

MINUTES
LINCOLN-LANCASTER COUNTY CONSOLIDATION TASK FORCE
COUNTY-CITY BUILDING
555 SOUTH 10TH STREET, ROOM 303
FRIDAY, NOVEMBER 22, 2013
8:30 A.M.

Committee Members Present: Ann Post, Chair; Russ Bayer; Dick Campbell; Mike DeKalb; Jan Gauger; Dale Gruntorad; James Jeffers; Larry Lewis; Jean Lovell; Larry Melichar; Darl Naumann; W. Don Nelson; Kerry Eagan (Ex-Officio); and Trish Owen (Ex-Officio)

Committee Members Absent: Amanda McGill

Others Present: Karen Amen, Facilitator; Cori Beattie, Deputy Lancaster County Clerk; Teresa Meier, City Clerk; Steve Henderson, Chief Information Officer, Information Services (IS); and Ann Taylor, Lancaster County Clerk's Office

The Chair called the meeting to order at 8:30 a.m.

NOTE: The following documents were provided to the Task Force prior to the meeting (Exhibits A-C):

- A questionnaire in preparation for the meeting
- Responses to the questionnaire
- Comments submitted by Teresa Meier, Lincoln City Clerk, regarding suggested criteria for potential recommendations regarding combining the Lincoln City Clerk's Office with Lancaster County Clerk's Office

Karen Amen, Facilitator, presented a more detailed agenda for the meeting and a summary of Task Force motions and decisions to date (Exhibit D).

1 APPROVE MINUTES OF NOVEMBER 8, 2013 MEETING

MOTION: DeKalb moved and Jeffers seconded approval of the November 8, 2013 minutes. Bayer, Campbell, DeKalb, Gauger, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Naumann, Nelson and Post voted aye. McGill was absent from voting. Motion carried 12-0.

2 REVIEW MEETING OF NOVEMBER 8, 2013

Amen reviewed the outcome of the November 8th meeting.

3 DISCUSSION WITH FORMER STATE SENATOR BOB WICKERSHAM: GOVERNMENT CONSOLIDATION AND COOPERATION LEGISLATION

Lovell introduced former State Senator Bob Wickersham, noting Wickersham served in several capacities in the Legislature, including Chair of the Revenue Committee.

Wickersham discussed his work in the Legislature related to government consolidation, particularly regarding Legislative Resolution (LR) 45 that resulted in the addition of Article XV-18 to the Nebraska Constitution which was approved by the voters in 1998. He said the issue of city/county mergers had a long history by the time that legislation was passed, noting senators had been uncertain how to accomplish mergers in Nebraska fearing a dominant municipality might impose a consolidation on rural residents in a county in an effort to broaden their tax base and not extend its services to the rural areas. Wickersham said the Legislature first sought to address the issue with differential levies. A proposal was placed on the ballot in 1996 and defeated by voters. In 1997, the Revenue Committee caused the same issue to be reintroduced and it advanced to the floor in 1998. There was lengthy debate and it was apparent the proposed resolution would not be adopted. He said language was then drafted to provide for a city/county merger through a vote and that idea was accepted. The proposal was adopted following an amendment to provide the ability to dissolve the merger if necessary. The issue was placed on the ballot and approved. Enabling legislation was addressed the next year, dealing with two major topics: 1) The kinds of things that would directly affect a city or municipality and its governmental functions; and 2) Tax considerations. Wickersham said the resulting legislation was extremely complicated. He said he was dissatisfied with certain aspects of the Interlocal Agreement Act and sponsored the Joint Public Agency (JPA) Act. He said that legislation was designed for the creation of new political subdivisions.

In response to a question submitted by Gruntorad, Wickersham said he is not aware of any litigation concerning LR45CA since it was enacted.

Wickersham noted a question had also been posed as to whether he believes the constitutional language is broad enough to encompass total consolidation of the City of Lincoln/Lancaster County. He said it was specifically designed to do that.

Nelson asked whether the legislative intent laid as a predicate in the Legislative Record so if it were challenged there would be a firm basis for the Court to conclude that the intent was there. Wickersham said he is sure there is, but cautioned the Supreme Court does not always pay attention to that discussion when reviewing a constitutional amendment. He explained that the intent of the Legislature in submitting an issue to the voters may be clear, but not the intent of the voters.

Nelson asked whether the JPA could be used to create a municipal governance structure that would run several consolidated general purpose departments, such as public safety, public works and health. Wickersham said at some point you could bump up against Constitutional constraints and suggested a legal opinion may be needed.

Jeffers said he would like to see the position of County Engineer made accountable to the County Board. He also questioned the requirement that the person holding that position be an engineer. Wickersham said it would have to be addressed legislatively. Eagan noted an elected office can only be eliminated by a vote of the people.

4 COUNTY AND CITY CLERK CONSOLIDATION/COOPERATION OPPORTUNITIES

Task Force members participated in a consensus building exercise in which they indicated their level of support for consolidating the City Clerk's Office into the County Clerk's Office by standing under signs labeled: Strong Support; Support; Neutral; Can Not Support, Will Step Aside; and Can Not Support, Will Block (see Exhibit E).

DeKalb, who indicated he could not support doing so but would not block the effort, said he doesn't believe there would be financial savings or operational efficiencies. He felt moving the County Clerk's Office to the City would be a better solution. Campbell noted an elected official cannot be eliminated.

Melichar, who indicated strong support, said he is a firm believer in consolidation and stressed the need for the two departments to be on the same database.

MOTION: Nelson moved and Naumann seconded to consolidate the City's Clerk's Office into the County Clerk's Office, with functions determining staffing. Bayer, Campbell, Gauger, Jeffers, Melichar, Naumann, Nelson and Post voted aye. Lewis, Lovell and DeKalb voted nay. Gruntorad abstained from voting. McGill was absent from voting. Motion carried 8-3, with one abstention.

The Chair said the recommendation will move forward for final approval at the December 13th Meeting.

Campbell suggested the Task Force also address the issue of the information systems, pointing out that compatibility would make consolidation easier. It was noted the Task Force voted at the November 8th meeting to recommend that the City and County look at merging their software infrastructure.

Gruntorad expressed concern that the Task Force has taken a "fly-over" approach and has not fully examined the issues.

Campbell suggested the Task Force urge the City and County governing bodies to ask the Information Services (IS) Director to make a recommendation for a single unified information technology (IT) system for the City and County.

Bayer felt there should be stronger language. He suggested the Task Force direct the governing bodies to have a third-party consultant analyze the systems that are in place and make recommendation on a unified system.

Gauger concurred, adding she doesn't believe it should be placed "on the back of the IT Director."

A refined statement was offered: *Direct the City and County governing bodies to move to a single unified system for information technology (IT) and enterprise content management, using a third-party entity to do the analysis and make a recommendation.*

Task Force members indicated their level of support by standing under signs labeled: Strong Support; Support; Neutral; Can Not Support, Will Step Aside; and Can Not Support, Will Block (see Exhibit F).

MOTION: DeKalb moved and Campbell seconded to urge the City and County governing bodies to use a third-party entity to analyze and recommend a single unified system for information technology (IT) and enterprise content management. Bayer, Campbell, DeKalb, Gauger, Gruntorad, Jeffers, Lewis, Lovell, Melichar, Naumann, Nelson and Post voted aye. McGill was absent from voting. Motion carried 12-0.

DeKalb noted there may be other areas where software systems are in conflict, citing the Geographic Information System (GIS) as an example, and said those should be addressed in a similar way.

5 TIMING FOR PUBLIC SAFETY CONSOLIDATION

Campbell noted the Task Force had come up with a list of several short term consolidation measures (training, vehicle maintenance, firing range and service desk), for the Lincoln Police Department (LPD) and Lancaster Sheriff's Office (LSO).

Nelson said he believes the Task Force strongly favors law enforcement consolidation and said it is his belief that sizeable savings and efficiencies could be achieved. He said there is strong support on the City side but Sheriff Wagner has indicated that he is strongly opposed and will block efforts.

Gauger concurred, stating she believes it is an area that provides a huge opportunity for savings in personnel and costs.

Nelson said he feels an urgency to move in that direction while Tom Casady, City Public Safety Director, and Jim Peschong, Chief of Police, are in office, noting they are very committed to making it work.

Campbell suggested that consolidating certain areas of each of the departments could bring about the "meshing" that would make it easier to move to public safety consolidation.

Amen noted the criteria the Task Force has discussed (Exhibit G) tend to be more short term oriented and said perhaps the white paper that will be a follow-up to the Task Force's work will represent the tactical thinking. She said it struck her that the departments that gave presentations to the Task Force were very much present moment oriented and found it difficult to think strategically. Amen suggested there be one more criterion, such as "long term strategically beneficial."

DeKalb suggested another criterion could be moving towards a unified government.

Gauger asked Nelson whether he believes a JPA for public safety could be a short term solution. Nelson said he likes the tool but feels it would be better to achieve consolidation through consensus under the current statutory and constitutional scheme.

Gruntorad asked whether a JPA would allow for two different benefit systems and wage structures. Post questioned whether you would want to have officers working side-by-side with different compensation and benefits. Nelson noted the departments have separate collective bargaining units and you would have to abide by the terms of the existing contracts until there was a dissolution vote or a new collective bargaining unit was formed for all. He said eventually you could have a merged salary and compensation schedule for the public safety department. Eagan said there is authority to have a law enforcement JPA but it would require the involvement of the Sheriff because it is an elected position. He said the Municipal County Act would take care of the problem because the charter would define which elected officials are desired. Eagan said the overarching goal is a unified City-County government, noting the Task Force has identified a public safety department as a desirable component. Something less than that could be accomplished with the agreement of the parties through a JPA or interlocal agreement.

MOTION: Nelson moved and Bayer seconded to make the recommendation in regards to the public safety function parallel to the other intra-departmental recommendations, not distinguishing different time lines for specific groups.

Nelson noted a time line of 10-15 years for consolidation of law enforcement had previously been discussed.

Campbell suggested the Task Force state the ultimate goal is to have a merged public safety organization, with training, vehicle maintenance, firing range and the service desk as the first four elements, and not attach a time line.

DeKalb noted there is an opportunity to accomplish a unified public safety organization in a shorter horizon.

The maker of the motion withdrew his motion, stating his intent was to make the recommendations be time neutral.

Post asked whether there was consensus for two-tiered or three-tiered recommendations (see Exhibit H).

Bayer said it is his understanding that the Task Force is giving guidance to Eagan, who is drafting the final report, and said the overriding direction is to move to a consolidated Cit-County government, with some short term measures.

Nelson exited the meeting at 10:25 a.m.

6 PREVIEW OF DECEMBER 13, 2013 MEETING

A. DRAFT FINAL REPORT

Eagan presented a draft of the final report (Exhibit I), noting the analysis for the City and County Clerks will be added.

Nelson returned to the meeting at 10:27 a.m.

Eagan said the Recommendations Section will include the steps the Task Force has identified to accomplish the goal of a unified City-County government through the Municipal County Act or other legal avenues.

Bayer exited the meeting at 10:34 a.m.

DeKalb suggested that the overall public safety umbrella mentioned in the analysis for LPD and LSO include the other public safety agencies that have been discussed, such as the University of Nebraska-Lincoln Police Department (UNL-PD), Lincoln Airport Police, etc.

Gruntorad noted an external study of consolidation by a neutral party has also been discussed.

Post asked Eagan to send a copy of the completed report to the Task Force members in an electronic format to allow them to make comments and/or corrections before the final meeting.

B. WHITE PAPER

Item was not covered in the meeting.

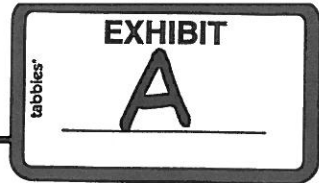
C. PROCESS FOR FINAL DECISIONS

There was consensus to schedule final review and approval of the draft report on the December 13th meeting agenda. The Task Force will also discuss the timing of presenting the report to the City-County Common and responsibility for taking it public. Amen suggested that the Task Force plan for a longer meeting on that date.

7 ADJOURNMENT

There being no further business, the Chair adjourned the meeting at 10:36 a.m.

Submitted by Ann Taylor, Lancaster County Clerk's Office.



Ann C. Taylor

From: Karen Sue Amen [amenkarensue@gmail.com]
Sent: Tuesday, November 19, 2013 4:53 PM
To: Ann C. Taylor
Cc: Amanda McGill; Ann Post; Dale Gruntorad; Darl Naumann; Dick Campbell; James Jeffers; Jann Gauger; Jean Lovell; Kerry P. Eagan; Larry Lewis; Larry Lewis; Larry Melichar; Mike DeKalb; Minette M. Genuchi; Russ Bayer; Trish A. Owen; W. Don Nelson
Subject: Pre-meeting questionnaire for Consolidation Task Force

Good afternoon, friends. We have a full meeting ahead for this Friday, November 22, at 8:30. To make the best use of our time, here are three questions I'd like you to consider. ***Please send me any responses you might have by Thursday at noon.***

1. Sen. Bob Wickersham will join us this Friday to talk about relevant legislation that he sponsored. What specific questions would you like to ask him?

2. At our most recent meeting, there was discussion about revisiting recommendations for the Clerks' offices. Are there any other draft recommendations or decisions that you'd like to clarify or talk about further?

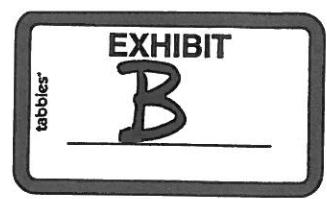
3. Dec 13th is our "grand finale" meeting. Do you have any requests for the facilitator or for the approval process as we finalize our decisions?

Thank you, everyone. See you in three days,

Karen

--
Karen S. Amen
3220 Joy Court
Lincoln, NE 68502

Home: 402.423.3220
Cell: 402.499.7930



Lincoln/Lancaster County Consolidation Task Force
Questionnaire Responses for November 22, 2013 Meeting

1. Sen. Bob Wickersham will join us this Friday to talk about relevant legislation that he sponsored. What specific questions would you like to ask him?

- Based on your (and your wife's) long experience in the legislature: What are your thoughts about consolidated city county government in Nebraska?
 - What is the future of the many elected county officials, could or should some of these be appointed or consolidated. Could a City Administrator or Mayoral form of government be applied to a county?
 - Thoughts on a more efficiently packaged form of local/regional government?
- Please explain why you felt your legislation was needed
 - What has it done to create greater opportunities for consolidation of government services? What levels of government are most affected by the legislation?
- Has there been any litigation concerning LR 45CA, sec.2 since enactment in 1998? When do interlocal agreements violate LRCA, sec2?
- Does he believe the constitutional language is broad enough to encompass total consolidation of Lincoln/Lancaster County? If not, what approach or changes would he recommend?
- Whether there were current events that inspired the constitutional amendment and what those events were

2. At our most recent meeting, there was discussion about revisiting recommendations for the Clerks' offices. Are there any other draft recommendations or decisions that you'd like to clarify or talk about further?

- My understanding was that we're going to revisit all recommendations to make final decisions for the report. I still firmly believe the two clerk offices should be consolidated.
- Consolidate the County Assessor into the City Finance Department. This could save \$ and reduce staff but would face political issues and elected official issues.
 - Or, do an interlocal for the County Assessor to do City Clerk functions. This may save some \$ and avoids the elected official issues. Long term, the office functions need to be consolidated.

- There are real issues with the two different software systems.
- None other than urging the study of bringing city and county software into a unified system.
- [Re-examine] Clerks office

3. Dec 13th is our "grand finale" meeting. Do you have any requests for the facilitator or for the approval process as we finalize our decisions?

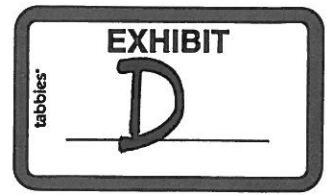
- Unfortunately, I am not able to attend December 13th and based on our meeting this Friday, if things are still up in the air, will want to look for an avenue to communicate my feelings on what we have left up in the air.
- Need some process for reviewing and approving the final report and defining the process of sending the recommendations forward to the elected officials.
- I like a "consensus" approach to final decisions when possible. There is always room for a strong "minority" opinion.
- I just want to restate my concern that we address our public safety recommendation in light of the later recommendation that the entire report build toward recommendation of a consolidated city county. Simply whether the "long term" timeline talked about in our public safety recommendation fits with our comprehensive consolidation recommendation or if it is something the committee would like to see happen earlier and separately.

**CONSOLIDATION TASK FORCE
 COMBINING CITY CLERK WITH COUNTY CLERK**

Suggested Criteria for potential recommendations	Yes, make this a priority	No, don't use this one
1. Creates quantifiable financial savings Response: No quantifiable financial savings. In fact, money would have to be spent for: office remodel, cross-training of employees, converting record systems, wages & benefits.		X
2. Promotes operational efficiencies Response: There is not enough duplication of services to warrant combining offices.		X
3. Level of service stays the same or improves. Response: Level of service might stay the same or decrease.		X
4. Allows transparency and accountability to the public & to elected officials Response: City Clerk records are already transparent to the public & have been since 2001. All City documents may be accessed on-line.		X
5. Politically realistic: There exists (at least some) support from public at large, the department being impacted & elected officials Resonse: City Clerk has not heard anyone from the PUBLIC complain about the two offices being separate. Both offices have clearly stated there is no reason for them to be combined. No elected officials have stepped forward in support.		X
6. Feasible under current state law Response: The City Clerk's Office is designated in the State Constitution & over 25 different State Statues. We are also in the City Charter, Chapter 2.12 of the Lincoln Municipal Code, & 22 different Chapters of the Lincoln Municipal Code.		X
7. There is a "champion" willing to help implement the recommendation. Response: No "champion" has stepped forward to implement this		X

To recommend combining offices "just" because the other consolidation proposals didn't work out, is **NOT** a good reason to combine these two offices. You need to show there would, **at the very least**, be a cost savings or an improvement of services, neither of which you've been able to prove.

Submitted by
 Teresa Meier, City Clerk



**Lincoln/Lancaster County Consolidation Task Force
DETAILED AGENDA FOR FRIDAY, NOVEMBER 22, 2013**

- **Welcome, Opening Comments**
 - Summary of pre-meeting questionnaire
 - Summary of Task Force motions, decisions to date

- **Review and Preview**
 - Review outcome of Nov. 8th meeting and Approve minutes
 - Preview and Approve today's agenda: Any additions?

- **Discussion with former State Senator Bob Wickersham: Government Consolidation and Cooperation Legislation**

- **Further discussion, as needed, and potential additional recommendations for:**
 - a. County and City Clerk Consolidation/Cooperation opportunities
 - b. Database issues
 - c. Timing of Public Safety consolidation
 - d. Other topics?

- **Preparations for Dec. 13th meeting (3 hours?)**
 - Draft final report: process to review, edit, approve
 - White paper: intent, why necessary
 - Process for final review of decisions
(Including gleaning opinions of those unable to attend)
 - Timeline for presenting to City/County Common

Lincoln-Lancaster County Consolidation Task Force
Meeting Motions/Decisions Worksheet for Nov 22, 2013 Meeting

DRAFT RECOMMENDATIONS

July 26: Juvenile Court

- Merge City and County Juvenile Court functions into County Attorney's office through interlocal agreement; City and County split actual cost of the merger.

Aug 23: Public safety

- Long-term goal (10 to 15 years out) is to have a merged public safety organization; specific steps to get there will be addressed at next meeting.

Sept 13: Follow-up financial analyses; White paper

- As follow-up to this Task Force's work, conduct a detailed financial analysis of budget impacts of consolidation; issue white paper on results.

Oct 11: Overall End Goal; Short-term County Engineer and Public Works goals

- *For primary outcome from this process, This Task Force recommends a consolidated City/County government as its end goal.*
- *For County Engineer and Public Works short-term opportunities,*
 - a. Consolidate now physical assets & GIS systems;
 - b. Enhance written understandings; and
 - c. Privatize certain work and tasks.

Oct 25: City and County Engineer offices

- Recommend that the County Board consider appointing Roger Figard, City Engineer, to be the interim County Engineer

Nov. 8: Courts; City and County Clerks; IT and IS systems

- Motion to proceed with consolidation of Juvenile Courts and reserve further consolidation (such as misdemeanor prosecutions) for such time as a more systematic consolidation is possible.
- Motion to recommend that City Clerk's office be consolidated into County Clerk's office and the functions for both determine staffing requirements. Failed at 5-5
- Recommend that the City and County look at the information technology (IT) systems and records management systems of each governmental body with the goal of [creating] a consolidated system. Motion carried 10-0.

PROCESS GUIDELINES

- Consider one grouping of Departments/organizations at a time. Invite representatives of each Department under consideration to present detailed information on their organizations and on pro's and con's and potential structures for consolidated agencies/systems/Departments.
- Use neutral facilitator methods for discussions and building agreements; use Roberts Rules of Order for motions and official decisions.
- Strive for full consensus, defined as: *"Everybody agrees to agree for a set amount of time."* To become a formal recommendation, a motion needs 2/3 or more. If a slim majority, issue a strong minority report.
- Established criteria for evaluating level of support for potential recommendations.

Lincoln/Lancaster County Consolidation Task Force
Questionnaire Responses for November 22, 2013 Meeting

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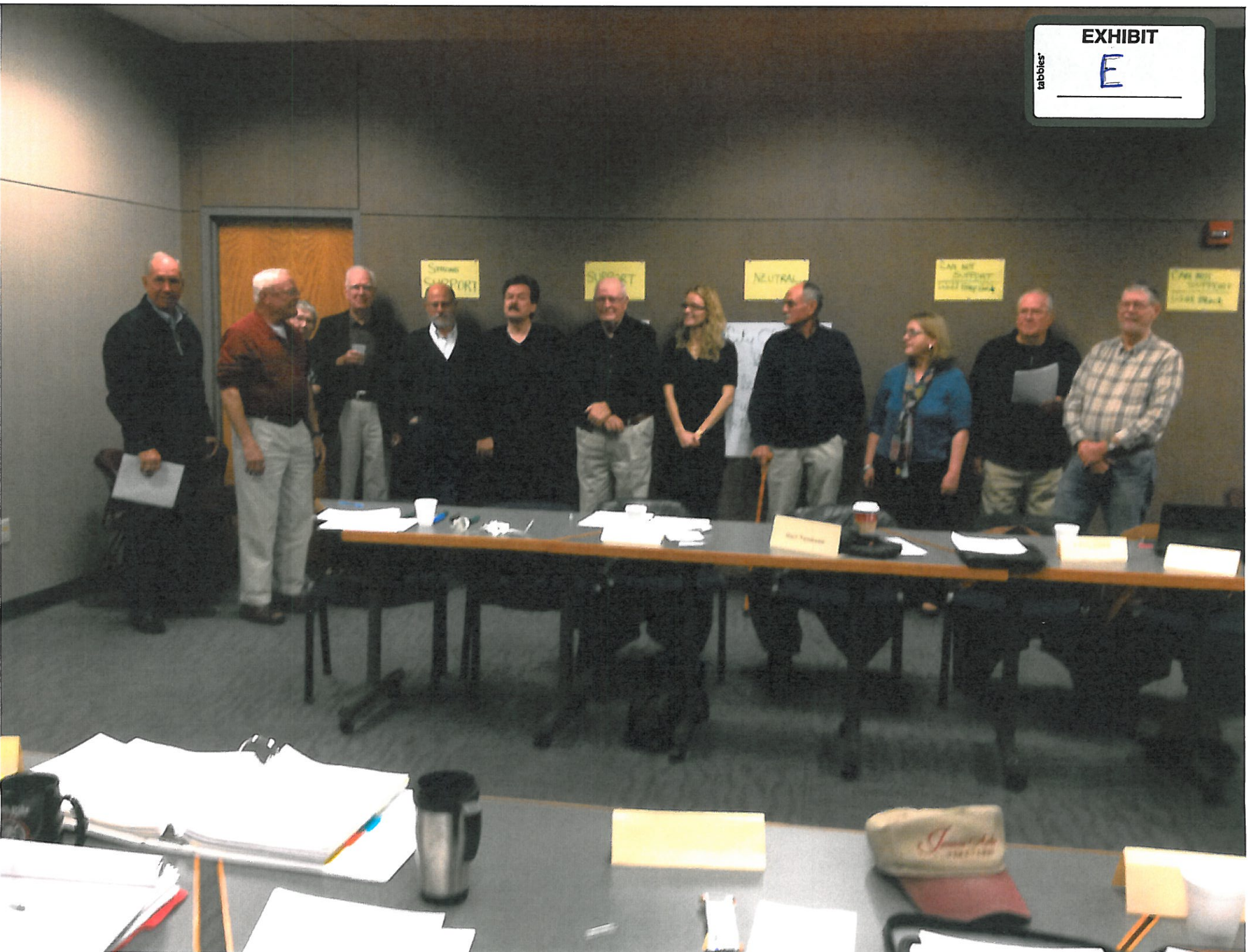
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PROCESS GUIDELINES

- Invite representatives of each Department under consideration to present detailed information on their organizations and on pro's and con's and potential structures for consolidated agencies/systems/Departments.
- Use neutral facilitator methods for discussions and building consensus (*defined as "everybody agrees to agree for a set amount of time"*); use Roberts Rules of Order for official decisions.
- Established criteria for evaluating level of support for potential recommendations.





SUPPORT

SUPPORT

NEUTRAL

CAN NOT SUPPORT
Lack of Data

Let SW party
to do analysis
& recommendation

1/15/2017

Agree the SW party
will be the lead
in making the
recommendation and
will include the
SW party in the
process

CRITERIA

- Financial Savings
- Operational Efficiencies
- Level of Service ↑
- Transparency & Accountability
- Politically "Realistic"
- Feasible Under State Law
- There is a "Champion"

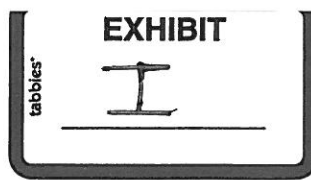
LAW ENFORCEMENT

cont.

- Because ultimate goal is a unified govt;
- a) Confirm the 4 short-term items already defined;

b.) Create a
mid-^{TIER} term structure
(JPA?)

c.) For long-term
tier, confirm the
creation of a
single organization.



DRAFT

**CITY OF LINCOLN-LANCASTER COUNTY CONSOLIDATION TASK FORCE
REPORT AND RECOMMENDATIONS
DECEMBER __, 2013**

INTRODUCTION

The City of Lincoln-Lancaster County Consolidation Task Force was established by the Lincoln City Council, the Lancaster County Board of Commissioners, and Mayor Chris Beutler in March of 2013 to study consolidation and cooperation opportunities between the City and County. The Task Force was asked to examine the following agencies and make recommendations on possible mergers or additional areas of cooperation:

- Lincoln Public Works Department and the Lancaster County Engineer's Office;
- Lincoln Police Department and the Lancaster County Sheriff's Office;
- Offices of the Lincoln City Clerk and Lancaster County Clerk; and
- Lincoln City Attorney's Misdemeanor Prosecution and Juvenile Court Divisions and Lancaster County Attorney.

The original charge to the Task Force did not include the City Attorney's Juvenile Court Division, which was added after discussions with the City and County Attorneys.

TASK FORCE MEMBERSHIP

Consolidation Task Force members were selected by the City Council, County Board and the Mayor, with the Mayor and each member of the City Council and County Board appointing one member of the Task Force. The selection process produced a diverse group of members with a broad range of experience in government, business, planning, and law.

Task Force Members:

- Ann Post, Director of Policy and Research for the Lincoln Independent Business Association (Task Force Chair)
- Russ Bayer, businessman and former Lincoln-Lancaster County Planning Commissioner
- Dick Campbell, past president of Campbell's Nurseries and former president of the Lincoln Chamber of Commerce
- Mike DeKalb, retired planner with the Lincoln-Lancaster County Planning Department, with expertise in rural areas
- Jan Gauger, former Lancaster County Commissioner
- Dale Gruntorad, certified public accountant and chairman of a previous county consolidation committee
- James Jeffers, founder of James Arthur Vineyards of Raymond and previous owner of Quality Pork International
- Larry Lewis, semi-retired transportation engineer with Speece Lewis

- Jean Lovell, retired Lancaster County Court Judge and former director of the Nebraska Board of Parole
- Amanda McGill, State Senator and Chairwoman of the Legislature's Urban Affairs Committee
- Larry Melichar, regional director for Homes Services of America (known as Woods Brothers Realty and Home Real Estate) and former chief executive officer/president of CBS Home Real Estate in Omaha
- Daryl Naumann, Sales and Marketing Director for Ayars and Ayars, an engineering firm, and former City of Lincoln Economic Development Director
- W. Don Nelson, publisher of the Prairie Fire Newspaper, business man, and former aide to Wyoming Governor Herschler, Nebraska Governors Tiemann, Exon and Kerrey, and former U.S. Senator Nelson

Facilitator

Karen Amen

Support Staff

Trish Own, Deputy Chief of Staff to Mayor Beutler

Kerry P. Eagan, Lancaster County Chief Administrative Officer

Ann Taylor, County Clerk Records Specialist

BACKGROUND INFORMATION

All meetings of the Consolidation Task Force were conducted in accordance with the Nebraska Open Meetings Act. The Task met _____ times from March 8, 2013 through _____, 2013. Agendas and minutes from all Task Force meetings are available on the Lancaster County Clerks web site. A list of documents presented to the Task Force can be found in Appendix A to this report, also maintained on the County Clerk's web site.

As a preliminary matter, the Task Force reviewed Nebraska statutes governing intergovernmental cooperation and consolidation, including the Interlocal Cooperation Act, the Joint Public Agency Act, and the Municipal County Act. Portions of these statutes are reproduced in Appendix A, Exhibits __ through __. All three Acts provide that any power of a public agency can be exercised jointly with another public agency. The Interlocal Cooperation Act is the most widely used vehicle for governmental cooperation. The Joint Public Agency Act is similar to the Interlocal Cooperation Act, but further provides for the creation of a joint public agency (JPA), which constitutes a political subdivision separate from the participating public agencies. Additionally, a JPA can exercise certain powers of taxation which are transferred to it by the participating agencies. Finally, the Municipal County Act provides for the complete consolidation of one or more counties and at least one of the municipalities in each county into a single municipal county to carry out all county and municipal services.

The Task Force also reviewed the following consolidation and efficiency studies for Lincoln and Lancaster County:

- 1) Feasibility Survey: Consolidation of Functions and Facilities, prepared by Peat, Marwick, Mitchell & Co (June 1960);
- 2) Organization and Administration of Public Services, Report to the People of the City of Lincoln and County of Lancaster, Nebraska, prepared by Arthur D. Little, Inc. (May 1973);
- 3) Final Report and Recommendations of the Lancaster County Consolidation Committee (March 1997); and
- 4) Lancaster County/City of Lincoln, Nebraska: Efficiency Opportunities in the delivery of Government Services, Constitutional Heritage Institute (1999).

Copies of these reports can be obtained from the Lancaster County Clerk's Office.

Following the issuance of the final report of the Lancaster County Consolidation Committee in 1997, the Lancaster County Board placed on the ballot the question of merging the elected County offices of Register of Deeds and Assessor into the single elected office. The consolidated office of Assessor/Register of Deeds was approved by the Lancaster County voters in 2002.

Information was presented to the Task Force outlining the long history of consolidation and cooperation between the City of Lincoln and Lancaster County. In 1947 the Lincoln-Lancaster County Department of Health was established by agreement pursuant to the authority granted in Neb. Rev. Stat. §71-1626 et seq. The joint City of Lincoln-Lancaster County Planning and Zoning Commission was formed in 1959, followed by the establishment of a joint Planning Department in 1961. After its passage in 1963, the Interlocal Cooperation Act was utilized by the City and County to consolidate a number of departments, including: Personnel, Purchasing, Information Services, Building and Safety (zoning enforcement), Weed Control, and Human Services. The Interlocal Cooperation Act was also used to establish the Lincoln-Lancaster County Public Building Commission and Railroad Transportation Safety District, as well as numerous other cooperative arrangements between the City and County. See Appendix A, Exhibit ___ for more complete list of agreements.

The Joint Public Agency Act, enacted in 1999, has also been utilized by the City and County. In 2008 the Lancaster County Correctional Facility Joint Public Agency was established by the City and County to help finance construction of the County's new jail. Other examples of JPA's involving either the City or County include: the Lancaster County Fairgrounds Joint Public Agency, formed by Lancaster County and the Lancaster County Agricultural Society to issue bonds for the expansion of the Lancaster Event Center; the Joint Antelope Valley Authority, established by the City of Lincoln, University of Nebraska-Lincoln, and Lower Platte South Natural Resources District for flood control, traffic improvement, and community revitalization; and the West Haymarket Joint Public Agency, created by the City and the University of Nebraska-Lincoln to help finance and construct the Pinnacle Bank Arena.

The next order of business for the Task Force was to meet with each elected official and department head for the agencies being considered for consolidation. Initial meetings were held to acquaint Task Force members with the numerous duties, functions, and responsibilities of the agencies. Follow-up meetings were then scheduled with the agencies to discuss opportunities for consolidation and additional cooperation. The Task Force focused on one agency grouping at a time, starting with law enforcement. These discussions led to a broader discussion of the more inclusive topic of public safety. Thereafter, the Task Force explored consolidation and cooperation opportunities with the County and City Attorney Offices, Public Works and the County Engineer, and finished with the County and City Clerks.

Numerous documents were presented to the Task during these meetings, including but not limited to: department overviews, statutory duties, organizational charts, maps showing location of facilities, articles from professional journals, budgetary information, equipment lists, draft plans for potential consolidations, and several legal opinions prepared for the Task Force by the County and City Attorney Offices. See Appendix A to this report for a complete list of material reviewed by the Task Force.

TASK FORCE PROCESS

In order to make the best decisions possible, the group chose to use neutral facilitator methods for discussions and consensus building and Robert's rules of Order for the formal motions and for voting.

Early on in their meetings, Task Force members defined guidelines for how they would work together. These included such things as roles and responsibilities of people and groups involved in the process, a variety of methods for inviting comments and opinions from each Task Force member, and criteria for deciding which options to move forward as formal recommendations.

When making policy decisions, it's also important to have a group process that strives for outcomes that are sustainable. In other words, decisions that can be implemented with the full support of those who participated in the discussion and voting. With that in mind, the group used this definition of full consensus: Everyone agrees to agree for a set amount of time. In cases where full consensus could not be reached, the group chose to require 2/3 majority before moving a recommendation forward.

ANALYSIS

A. Lincoln Police Department and Lancaster County Sheriff

After several meetings with Police, Sheriff, and other public safety organization officials, including Lincoln Public Safety Director Tom Casady, Sheriff Terry Wagner, Fire Chief John Huff, Police Chief Jim Peschong, and City-County Emergency Manager Doug Ahlberg, the Task Force examined a number of consolidation and cooperation possibilities involving public safety agencies in Lincoln and Lancaster County. Discussions ranged from establishing a public safety umbrella organization to oversee all public safety related agencies in the City and County, to maintaining the status quo. Options discussed by the Task Force included:

- Merge/consolidate only the Lincoln Police Department (LPD) and County Sheriff;
- Merge/consolidate only the City and rural fire and emergency medical services (EMS) systems;
- Merge/consolidate all rural and County public safety organizations, especially Sheriff and fire;
- Establish a Lincoln/Lancaster County public safety organization;
- Formalize existing cooperative agreements to make them more permanent; and
- Maintain the status quo.

Prior to considering whether any consolidation arrangement should be considered, the Task Force noted the large number of informal cooperative agreements between LPD and the County Sheriff. These agreements reflect the excellent working relationship enjoyed by the incumbent administrations. The Task Force recommends that these existing agreements should be formalized into more binding agreements by official votes of the City Council and County Board.

The Task Force then reviewed different models for a consolidated police and sheriff department. The first model reviewed was referred to as the Public Safety County-Metro Model, which is patterned after Las Vegas/Clark County, Nevada. In this model the Clark County Sheriff's Office and Las Vegas Police Department are merged into a single law enforcement agency, with the elected sheriff is the chief law enforcement officer. The County-Metro Model could be implemented in Lincoln and Lancaster County without any statutory changes. See Appendix A, Exhibit __ for an organizational chart of the County-Metro Model.

Next, the Task Force examined the Public Safety Umbrella Model, which has been implemented in Indianapolis/Marion County, Indiana. The Umbrella Model consolidates police, sheriff, fire, and emergency management departments under one director of public safety. See Appendix A, Exhibit __. A variation of this model includes public safety officers who are cross-trained to perform fire, rescue, and law enforcement services. This model is used in Sunnyvale, California and Kalamazoo, Michigan. See Appendix A, Exhibits __, __, and __.

A third model briefly examined by the Task Force is the Riley County, Kansas Law Enforcement Agency. This model was created under Kansas state law and requires a single vote of all county residents. See Appendix A, Exhibit __ for a summary of the Kansas Consolidated Law

Enforcement Act. By adopting this model the voters in Riley County combined the City of Manhattan police department and County Sheriff's Office into one department, and eliminated the elected position of county sheriff. The law enforcement director in Riley County is appointed by a seven-person board which is appointed by the governing bodies of Manhattan and Riley County. This model would require constitutional and statutory changes to be used in Nebraska.

A general discussion of these options was conducted using the evaluation criteria established by the Task Force, as well as a decision matrix presented to the Task Force by the Director of Public Safety and the Sheriff. It was noted that a consolidated police/sheriff department would result in a reduction of managerial staff, but any savings might be offset by higher pension costs (if the City's defined benefit plan is used) and higher comparability costs imposed by the Commission of Industrial Relations (CIR). As indicated above, the Task Force acknowledged that LPD and the County Sheriff are already close to a functional merger through existing cooperative agreements. However, additional economies of scale can be realized, such as combining training programs, vehicle maintenance, shooting ranges, and the service desk in the Law Enforcement Center. The concept of cross-training public safety officers to perform emergency medical, fire, and law enforcement services was also discussed. While the Task Force recognized operational efficiencies might be realized through cross-training, additional training costs were also a concern. A compromise position would be to create a special team of cross-trained public safety officers, instead of cross-training all police officers and fire fighters.

Following these discussions, a strong level of support emerged for a long-term goal (10-15 years) of creating a consolidated City-County public service organization consisting of all law enforcement agencies, both city and rural fire, emergency medical, emergency management, and possibly corrections. Support for this position is based on the following rationale:

- Cost savings over the long term;
- More flexibility;
- Better service;
- More accountability;
- Elimination of duplicate staff and functions;
- Appropriate cross-training to allow maximum use of resources; and
- Enhanced administration.

However, concerns were raised about the consolidation of law enforcement services and the creation of a large, all-inclusive public service agency. A general concern was raised that bigger is not always better. It was noted that many efficiencies already exist in the status quo through cooperative agreements, and more efficiencies can be achieved. Concern was expressed about the creation of another layer of bureaucracy, increasing costs and making officials less accountable to the public. There is no guarantee that the quality of services will be improved, and given the CIR and pension issues there is no guarantee that a consolidated public service agency will be cost effective. Also, a strong concern was expressed that services in rural areas would decline because resources would be focused on the areas of greatest need.

Based on these discussions, the Task Force moved forward with the formulation of a final recommendation with short-term and long-term goals. First, the Task Force recognized that additional efficiencies can be immediately achieved by combining training programs, establishing a joint firing range, merging vehicle maintenance facilities, and creating a single service desk. Accordingly, the City and County should move forward with these changes as soon as possible.

The long-term goal identified by the Task Force is to create an umbrella organization covering all public safety agencies in Lincoln and Lancaster County, as outlined above. The Task Force recognized this goal is ambitious, complicated and difficult. Additional study will be required to determine its feasibility. The Task Force recommends that a detailed professional analysis of the concept be conducted to: refine the model, identify potential cost savings and efficiencies, define which entities should be included under the public safety umbrella, and develop steps and a time frame for implementation. Public education will be crucial; and most importantly, a significant commitment from both the public and private sectors will be required for the goal to be achieved.

B. City and County Attorney Offices

The Task Force then reviewed the prosecution and juvenile court functions of the City and County Attorney's Offices. The following officials met with the Task Force and provided detailed information: Joe Kelly, Lancaster County Attorney; Rod Confer, Lincoln City Attorney; John McQuinn, Chief Assistant City Prosecutor; Alicia Henderson, Chief Deputy County Attorney for the Juvenile Court Division; Terri Storer, Executive Assistant to the City Attorney; and the Honorable Roger Heideman, Lancaster County Juvenile Court Judge. After receiving this information, the Task Force considered the following two questions: whether the Lincoln City Attorney prosecution division should be merged into the County Attorney's Office; and whether the City Attorney's juvenile court function should be merged into the County Attorney's Office.

By way of background, the City Attorney prosecution division consists of a chief prosecutor, 5 senior attorneys, a paralegal, and a support staff of 5.5 FTE's (full time equivalents). The City Prosecutor is responsible for prosecuting criminal violations of City ordinances. City prosecutors have an average annual salary of \$112,978. The City prosecutor handles approximately two thirds of all misdemeanor and traffic cases filed in the Lancaster County Court, with an average annual caseload of 6,066 cases per prosecutor. Significantly, there is no right to a jury trial for a violation of a city ordinance. The annual budget for the City Prosecutor is \$1,490,000.

The County Attorney, on the other hand, has 20 attorneys in the prosecution division. The County Attorney prosecutes violations of state law. Last year 1,446 felony cases were filed in District Court, and 5,400 misdemeanor cases and 5,700 traffic cases were filed in County Court. The total budget for the County Attorney is \$6,200,000.

The City Attorney does not have a separate juvenile division. The City Attorney's involvement with Juvenile Court is limited to violations of City ordinances. The majority of juvenile court cases are handled by 2 attorneys in the prosecution division, with some assistance from other attorneys in the division. It is estimated that City juvenile misdemeanor filings account for 2.8% of the City Prosecutor's caseload. However, it was noted that a typical juvenile case can take up to 20% more attorney time.

In contrast, the County Attorney has a separate juvenile division with 6 attorneys. The juvenile Division handles three types of cases under Juvenile Court jurisdiction: abuse/neglect cases, including termination of parental rights; ungovernable/truancy cases; and law violations. The majority of time in the juvenile division is spent on abuse and neglect cases. Through its extensive involvement with the entire juvenile justice system and familiarity with the youth and their families, the County Attorney is able to make informed decisions about what is in the best interests of the youth.

Juvenile Division

A number of officials providing information to the Task Force indicated it makes sense for the County Attorney to take over the City Attorney's prosecution of juvenile law violations. Since the County Attorney is already familiar with the families, there would be more consistency in filing decisions. Having one office handle all the cases would also be more efficient. These comments were echoed by Judge Heideman. He indicated to the Task Force that while both the City and County Attorneys both do excellent work, all Juvenile Court Judges agree that the County Attorney's Office should handle all juvenile court filings. He further noted this opinion is not based on financial consideration, but rather on efficiency of the court system. More significantly, Judge Heideman believes shifting all juvenile cases to the County Attorney is in the best interest of the children involved in the juvenile justice system.

However, it does not appear any immediate financial savings would be realized as a result of this consolidation. The City Attorney indicated that based on heavy caseloads, the number of prosecutors in his office would not be reduced if the juvenile function is moved to the County Attorney. In turn, the County Attorney's existing case levels already justify a new attorney in the juvenile division, and work loads are expected to increase dramatically as a result of a new truancy law in 2011 and 2013 NEB. Laws LB 561. A new attorney and legal secretary would need to be hired at a cost of \$122,000 for salaries alone. See Appendix A, Exhibit __.

Another issue brought to the attention of the Task Force is whether the County Attorney would still have the authority to file cases under City of Lincoln ordinance rather than state law. Based on existing policies of cross-deputizing County prosecutors as City prosecutors, it does appear that the County Attorney would have the authority to file under City ordinance. Also, see the County Attorney's legal opinion on this issue reproduced in Appendix A, Exhibit __.

Based upon this information, the Task Force began formulating a recommendation to merge all Juvenile Court functions under the County Attorney. First, the Task Force recognized that

moving all juvenile filings under the County Attorney would improve the efficiency of court operations and result in better outcomes for juveniles. Second, the financial impact of the merger was addressed. It was proposed that the cost of the merger should be split between the City and County. Although the new attorney and support staff hired as a result of the merger would be County employees, the merger would also add needed resources to the City Attorney's Office. By not reducing staff, the City Attorney would have more time and resources to devote to their heavy adult caseload without having to hire a new attorney. Accordingly, the Task Force recommends that all City Attorney Juvenile Court functions should be moved to the County Attorney, and an interlocal agreement between the City and County should be developed to split the actual cost of the merger. The motion for adopting this recommendation was unanimously adopted by the Task Force.

Criminal Division

The Task Force then Turned its attention to the question of merging the City Attorney's prosecution division into the County Attorney's Office. Although a large amount of information was provided and extensive discussions were conducted, a clear course of action did not emerge on this issue.

It was noted that City prosecutor salaries are substantially higher than the salaries of County prosecutors handling misdemeanors, indicating there would be some salary savings if the City's prosecution division was moved to the County Attorney. However, there are a number of other considerations which raise doubt as to whether the transfer would result in any savings. Since the City handles only misdemeanors, attorneys are not moved up to the prosecution of felonies as they gain experience. As a result, the City Attorney is able to process a high volume of misdemeanors efficiently and effectively. In the County Attorney's Office more experienced attorneys are moved up to felony prosecutions. With less experienced attorneys prosecuting misdemeanors there is no guarantee the County Attorney could process the same volume of cases as efficiently as the City Attorney. Since the City's prosecution division presently handles two thirds of the misdemeanor and traffic cases in County Court, it can be argued that the higher salaries for experienced City prosecutors are cost-effective.

Another issue of great concern to the City Attorney is that attorneys in his office have retreat rights. Since some prosecutors in his office have more experience than other attorneys in the civil division, it would be possible for them to bump very experienced attorneys in the civil division, even though the prosecutor may have very little civil law experience.

To help sort out these issues the Task Force appointed a subcommittee to provide additional analysis on this question. The subcommittee's report was presented at the Task Force meeting on November 8, 2013. A copy of the written report can be found at Appendix A, Exhibit ___. Applying the review criteria previously adopted by the Task Force, the subcommittee concluded that consideration of merging of the City prosecutor division with the County Attorney should be reserved until such time as a more systematic consolidation of City and County government is possible. The Task Force adopted the recommendation of the subcommittee.

C. Lincoln Public Works & Utilities and Lancaster County Engineer

The Task Force began its review of Public Works and the County Engineer by meeting with the following officials: Miki Esposito, Public Works & Utilities Director; Don Thomas, Lancaster County Engineer; Roger Figard, City Engineer; Doug Pillard, Design Division Head for the County Engineer; and Thomas Shafer, Public Works & Utilities Design/Construction Manager. A comprehensive overview of Public Works & Utilities was presented by Miki Esposito. Public Works is a large department providing a wide range of services, including engineering of roads and bridges, the StarTran Public Transportation System, water and wastewater, watershed management, and solid waste operations. For purposes of this report, the Task Force focused on engineering services.

A summary of County Engineer responsibilities was given by Don Thomas. He noted that a county engineer must be a licensed engineer. A list of statutory duties for county engineers was also given to the Task Force. The County Engineer is responsible for the engineering and design of roads and bridges for the County Road system, which consists of all public roadways outside the limits of incorporated communities. The Engineer also has a number of other statutory duties: act as the county highway superintendent; assist the county board with the acquisition of land for road purposes; prepare the One and Six-Year Road and Bridge Plan; perform specific duties with regard to the subdivision of land; keep county flood control structures in serviceable condition and make necessary repairs; and prepare road vacation reports for the county board when requested. In Lancaster and Douglas Counties only, the Engineer must appoint a full-time surveyor. In addition to statutory duties, the County Engineer also provides vehicle fueling and maintenance to all County vehicles, and provides support for the development and maintenance of the City-County geographic information system (GIS).

Public Works and the County Engineer have a long history of cooperation. See Appendix A, Exhibit __. Examples of cooperation include:

- Coordinated grading and paving projects near the edge of the City;
- Coordination of annual road maintenance;
- The Rural to Urban Transition of Streets (RUTS) Interlocal Agreement, which provides for designing certain County roads (future City arterials) to City standards and utilizing off-setting pairs of lanes for construction;
- The Railroad Transportation Safety District;
- Interlocal Agreement for land acquisition for the The East Bypass;
- GIS and land base records coordination; and
- Combined Weed Control Program.

Public Works and the Engineer were asked to identify any opportunities for additional cooperation. The following opportunities were identified:

- Combined the sign and signal shops;
- Legal land surveying; and
- Shared vehicle maintenance.

Both the City Engineer and the County Engineer recommended to the Task Force that their departments should not be consolidated. In making this recommendation they referred to statutory constraints on the use of resources, different governing bodies, different design standards for City and County roads, and the concern that levels of service in the County would diminish because political pressure to use resources in the City would be greater.

After receiving this information, the Task Force engaged in a lengthy discussion about how to formulate a final recommendation regarding the Public Works Engineering Division and the County Engineer. As with LPD and the County Sheriff, the Task Force distinguished between short-term goals and long-term goals. With regard to short-term goals, several opportunities for additional cooperation were identified which could be pursued immediately:

- Consolidation of physical assets, such as joint use of maintenance facilities and mechanics;
- Joint use of the County's sign shop;
- Combine GIS functions;
- Enhance and formalize existing written cooperative arrangements;
- Privatization of more design and construction work; and
- Consolidate legal land surveying. (?)

For a long-term goal, a strong consensus emerged for a consolidated City-County engineering department. However, it was recognized that existing organizational and political realities will make it very difficult to achieve this goal. For this reason, the Task Force concluded that consolidation of Public Works Engineering and the County Engineer should not be pursued at this time.

Instead, the focus of the Task Force shifted from consolidation of departments under a two-government system to a long-term goal of creating a unified City-County government. Under existing constitutional and statutory law, the provisions of the Municipal County Act would need to be followed in order to establish a unified govern for Lincoln and Lancaster County. The Task Force believes that a municipal county with broad home rule authority would be the best model for the future. Under this model services could be designed from the ground up to meet the needs of both urban and rural residents in the most efficient and cost effective manner.

It was the consensus of the Task Force that the recommendation to establish a unified City-County government should be the principal focus of the final recommendations, with all other short and long-term goals designed to work towards this main objective.

D. City and County Clerks

RECOMMENDATIONS

The original charge to the Lincoln-Lancaster County Task Force was to study consolidation and cooperation opportunities between the City of Lincoln and Lancaster County in the four areas of law enforcement, the prosecution and juvenile court functions of the City and County Attorneys, engineering, and the City and County Clerk offices. After a thorough examination of these four areas, the Task Force has identified opportunities for the City and County to improve the delivery of essential governmental services through additional consolidation and cooperation. Some of these opportunities can be accomplished immediately. Others are long-term goals which will require additional study and a concerted effort of all stakeholders. More importantly

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