout discuss reasonable fees for services. Kohout felt fees would be best discussed in the unfunded mandates hearing. Schorr will participate in a conference call with Kohout on unfunded mandates.

Schorr stated the Nebraska Association of County Officials (NACO) may prioritize the County Engineer's towing of vehicles. Eagan added the Sheriff's Office has ticketing and towing abilities. The priority may need to broaden legislation with language regarding emergencies.

Schorr emphasized county leaders need to know there is a programming component to cash bond reform. Kohout agreed and suggested it be brought to Senator Laphrop's attention.

It was the consensus of the Board to have four legislative priorities for 2020, including Items 1, 2, 4, and mental health care advanced directives.

Schorr discussed the large number of County Board member recalls noting the recall threshold is 35% of the individuals who voted in the election. There has been discussion on raising the threshold or tightening the language regarding the reason for a recall.

Regarding the Attorney General's opinion on the election of election commissioners, Schorr said NACO's concern is if that position is elected, it brings to question how other director and deputy positions are determined.

3) DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Census Complete County Committee– Flowerday/Yoakum

Yoakum reported the Census office is opening next Tuesday. She added it is disjointed on the census side. A draft budget has been compiled.

OTHER BUSINESS

Schorr stated the District Energy Corporation (DEC) ribbon cutting is next Tuesday for the new facility at 98th and Rokeby Road.

4) SCHEDULE OF BOARD MEMBER MEETINGS

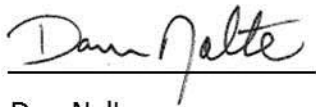
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5) EMERGENCY ITEMS

There were no emergency items.

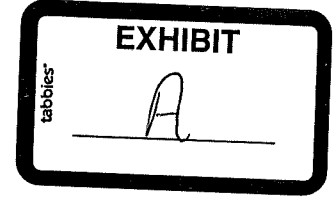
6) ADJOURNMENT

MOTION: Schorr moved and Vest seconded to adjourn at 8:51 a.m. Schorr, Vest, Flowerday, Amundson and Yoakum voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





2020 LANCASTER COUNTY LEGISLATIVE PRIORITIES

1. Allow financing of County Bridges under Neb. Rev. Stat. §23-120(3)(b)

The number of structurally deficient county bridges in Nebraska is increasing at an alarming rate. Amending Neb. Rev. Stat. §23-120(3)(b) to include county bridges could provide a steady source of revenue to address this public safety issue.

2. Statutory Changes to Implement Statewide 24/7 Sobriety Program

The 24/7 Sobriety Program has been successfully used in other states to reduce recidivism for alcohol-related offenses such as driving under the influence. Lancaster County is in the process of establishing a 24/7 program under the supervision of the County's Community Corrections Department. Statutory changes are needed to mandatory sentencing and drivers license provisions to provide incentives for participants to actively participate and complete the program.

3. Statutory Amendments to Increase Efficiency of Special/Conditional Permit Process

A. Restrict appeals from decisions on special/conditional permits to the petition in error process under Neb. Rev. Stat. §25-1901. In Olmer v. Madison County Bd. of Commissioners, 275 Neb. 852, 752 N.W. 2d 124, the Nebraska Supreme Court ruled there are two procedures under which an appeal can be made to the district court from a decision rendered by a county board on a zoning request for a special or conditional permit: 1) a petition in error under §25-1901; or 2) an appeal pursuant to §25-1937. An appeal taken under §25-1937 may require a new public hearing which can place an undue burden on the district court. The simple solution is to amend §23-114.01(5) to provide that all appeals are made pursuant to the petition in error process under §25-1901.

B. Financial sanctions for damages caused by special/conditional permit violations. Neb. Rev. Stat. §23-114.05 limits sanctions for permit violations to criminal charges, injunctive relief, or termination of the permit. Violations could be enforced more effectively and economically if counties had the authority to impose financial sanctions for damages caused by the violation and to help cover the cost of enforcement.

4. Amend the Mental Health Commitment Act to Allow Sharing of Mental Health Information Among Providers and Law Enforcement Agencies

The strict limitations on the release of mental health records under Neb. Rev. Stat. §71-961 can interfere with continuity of care and the ability of law enforcement to protect the public safety. §71-961 should be broadened to allow providers to share mental health records when it will assist in providing better continuity of care or when the safety of an individual or the public can be enhanced by allowing law enforcement agencies to have such information.

5. Amend the Open Meetings Act to Allow County Director Evaluations to be Performed in Closed Session

Neb. Rev. Stat. §84-1410(1)(d) should be amended to allow a county board to conduct director evaluations in closed session, regardless of whether the closed session is necessary to prevent needless injury to the reputation of the person being evaluated.

6. Automatic Expungement of Criminal Records

A criminal conviction for even a minor criminal offense can have a devastating impact on a person's life by affecting opportunities for education, employment, housing, etc. Nebraska should consider automatic expungement procedures similar to those recently adopted by Pennsylvania and Utah.

Standing Priorities

1. Property Tax Relief

Property tax relief continues to be the top legislative priority for Lancaster County. Pressure on the property tax can be reduced by eliminating unfunded mandates which primarily benefit the State, including the obligation of counties to pay rent for certain Health and Human Services facilities under Neb. Rev. Stat. §68-130. Another way to reduce reliance on the property tax is to diversify county revenue sources. Potential new revenue sources for counties could include:

- Tobacco tax increase
- Occupation tax on wineries
- Remove sales tax exemption on soda, energy drinks, and candy, and earmark the proceeds for property tax relief
- Increase statutory fees to keep pace with the cost of the service being provided
- Establish reasonable fees for services provided by the county engineers for issuance of driveway permits, right-of-way permits, subdivision reviews, load permits, and for petitions to vacate or abandon a county public road

2. Funding for Adult Criminal Justice System Reform

Lancaster County's jail population and probation housing costs have increased as a direct result of 2015 Neb. Laws LB 605. Funding for the County Justice Reinvestment Grant Program created under LB 605 should be maintained or increased to help offset these additional costs. Additional property tax savings could be realized through criminal justice reforms such as no cash bail, and mandating home arrest for inmates who qualify for work release and for persons convicted for nonsupport of their children.

3. Funding for Juvenile Justice Reform

Juvenile justice reform under 2013 Neb. Laws LB 561 is not being adequately funded. With the passage of 2018 Neb. Laws LB 1112, adequate funding becomes even more critical. Additional funding should be appropriated for community-based post adjudication services, and existing funding levels for the Juvenile Justice Community Based Aid Program should be maintained or increased.