LANCASTER COUNTY BOARD OF COMMISSIONERS
STAFF MEETING
THURSDAY, JULY 23, 2020
COUNTY CITY BUILDING
ROOM 112 - CITY COUNTY CHAMBERS
8:30 A.M.

Location Announcement of the Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the back of the room

AGENDA ITEM

1. **APPROVAL OF STAFF MEETING MINUTES FOR JULY 16, 2020**

   Documents:

   Staff Meeting Minutes 7.16.20.pdf

2. **8:30 A.M. - LEGISLATIVE UPDATE**
   Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC

3. **9:00 A.M. - NEBRASKA CRIME COMMISSION COMMUNITY AID ENHANCEMENT GRANT APPLICATION**
   Sara Hoyle, Director, Lincoln-Lancaster County Human Services

4. **9:15 A.M. - CLASSIFIED, UNREPRESENTED EMPLOYEE SALARY DISCUSSION**
   Doug McDaniel, Director, Nicole Gross, Compensation Manager, and Amy Sadler, Compensation Manager, Lincoln-Lancaster County Human Resources Department

5. **9:30 A.M. - EXECUTIVE SESSION (PENDING LITIGATION AND REAL ESTATE PURCHASE NEGOTIATIONS)**
   Doug Cyr, Chief Deputy County Attorney; Dan Zieg, Deputy County Attorney; Jen Holloway, Deputy County Attorney; Pam Dingman, County Engineer

6. **10:15 A.M. - BREAK**

7. **10:30 A.M. - BUDGET UPDATE**
   Dennis Meyer, Budget and Fiscal Officer
   [Link: OpenGov]

Documents:

Lancaster Co Budget FY21 - General Fund (7-23-20).pdf

8. 11:00 A.M. - COVID-19 UPDATE AND RESPONSE

9. ACTION ITEMS

A. Authorizing submission of Nebraska Crime Commission Community Aid Enhancement Grant Application in the amount of $186,611

Documents:

Action Item__A__EB Grant Form-.pdf

B. 2019 Sub-Recipient Agreement with Nebraska Emergency Management Agency in the amount of $144,865

Documents:

Action Item__B__GAN_19-GA_8732-02.pdf

10. CHIEF ADMINISTRATIVE OFFICER REPORT

A. Body Camera Demonstration Scheduling

11. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

Documents:

Deputy CAO__A__priorities.pdf

12. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Lancaster County Fairgrounds Joint Public Agency (JPA)

Thursday, July 16, 2020
Amundson / Vest

B. New Americans Task Force

Friday, July 17, 2020
Yoakum

C. Mutual Aid Meeting

Monday, July 20, 2020
Schorr / Vest

D. District Energy Corporation (DEC)

Tuesday, July 21, 2020
Schorr / Flowerday

E. Human Services Joint Budget Committee (JBC) Meeting

Tuesday, July 21, 2020

Schorr / Yoakum

13. SCHEDULE OF BOARD MEMBER MEETINGS

A. Planning Department Meeting

Tuesday, July 28, 2020 @ 8:15 a.m.
Flowerday / Vest

B. Collective Voices Discussion

Thursday, July 30, 2020 @ 12:00 p.m.
All

14. EMERGENCY ITEMS

15. ADJOURNMENT

STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, JULY 16, 2020
COUNTY-CITY BUILDING
ROOM 112 – CITY/COUNTY CHAMBERS
8:30 A.M.

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

Others Present: Dave Derbin, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; 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 July 15, 2020.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

AGENDA ITEM

1. APPROVAL OF STAFF MEETING MINUTES FOR JULY 9, 2020

MOTION: Yoakum moved and Schorr seconded approval of the July 9, 2020 Staff Meeting minutes. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

2. LEGISLATIVE UPDATE – Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC

Kohout discussed the weekly legislative update (Exhibit 1). He noted the legislative night sessions will adjourn no later than 10:00 p.m. Additionally, he said members of the legislature may be preparing to debate issues arising from recent national incidents that are not on the current agenda.

Schorr reported that she participated in a monthly conference call with the Nebraska Association of County Officials (NACO) Board of Directors and Governor Ricketts which focused on COVID-19. When the Governor was asked about allowing Lancaster County to require the public to wear masks at the Department of Motor Vehicle locations, he replied masks cannot be mandated but they can be suggested and signage can be used. A question was asked during the phone call to clarify which governing body supersedes if a local health department requires masks yet the Governor says masks cannot be required. It was answered that counties may refer to the local public health department

Amundson entered the meeting at 8:43 a.m.

Also, during the call, the Governor said the plan is to administer COVID-19 vaccinations similar to pre-kindergarten vaccinations for children. Schorr will research this process with the City-County Health Department.

Regarding the CARES funding, Schorr said the Governor's goal is to use all federal funds available. If more funds are needed, funds from the State's employment insurance funds may be accessed.

Flowerday noted Douglas County received $166,000,000 in federal funding and is offering rent assistance.

3. BUDGET UPDATE – Dennis Meyer, Budget and Fiscal Officer

A. Body Cameras

John Vik, Deputy Sheriff-Captain; and Todd Duncan, Chief Deputy Sheriff; were available for discussion.

Duncan reviewed the body camera project (see agenda packet). The total cost is estimated at $542,000 over three years for the body cameras, including all hardware, software and storage fees, and a full-time equivalent (FTE) employee. The costs could be paid outright or financed. He noted the cost estimate does not include any funds placed in a sinking fund for equipment replacement, which is estimated at $50,000 each year for three years, for a total of $150,000. The body cameras are projected to last three years.

Duncan outlined the cost of each body camera component as follows:

- Camera – $1,000 each
- Transfer station (allows multiple cameras to charge and upload data to storage) – $1,500 each
- Docking station in cruiser (for charging) – $295 each
- Deputy docking station (for charging) – $100 each
- Warranty – $450 per year per device

Meyer recommended using $50,000 from the sinking fund and apply it to the WatchGuard financing option.

Duncan informed the Board that, after further discussion with Human Resources about the position functions, the FTE cost estimate should be estimated at $10,000 higher per year than provided. Vik added the position does not have to be approved by the Personnel Policy Board as it is similar to positions in other departments. If the Board approves this project, the projected employee would be hired in October.

Regarding software and storage fees, Duncan said currently the videos from the patrol cars are stored on servers with Information Services (IS). The body camera proposal would move all patrol car and body camera videos to WatchGuard, which would allow the IS costs to be reduced.

Vest asked how the number of needed cameras was determined. Vik said there are currently 50 in-car cameras, so each of those deputies would need a body camera, along with an additional 20 cameras to be used as needed by those deputies not assigned to a patrol cruiser.

Vik stated a policy about when the body cameras are to be turned on is still be devised. Duncan added the current policy for the patrol car cameras is that the cameras are required to be used for law enforcement activity. The body cameras do have an internal storage space of 15-30 minutes of recording. He felt the cameras will help alleviate public concerns and help resolve complaints quicker.

Schorr requested a demonstration of the body cameras at a later staff meeting.

Flowerday stated he is supportive of body cameras and prefers the financing plan.

Meyer said he will build the cost estimates into the budget for Board action.

Pat Condon, County Attorney, reported the County Attorney's Office (CAO) will need to review video and provide it to the defense counsel. If there is video evidence that is not indicated on a law enforcement report, the CAO has to review the video archives for that footage. Research indicates that for every 100 cameras a prosecutor is needed. He said an additional two attorneys are needed to help with the videos. He felt the Sheriff's Office body cameras project would be difficult to properly handle with the number of current attorneys. Also, two more workspaces are needed for the attorneys.

Additionally, an attorney is needed in the child support division to help with cases involving Supplement Nutrition Assistance Program (SNAP). Condon stated he expects an additional 3,000-5,000 cases due to the change in federal requirements for the SNAP program.

Condon said he would like to hire attorneys in January. Flowerday suggested looking at this request at the mid-year budget review.

Regarding the workspaces, Meyer noted the County Attorney's Office space needs are part of the 2014 Public Building Commission study.

Schorr asked with the support position as discussed earlier by Captain Vik, if that position exists in the City of Lincoln, and, if so, how many cameras are managed and how would those two positions potentially interact. Condon answered there has been discussion about a joint position between the Lincoln Police Department (LPD) and the Lancaster County Sheriff's Office (LSO). Duncan added LPD has three technology positions for all technology needs and LSO has

one position. The LSO position is currently overburdened.

B. Other Outstanding Budget Issues

Regarding the District Court additional position discussion at the July 9th staff meeting, Meyer stated IS will evaluate the needs for District Court for four hours per week until further notice.

Meyer led discussion on a strategic plan, the Lincoln Partnership for Economic Development (LPED) and the 2020 Employee Recognition event.

Amundson felt a strategic plan is vital.

Schorr suggested combining this year's Employee Recognition breakfast with next year's group yet distribute the gift certificates now.

Concerning LPED, Flowerday felt the County should increase its contributions. The County's current LPED contribution is $10,000 per year. Schorr thought it should be discussed at the mid-year budget review. Amundson added the County has become involved in the Southeast Nebraska Development District (SENDD) which is involved in County economics.

Meyer scheduled a staff meeting next Tuesday at 10:00 a.m. to discuss the Building Fund, county-wide sinking fund and similar projects.

4. EXECUTIVE SESSION (LABOR NEGOTIATIONS) – Doug McDaniel, Human Resources Director; Brad Johnson, Corrections Director; Nicole Gross, Compensation Specialist; and Amy Sadler, Compensation Specialist

MOTION: Schorr moved and Amundson seconded to enter Executive Session at 9:39 a.m. for the purpose of labor negotiations and to protect the public interest.

The Chair said it has been moved and seconded that the Board enter Executive Session.

ROLL CALL: Schorr, Amundson, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

The Chair restated the purpose for the Board entering Executive Session.

Amundson and Schorr exited the meeting.

MOTION: Vest moved and Yoakum seconded to exit Executive Session at 10:05 a.m. Vest, Yoakum and Flowerday voted yes. Amundson and Schorr were absent. Motion carried 3-0.

5. COVID-19 UPDATE AND RESPONSE

Pat Lopez, Interim Lincoln-Lancaster County Health Department Director, appeared via Zoom.

Lopez said she is concerned about the increase in the number of cases from 1,998 last week to the current 2,255 cases with 400 cases pending test results. She noted the current cases are increasing in both the 20-29-year-old age group and in the white population, and many have been traced back to large gatherings, sports activities and increased attendance at bars. With the increase in positivity rate, the risk dial has moved to the high risk category. She reiterated the importance of face coverings and following and enforcing directive health measures.

Rachel Garver, County Treasurer, and the Board discussed posting the risk dial and changing the verbiage on signs to encourage the pubic to wear masks. Derbin noted any signage would need to be run through legal review before anything is posted. Additionally, any signs that are posted in the City-County building must go through the Public Building Commission.

It was the consensus of the Board for Garver to work with the County Attorney's Office and the Chief Administrative Officer to draft appropriate language for signage for the DMV locations outside of the City-County Building.

Flowerday reported the fleur machine (temperature-assessment device) has arrived and will be installed.

6. ACTION ITEM

Bob Walla, City-County Purchasing Agent, said the normal policy is to have a maximum of $50,000 per project; however, some of the project on Saltillo Road will exceed $50,000; therefore, Walla asked the Board to approve a maximum of $100,000 per project in lieu of the $50,000.

MOTION: Yoakum moved and Vest seconded to approve the waiver of the $50,000 project limit and increase it to $100,000 for Bid No. 20-168. Vest, Yoakum and Flowerday voted yes. Amundson and Schorr were absent. Motion carried 3-0.

A. Recommendation(s) From Purchasing Agent And County Engineer To Award Bid No. 20-168 For Unit Price – Asphalt Patching In An Amount Not To Exceed $250,000 Total.

Ron Bohaty, Road Maintenance Superintendent, said some potholes are deeper and this contract covers these and meets the specifications of the State Highway Manuel. This repair will be approximately $80,000. Dingman added the purpose of the contract is to concentrate on areas within the Saltillo Road corridor that are being damaged by the construction of the South Beltway project. Also, a half-mile east of the South 70th Street and Saltillo Road intersection will be in the City of Lincoln's jurisdiction.

MOTION: Vest moved and Yoakum seconded to approve the recommendation from the Purchasing Agent and County Engineer to award Bid No. 20-168 for Unit Price – Asphalt

Patching in an amount not to exceed $250,000 total. Vest, Yoakum and Flowerday voted yes. Amundson and Schorr were absent. Motion carried 3-0.

B. Agreement(s) For Bid No. 20-168 For Unit Price - Asphalt Patching In An Amount Not To Exceed $250,000 Total.

MOTION: Vest moved and Yoakum seconded to authorize Pam Dingman, Lancaster County Engineer, to sign unit price contracts for asphalt patching in Lancaster County (Bid No. 20-168) with the following, for a total combined annual cost of $250,000: Constructors Inc.; Cather & Son's Construction, Inc.; MTZ Construction LLC; and Pavers, Inc. Vest, Yoakum and Flowerday voted yes. Amundson and Schorr were absent. Motion carried 3-0.

C. Unit Price Quotation(s) Pursuant To Agreement For Bid No. 20-168 For Unit Price - Asphalt Patching On Saltillo Road In An Amount Not To Exceed $250,000 Total.

There was no action required on this item per Derbin's instruction.

7. CHIEF ADMINISTRATIVE OFFICER REPORT

A. Prudential Client Authorized Representatives Form

Derbin requested authorization to update the form (see agenda packet) and have Doug Cyr, Chief Deputy County Attorney, sign as the authorized representative on behalf of the County and return the form to Prudential.

MOTION: Yoakum moved and Vest seconded to allow Derbin to update the form and submit it to Prudential. Vest, Yoakum and Flowerday voted yes. Amundson and Schorr were absent. Motion carried 3-0.

B. Reappointment of Jacquelyn Miller to the Lincoln-Lancaster County Board of Health for a term to expire on April 15, 2023

Derbin reviewed Miller's qualifications (see agenda packet). It was the consensus of the Board to move the reappointment to a future Tuesday agenda.

8. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

No updates were given.

9. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. **Parks & Recreation Advisory Board Meeting** – Vest

Vest said City parks have reopened, and improvements will be made at Van Dorn Park and Cooper Park. Additionally, the South Haymarket trail segment will be named after former Mayor Chris Beutler.

B. **Realtors Association Government Affairs Committee** – Amundson

No report was given.

C. **City - County Common Meeting** – All

Flowerday reported the County Sheriff and Lincoln Chief of Police led discussion about law enforcement training and where the departments are heading.

D. **Region V Behavioral Health Advisory Committee Meeting** – Yoakum
E. **Region V Behavioral Health Governing Board Meeting** – Yoakum

Yoakum said the Region V Behavioral Health meetings were cancelled.

F. **Lincoln Chamber of Commerce - Face the Chamber | Dr. Steve Joel, LPS** – Amundson/Yoakum/Vest/Schorr

No report was given.

G. **Public Building Commission** – Amundson/Flowerday

Flowerday stated the Assessor/Register of Deed's Office remodel and Hall of Justice front entrance remodel are almost complete.

H. **Lincoln Lancaster County Board of Health** – Flowerday

Flowerday reported the meeting will be held next week.

I. **Visitors Promotion Advisory Committee** – Amundson

No report was given.

Flowerday disclosed he is being considered for the Board of Directors for the History of Nebraska.

10. SCHEDULE OF BOARD MEMBER MEETINGS

Informational only.

11. EMERGENCY ITEMS

There were no emergency items.

12. ADJOURNMENT

MOTION: Vest moved and Yoakum seconded to adjourn at 10:44 a.m. Yoakum, Vest and Flowerday voted yes. Schorr and Amundson were absent. Motion carried 3-0.

Dan Nolte
Lancaster County Clerk

EXHIBIT
tabbies
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LEGISLATIVE MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Joseph D. Kohout
Brennen L. Miller

DATE: July 15, 2020

RE: Weekly Report

Good Morning. Please accept this as your weekly report for the 2020 session of the Legislature for the date noted above. For your information, the Legislature is set to reconvene next week on Monday, July 20th. The Legislature will tentatively adjourn Sine Die on August 13th.

This week the speaker released his agenda which is expected to cover the first week of the reconvened. Of note is that LB247, Senator Bolz Mental Health Care Directives Act is scheduled to be considered on select file. The legislature is also expected to debate LB1106, the current property tax relief bill on Tuesday, and LB720 which adopts the business incentives ImagiNE act on Wednesday. Other floor time will likely be dedicated to moving those items on Select File and Final Reading. Monday's schedule calls for adjournment of the body around 5:00PM-6:00PM, with late nights expected Tuesday, Wednesday, and Thursday. The body will work through the lunch hour on Friday before adjourning for the weekend. We expect similar schedules for the remaining weeks of the 2020 session.

As noted in our previous reports, the Speaker has issued his guidance outlining procedures and precautions that will be undertaken in order to provide as safe an environment as possible for the reconvened session. We fully expect to monitor session from our offices until measures of interest appear on the agenda, when we will plan to be in the rotunda. Both senators and lobbyists have ensured that cell phone numbers are available to allow for instant communication via phone call, text, and email.

PRIORITY LEGISLATION

Sen. Brandt: LB996 (Brandt) Create the Broadband Data Improvement Program (Final Reading)

Sen. Dorn: LB1014 (Lindstrom) Change provisions of the Multiple Employer Welfare Arrangement Act (Final Reading)

Sen. Giest: LB814 (Geist) Prohibit Dismemberment Abortion (In Committee-MO165 to pull the bill from committee is pending)

Sen. Hansen: LB881 (Hansen) Prohibit deductions of fines from bonds (Select File) Provisions of LB282 dealing with bail- have been incorporated into the bill through AM2628 on General File)

Sen. Morfeld: LB997 (Morfeld) Adopt the Out-of-Network Emergency Medical Care Act (Final Reading)

Sen. Pansing-Brooks: LB627 (Pansing-Brooks) Prohibit discrimination bsed upon sexual orientation and gender identity (General File)

Sen. Wishart: LB1052 (Wishart) Change provisions regarding the preferred drug list under the Medical Assistance Act (General File w/ AM2645)

LANCASTER COUNTY PRIORITIES

[NO NEW ACTION] LB267 (Bolz) Provide a duty for the county board relating to deficient bridges and authorize a tax levy. This would allow for financing of County Bridges under Neb. Rev. Stat. 23-120(3)(b). Introduced during the 2019 session by Senator Bolz, the bill was advanced to General File unanimously from the Government, Military and Veterans Affairs Committee.

The bill was debated for approximately 2.5 hours on Monday and was the subject of a filibuster by Senators who oppose any increase in the property tax. It is important to note that this is the first bill that has hit the floor that deals with giving authority to a local political subdivision to utilize property tax increase for a specific purpose. Before the Legislature adjourned on Monday, Senator Andrew LaGrone filed an amendment that is the sum and substance of LB20 that would replace the bonding provisions of the bill. The amendment and bill remain pending. The bill was debated again for 30 minutes on Monday, February 10, 2020 from 1130am – 12pm.

[NO NEW ACTION] LB335 (M. Hansen) Authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bail. Statutory Changes to Implement Statewide 24/7 Sobriety Program. Introduced by Senator Matt Hansen during the 2019 session, LB335 currently sits in the Judiciary Committee. The interim brought conversations with opposition, which brought fruitful developments towards producing an amendment. The bill will not go anywhere this year; it will need to be worked on during the interim.

[NO NEW ACTION] Amend the Mental Health Commitment Act to allow Sharing of Mental Health Information Among Providers and Law Enforcement Agencies. After numerous meetings with stakeholders over the interim, produced by LR183 introduced by Senator Geist, the initial draft and subsequent revisions were received back from the revisers' office and forwarded to interested parties for review. During her discussions with the State Patrol, it became clear to Senator Geist that the Patrol would be placing a fiscal note on the bill and also be appearing in an opposition position. Too, the Patrol believed it necessary to obtain an Attorney General's opinion on the bill regarding the release of records. As such, Senator Geist has indicated that she would like to hold off on introduction of the bill this session as she believed that the workload of the Judiciary Committee would not provide the necessary bandwith to get the bill passed this session.

LB247 (Bolz) Adopt the Advance Mental Health Care Directives Act. Adopt the Advance Mental Health Care Directives Act under LB247. Introduced by Senator Bolz during the 2019 session, the bill was advanced by the Judiciary Committee with an amendment, AM2206, that addressed concerns raised by parties at the hearing and after the hearing.

LB247 was designated as a Speaker priority bill on February 25, 2020. On Wednesday, March 4, 2020, the Legislature debated the bill and with the exception of a couple of questions from Senators Dorn and Clements, the bill moved easily to Select File. We worked on a vote count and detected no issues in the two days leading up to debate. A procedural amendment has been filed on LB247 that will be taken up when the bill is debated again on Select File. We would note that this bill appears on the agenda released this week by the speaker, and will likely be considered the first week of the reconvened session.

SCHEDULING

Brennen has been working with Mr. Derbin and Mr. Eagan on the scheduling of the Tri-County Breakfast during the 2021 session. We have scheduled Monday, January 11, 2021 from 8-10am at NACO's offices. Both Sean Kelley and Tim Gay were notified of the dates and we will be following up in the coming months for invitations to go out from their respective clients. We have confirmed our reservation of the NACO conference room for this date, however Mr. Cannon of NACO did note that this would only be if it were deemed safe for individuals to gather pending any ongoing cases of COVID-19. We will monitor this closely, and be in contact with Mr. Cannon as we move towards the breakfast on January 11th.

Additionally we have been working with Mr. Derbin to establish the date for the annual Lancaster County 101 event. Following work we have established the following two options:

November 16, 2020
November 17, 2020

Once one of the above dates is selected, we will book the location, as well as contact current members of the county's legislative delegation and ask for a hold on their calendars for that date.

INTERIM STUDIES

All interim studies previously presented to the board have been submitted to drafting by Senator Geist's office in order to get them ready for introduction by their respective introducing senators. We will provide these drafts when they are prepared.

CARES ACT FUNDING

On May 27, 2020, during his daily press conference, Governor Ricketts announced how he intends the state to spend the federal CARES Act dollars distributed to Nebraska. Please note that below is a general outline of what was announced, and the PowerPoint utilized by the Governor was attached to the email that contained the May 28, 2020 report. Here is how he intends to distribute the funds:

GOVERNMENTS: $180 MILLION

State Government - $80 Million; Local Governments - $100 Million

Dollars will be for reimbursement of direct costs associated with COVID including PPE, overtime, sanitizing spaces, dedicated payroll for COVID public safety employees. Counties, in order to be eligible, must have 'business as usual' by June 8th (open public offices and services). Subsequent to that report, NACO indicated that the Governor has agreed to push this back one week to June 15, 2020.

COMMUNITY CARES PROGRAM: $85 MILLION

Behavioral Health Regions - $5 Million; Community Collaboratives - $20 Million; Providers and/or Non-Profits demonstrating increased demand and lower donations $40 Million; Shelters and/or Housing - $20 Million

Specifics of this program were announced by the Department on the afternoon of Thursday, June 25, 2020. Our notes from that press conference were sent out shortly after that press conference. They money will be divided into programs that will be essentially used to provide those providers of services with assistance. We would be happy to provide our notes again at your request. We would note that the timeline for the dollars to be distributed are very aggressive.

Interestingly, Governor Reynolds of Iowa announced yesterday that she will be devoting $50 Million of CARES Act dollars to mental health and behavioral health issues.

SMALL BUSINESSES/LIVESTOCK STABILIZATION: $392 MILLION

Small businesses between 5-49 employees; Livestock operations between 1-10 employees

The funds will be distributed in $12,000 grants to all qualified. The Governor hosted Press Conference which focused on this component on Friday, June 12, 2020. Those who joined him at the podium included Director of Economic Development Tony Goins and Director of Agriculture Steve Wellman. There were many, many questions and the applications became active this week.

REMOTE ACCESS, WORKFORCE RETRAINING, GALLUP: $62 MILLION

Rural broadband development - $40 Million; Workforce Retraining - $16 Million; Gallup Training - $1 Million

Rural broadband development with Impacting 26,285 households in 41 communities of 1,000-5,000 in population and workforce retraining will include $1,100 grants for students (up to 12,000 total) and Career Coaches, administration and faculty at a total of $2.4 Million. The Department of Economic Development has hosted meetings for parties interested in the $40 Million being deployed for broadband coverage the last two Fridays in June.

UNEMPLOYMENT TRUST FUND: $427 MILLION

<u>PLATTE INSTITUTE WEBINAR</u>

Yesterday, the Platte Institute continued their 'Back in Session' webinar series with a conversation featuring Senator John Stinner, Chair of the Revenue Committee. While we will include the full webinar video in our session update which will be emailed to you Friday, we would note the conversation largely dealt with Senator Stinner's outlook on the state's budget, upcoming economic forecasting board meeting on July 23rd, as well a question and answer period. Of particular note is Senator Stinner's outlook that Nebraska is, and will continue to less impacted on cuts than many surrounding states- like Wyoming- where they are experiencing 20%-30% reductions in department appropriations. A question was also put forward dealing

with legislative powers in respects to appropriating federal dollars to deal with the COVID-19 pandemic. Senator Stinner noted both the FLEX bill proposed by Rep. Don Bacon which would allow states to use funds for budget shortfalls, and that Senator Lathrop's request of an attorneys general opinion was an important first step in understanding the legislature's responsibilities.

Should you have any questions regarding this webinar, please do not hesitate to contact us.

IMMUNIZATIONS CONVERSATIONS

Following the meeting on June 25, 2020, a group of individuals including Commissioners Flowerday and Schorr, Mr. Derbin, Mr. Eagan, Ms. Ames and both Joe and Brennen. We discussed a potential strategy for the possible request of CARES Act dollars from the Governor to prepare to offer immunizations to Lancaster County residents. Following that discussion, a larger discussion occurred regarding strategy on Monday, July 6, 2020 which added Mr. Meyer, Ms. Hoyle, Ms. Lopez, and Mr. Larry Dix and Mr. Jon Cannon of NACO. Parties agreed to hold off on a final decision on strategy until after the Public Health Departments have had a chance to meet to discuss their potential strategy for the remaining 17 days of the session. A meeting was held last week to discuss the subject further.

BILLS IDENTIFIED BY DEPARTMENT HEADS & ELECTED OFFICIALS

[NO NEW ACTION] Brad Johnson: LB230 (Pansing-Brooks) Provide for room confinement of juveniles as prescribed. NEUTRAL. Under LB230, additional rules are mandated to juvenile facilities regarding placement in room confinement of a juvenile in a juvenile facility specifically, room confinement of a juvenile for longer than one hour during a twenty-four-hour period shall be documented and approved in writing by a supervisor in the juvenile facility. It is the intent and purpose of this rule shall not be avoided by the use of consecutive periods of room confinement. New rules relating to confinement are outlined in the bill also, for example, notice to the juvenile's parent or guardian, rooms having adequate lighting, amongst others.

When a similar measure was introduced in 2017, Commissioners Brinkman and Schorr met with Senator Pansing-Brooks to discuss the bill. The Board did request that we meet with Senator Pansing-Brooks to discuss a requirement in the bill requiring continuous monitoring. She indicated that she is willing to clarify the record on the continuous monitoring language of the bill to mean electronic or every 15 minutes.

The Judiciary Committee advanced LB230 with a committee amendment attached (AM450). The bill was not prioritized during the 2019 Session. The bill was debated on General File and AM2121 was adopted on Select File. The bill was subsequently moved to Final Reading. The bill passed on Final Reading on February 6, 2020. LB230 was approved by Governor Ricketts on February 12, 2020.

[NO NEW ACTION] Brad Johnson: LB1171 (Cavanaugh) Change provisions under the Healthy Pregnancies for Incarcerated Women Act The bill expresses the strong intent for the Legislature to keep mothers and infants together in correctional settings. The bill would require the construction of a nursery. Requires for allowing a mother to lactate and express and provide that milk to their infant. Brad prepared a fiscal note for the bill that indicated costs for the construction of a new wing of our current facility would cost in excess of

$10 Million. Commissioner Flowerday has discussed the cost with Senator Cavanaugh while at the capitol on Monday. The hearing on this bill occurred on February 12, 2020.

During testimony, Senator Cavanaugh offered AM2405 which would limit the provisions of the bill to only the expression of milk as applicable to counties and the provisions dealing with the construction of a nursery to only state facilities. We do have a concern that it may be applicable to YRTC Lincoln; however, we believe there may be another amendment that may address this as well. Those who appeared on the bill included Juliet Summers from Voices for Children, Jasmine Harris with Rise – all in support. In opposition, Scott Frakes with the Department of Correctional Services, Steven Greene with Division of Children and Family Services and Elaine Menzel in a neutral capacity.

[NO NEW ACTION] Joe Nigro: LB1007 (Hansen, M.) Change provisions relating to competency to stand trial and be sentenced. The bill makes significant changes to the competency provisions and individuals charged with crimes. In some cases, it would require dismissal by the court and order to competency restoration. In other cases, it would require a competency restoration. The hearing occurred on Friday, January 31, 2020 and testimony was offered in support by Joe Nigro and opposition testimony was offered by Katie Zulkoski on behalf of the County Attorneys Association.

[NO NEW ACTION] Joe Nigro: LB1017 (Geist) Appropriate funds to the Supreme Court. SUPPORT. Appropriates $617,788 in FY2020-21, $767,788 in FY2021-22 and 767,788 in FY2022-23 to the Supreme Court to provide for a pilot program for a mental health, problem solving court. Hearing occurred on Wednesday, February 05, 2020 and support testimony was offered by Danielle Conrad on behalf of the ACLU, Corey Steele on behalf of the Supreme Court, Sean Flowerday on behalf of Lancaster County and Liz Neeley on behalf of the Nebraska State Bar Association. If the Appropriations Committee takes action on the bill, they would likely include it in their budget. LB1017 was heard by the Appropriations Committee on February 5, 2020.

We are pleased to report that the Appropriations Committee has included the provisions of this bill in its full amount in the budget recommendations that they are looking to finalize in the coming days.

[NO NEW ACTION] Sara Hoyle: LB1095 (McDonnell) Authorize counties containing a city of the metropolitan class to establish juvenile justice programs and services. The bill would give a general, specific power to counties containing a city of the metropolitan class (Douglas) the ability to establish specific juvenile justice programs and simultaneously give them ordinance authority to do the same. Douglas County brought this concept up at tri-county. The hearing occurred on Thursday, February 6, 2020.

[NO NEW ACTION] Kerry Eagan: LB941 (Hunt) Create the Nebraska Youth in Care Bill of Rights. Creates the Nebraska Youth in Care Bill of Rights; It is the policy of the Legislature to ensure that the quality of care provided to children placed in foster family homes, juvenile facilities, or child-care institutions is as close as possible to the care a child would receive in a family setting.

This is accomplished by honest and clear communication and information to help them understand the system or systems in which they are involved, to provide consistent opportunities for such children to have their voices heard in their cases, to successfully reunify children with their families or help such children find permanency, to support lifelong family

connections for such children, to place such children in an environment accepting of their cultures and beliefs, and to provide such children with the skills, knowledge, and resources they need to become successful adults. The hearing occurred on Thursday, January 30, 2020. A significant amount of testimony was offered on behalf of several organizations. Opposition testimony was offered by NACO.

[NO NEW ACTION] Kerry Eagan: LB1117 (Pansing-Brooks) Change sentencing provisions for crimes committed by a person under twenty-one years of age and change provisions relating to jurisdiction over juveniles. The bill makes a series of changes to the provisions at the age of individuals could be for purposes conviction and the minimum and maximum sentences. The bill, most significantly for Lancaster County, would allow for county court and juvenile court to take jurisdiction of cases where the age of the person at the time of the commission of the crime was 16 or 17 years of age.

The bill was heard by the Judiciary Committee on February 13, 2020. Juliet Summers, representing Voices of Hope Nebraska, testified in support of the bill. Summers argued that the bill would allow youth to receive age-appropriate, evidence-based treatment. Jim Maguire, president of the Nebraska Fraternal Order of Police, countered this point in his opposing testimony. Maguire stated that severe crimes require severe punishments and that he was unconvinced that individuals of 18, 19, or 20 years of age don't know that they cannot kill someone.

[NO NEW ACTION] Kerry Eagan: LB1148 (Vargas) Change provisions relating to the Office of Juvenile Services and the placement of juveniles at youth rehabilitation and treatment centers. The bill appears to be a response to the issues raised following action by the Department in the fall to house individuals at the Lancaster County Youth detention facility. It includes provisions that would prohibit the use of the secure detention facility by the state on page 18 at lines 5 – 8. The hearing on this bill occurred on Thursday, February 6, 2020. Those who appeared in support included Juliet Summers from Voices for Children, Christine Henningsen from Nebraska Youth Advocates, and Bri McClarty from the Dodge County County Attorneys Office. Those in opposition included Danette Smith, the CEO of the Nebraska Department of Health and Human Services. The letter was sent regarding our concerns, but it was not noted for the record as it was received the morning of the hearing.

Senator Hilkemann designated LB1148 as his priority on February 21, 2020. On February 27, 2020, LB1148 was placed on General File with AM2637, introduced by the Judiciary Committee. On March 3, 2020, Senator Lathrop filed AM2666. On page 33, lines 24-28 of AM2637 contains language that states that a secure detention facility shall not be utilized as a youth rehabilitation and treatment center.

AM2637 (Judiciary), AM2810 (Lathrop), AM2666 (Lathrop) were all adopted. AM2810 struck the language noted in above in AM2637 which we believed could have an adverse affect on the use of the secure detention facility could not be utilized as a YRTC.

[NO NEW ACTION] LB1057 (Lowe) Change provisions regarding appeals of certain zoning decisions by county planning commissions and county boards. SUPPORT. The bill is introduced by Senator Lowe at the request of NACO but originated from Lancaster County. The hearing occurred on Wednesday, February 5, 2020 before the Government, Military & Veterans Affairs Committee. Those who appeared in support included Jon Cannon on behalf of NACO and Kerry Eagan on behalf of Lancaster

County. Those in opposition included David Levy on behalf of the Nebraska State Bar Association and Ansley Fellers on behalf of the Farm Bureau.

[NO NEW ACTION] LB999 (Wayne) Require cities and villages to pay for appointed counsel for prosecutions and adjudications for violation of city and village ordinances. MONITOR. This bill requires a city of village to reimburse the public defender or contracting attorney in a prosecution for a violation of a city of village ordinance. This includes the proportionate share of the appointed counsel's salary, any expenses, trial expenses, and expert witness fees. In adjudication for a violation of a city or village ordinance, the governing body of such city or village shall allow the account, bill, or claim presented by any attorney or guardian ad litem for services performed in the amount determined by the court. During closing on the bill, Senator Justin Wayne indicated that he seeks applicability of the bill to only the three largest counties.

[NO NEW ACTION] Bob Walla: LB1218 (Wayne) Adopt the Nebraska Historically Underutilized Business Program Act. LB 1218 is the Nebraska Historically Underutilized Business Program Act. The purpose of the act is to promote full and equal business opportunities for all businesses in an effort to remedy disparity in state and local procurement and contracting.
Section 3 defines terms for the act.

Section 4 allows for businesses to become certified as an historically underutilized business (HUB) and retain that certification for five years, as long as the business' certification status does not change. The Department of Labor and Department of Transportation may conduct any necessary investigation to determine qualifications for the program. A business must complete an annual affidavit of certification and may recertify up to three times, for a maximum of fifteen years. The Department of Labor shall maintain a list of all businesses that have been certified and the nature of the business along with its capacity to perform the work.

Section 5 requires each constitutional office, state agency, and political subdivision to make a good faith effort to utilize HUBs in contracts for construction, services, and commodities purchases. The statewide HUB goals for the procurement categories are as follows: 10% for heavy construction other than building contracts; 20% for all building construction, including general contractors and operative builders contracts; 20% for all special trade construction contracts; 10% for professional services contracts 10% for all other services contracts; and 10% for commodities contracts.

Government entities shall establish their own specific HUB goals for each procurement category. At a minimum, the statewide HUB goals should be each government entity's starting point for establishing specific goals.

Section 6 sets forth priorities that, if there is an adequate number of qualified and certified HUBs, first priority shall be given to Tier 1 HUBs; and then Tier II HUBs, followed by Tier III HUBs. Any business receiving a sales and use tax incentive from this state shall receive an additional 1% of such sales and use tax incentive for utilizing a Tier I HUB. 0.5% for utilizing a Tier II or Tier III HUB. Total incentives awarded shall not exceed five million dollars for all businesses. Each government entity that considers entering into a contract with an expected value of one hundred thousand dollars or more over the life of the contract shall determine whether subcontracting opportunities are probable. If so, the government entity shall require that each bid, proposal, offer, or other applicable expression of interest include a HUB subcontracting plan as set forth in section 5.

Section 9 requires the Department of Labor to offer HUBs assistance and training regarding state procurement procedures. A government entity with a biennial budget that exceeds ten million dollars in contracts shall designate a staff member to service as the HUB coordinator for the agency. The position of coordinator must be at least equal to the position of procurement director.

Section 10 requires the Department of Labor to compile, in the most cost-efficient form, a directory of businesses certified as HUBs. The directory shall be updated and provide access electronically or in another acceptable form to each government entity.

Section 11 requires the Department of Labor to design a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract.

Section 15 allows the Director of Administrative Services to adopt and promulgate rules and regulations to administer the Nebraska Historically Underutilized Business Program Act.

The bill was heard by the Government, Military and Veterans Affairs Committee on February 13, 2020. Senator Wayne designated the bill as his priority on February 21, 2020.

Doug Carlson, Deputy Director Department of Administrative Services, testified against the bill and argued that the bill will limit competition and drive up costs.

There are discussions to limit the scope of the bill to those political subdivisions with an annual budget exceeding $50 Million.

[NO NEW ACTION] LB1105 (Hansen, B) - Change audit provisions under the Medical Assistance Act. Makes it the intent of the legislature to establish and maintain integrity procedures and guidelines for the medical assistance program that meet minimum federal requirements and that coordinate with federal program integrity efforts in order to provide a system that encourages efficient and effective provision of services by Nebraska providers for the medical assistance program.

Allows for one or more program integrity contractors to be used to promote the integrity of the medical assistance program, assist with investigations and recovery audits, or to investigate the occurrence of fraud, waste, or abuse. Requires that a program integrity contractor retained by the department or the federal Centers for Medicare and Medicaid Services work with the department at the start of a recovery audit to review this section and section 68-973 and any other relevant state policies, procedures, regulations, and guidelines regarding program integrity audits.

The program integrity contractor is to comply with audit procedures. A copy of the statutes, policies, and procedures shall be specifically maintained in the audit records to support the audit findings. Defines program integrity audit as an audit conducted by the federal Centers for Medicare and Medicaid Services, the department, or the federal Centers for Medicare and Medicaid Services with the coordination and cooperation of the department.

Defines program integrity contractor as private entities with which the department or the federal Centers for Medicare and Medicaid Services contracts to carry out integrity responsibilities under the medical assistance program, including, but not limited to, recovery audits, integrity audits, and unified program integrity audits, in order to identify underpayments and overpayments, and recoup overpayments.

The bill was heard by the Health and Human Services Committee on February 19, 2020. Testifying in support of the bill was District 5 Commissioner, Rick Vest. Commissioner Vest stated that without the bill, needless pain will continue. Vest also argued that providers need to be treated fairly. Also supporting the bill were Marty Killeen (a pediatric dentist), Ben Reimer (a dental resident), Jessica Meeske (a pediatric dentist) and Wendy Meginnis. Opposing the bill was Jeremy Brunssen, Interim Director for the Division of Medicaid and Long-term Care. Brunssen stated that the bill is not protecting all parties.

This concludes our report for this week.

Original General Fund Variance -	
Increase in budget of expenditures	6,705,076.00
Decrease in budget of revenues	540,688.00
Sheriff Body Cameras	170,730.00
Cash Reserve	2,000,000.00
Fund Balance	2,000,000.00
	11,416,494.00
Changes to Revenues -	
Keno Transfer - increase from $0	100,000.00
Covid Revenue - increase to 9999	400,000.00
Correction to Revenue in 9999	290,699.00
Additional Property Tax (2.75%)	2,207,614.00
Community Corrections	16,750.00
General Government	10,000.00
	3,025,063.00
Changes to Expenditures -	
Denied 12 new positions	883,344.00
Crisis Center Transfer - decrease due to ending balance	211,747.00
Workers Comp Transfer - decrease due to activity	100,000.00
County Court - decrease legal services	50,000.00
District Court - decrease legal services	50,000.00
Juvenile Court - decrease Abuse & Neglect	100,000.00
Engineer Transfer - reduced additional request	1,800,000.00
Engineer Transfer - reduced transfer amount from PY	2,000,000.00
Reductions by Departments	883,821.00
	6,078,912.00
Fund Balance	2,000,000.00
Increase	30,906.00
	2,030,906.00
Decrease to Sheriff Body Cameras	113,690.00
TOTAL ADJUSTMENTS	11,248,571.00
VARIANCE	167,923.00

LANCASTER COUNTY GRANT FORM

Submitted by: Sara Hoyle Today's date: December July 23, 2020

(On behalf of: Lancaster County)

1. Funding source: Nebraska Crime Commission

2. Grant due date: July 31, 2020

3. Amount requested: $186,611

4. Other sources of funding anticipated:

Funding Source	In-kind	Cash	Committed	Pending
a.				
b.				
c.				
d.				

5. Project Contact: Sara Hoyle

   Phone Number: (402) 441-6868

6. Number of years grant will run if funded: 1

7. This grant is: X New * Continuation

8. General purpose for grant: (2-3 sentences)
   Funding through this grant proposal will allow us to continue our Youth Crisis Response Coalition facilitation as well as expand the capacity of our emergency shelter for children. Funding will also provide services to address some of the racial disparities brought to the forefront in the last couple of months. Funding is competitive state funding through the Nebraska Crime Commission.

9. Attach a one page summary of grant.

10. Attach a one page budget of grant.

Grant Summary

Crisis Response

Contract with Dr. Don Belau to continue to facilitate the Lancaster County Crisis Response. Dr. Belau will continue to facilitate and chair the crisis steering committee and the Lincoln/Lancaster Youth Crisis Response Committee. This includes evaluation of criteria/outcomes and surveys, identification of methods of marketing a positive response to utilize services, and develop awareness of help/text lines in the community.

Crisis Stabilization

CEDARS is actively working with juvenile justice, mental health and law enforcement officials in Lancaster County to provide Youth Crisis Continuum Services for up to 110 youth in need of supportive mental health services to assist them in achieving placement stability. As a community-based approach to mental health services, therapeutic groups and individual counseling are available to youth placed at CEDARS Pioneers Center Emergency Shelter and intensive stabilization services are available to identified youth and families for up to 21 days.

Take Pause 2.0

The Malone will expand their current cop club to educate and spread awareness of the good deeds and common ground between cops and community members to bridge relationships between cops and teens. The teen community members will meet bi-weekly to engage in activities and skill building opportunities that work to increase positive interactions with the police and teenagers of Lancaster county.

Malone Center Therapist

The Malone will have a dedicated therapist for youth available at the Malone Center. This therapist will address institutional trauma. Therapy will be delivered while interacting with the youth during various activities (gardening, basketball, etc).

Budget

Agency	Program	Amount Requested
Don Belau	Crisis Response Facilitation	$6,000
Cedars	Emergency Shelter	$50,000
The Malone	Take Pause 2.0	$52,426
The Malone	Therapist	$78,185
TOTAL		$186,611

Nebraska Emergency Management Agency

2019 Sub-Recipient Agreement
for
Lancaster County

Date of Award
7/17/2020

1. Sub-Recipient Name and Address

Lancaster County
1200 Radcliff Rd., Suite 200
NE 68512

2. Prepared by: *Mayers, Julie*

3. Award Number: 19-GA 8732-02

4. Federal Grant Information

Federal Grant Title:	**Emergency Management Performance Grant**
Federal Grant Award Number/CFDA Number:	EMK-2019-EP-00004-S01 / 97.042
Federal Granting Agency:	Grant Programs Directorate Federal Emergency Management Agency U.S. Department of Homeland Security

5. Award Amount and Grant Breakdowns

Total Award Amount

$144,865.00

2019 Emergency Management Performance Grant

Performance Period:

FROM Jul 1, 2019 – Jun 30, 2020

6. Statutory Authority for Grant: This project is supported under Public Law 108-334, the Department of Homeland Security Appropriations Act of 2019.

7. Method of Payment: Primary method is reimbursement through the on-line Nebraska Grant Management System.

8. Debarment/Suspension Certification: By signing in block 10 below, the sub-recipient official certifies that any contractors utilized are not listed on the excluded parties listed system at http://www.sam.gov.

9. Agency Approval

Approving NEMA Official:

Bryan Tuma, Assistant Director

Signature of NEMA Official:

Date:

10. Sub-Recipient Acceptance

I have read and understand the attached Terms and Conditions.

Print name and title of Authorized Sub-Recipient official:

Signature of Authorized Sub-Recipient Official:

11. Enter Employer Identification Number (EIN) / Federal Tax Identification Number:

12. Date Signed :

13. DUE DATE: 7/24/2020

Signed award and Direct Deposit Form (if applicable) must be returned to NEMA on or before the above due date.

NEBRASKA EMERGENCY

MANAGEMENT AGENCY (NEMA)

EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM (EMPG)

AWARD NUMBER: EMK-2019-EP-00004-S01

CFDA: 97.042

SPECIAL CONDITIONS

[All information from the 2CFR 200 or SuperCircular herein can be accessed at: www.ecfr.gov]

1. This **Sub-Award** is subject to the FY2019 *Emergency Management Performance Grants Program* Guidelines and Application Kit. The Guidelines and Kit can be accessed at: www.fema.gov/grants . This Sub-Award is also subject to the current Nebraska Emergency Management Performance Grant Program Instructions, the Federal Grant Award, and to the Grant Guidance imposed on NEMA by the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA). The Nebraska Grant Instructions are intended to complement rather than replace the Federal Program Guidelines published by the DHS/FEMA, and are incorporated by references into this Sub-Award together with the attached Special Conditions.

2. **Purpose**: Sub-Award funds, as appropriated by NEMA under the Fiscal Year (FY) 2019 EMPG Program, provides resources to assist State, Local, and Tribal Governments in preparing for all hazards, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 USC 5121 et seq.). www.fema.gov/pdf/about/stafford_act.pdf

3. **Overview**: Funds provided shall be used to sustain local jurisdictional Emergency Management organizations by first providing support for salaries and operational supplies for a full-time Emergency Manager and full or part time staff, and should funds permit – equipment, all needed to sustain an Emergency Management Program. All costs under these categories must be eligible under 2CFR, Part 225. www.whitehouse.gov/omb/grants_circulars

4. The **Notice to Sub-Recipient Award** is only an offer until the sub-recipient returns the signed copy of the *Notification of Sub-Recipient Award* and the last page of the Special Conditions document. Sub-Recipient agrees to make no requests for reimbursement prior to the return of these two (2) documents.

5. Sub-Recipient agrees to make no requests for reimbursement for goods or services procured by the sub-recipient prior to the performance period start date of this agreement.

6. Sub-Recipient shall comply with all applicable laws, regulations, and program guidance. Non-exclusive lists of regulations commonly applicable to DHS/FEMA grants are listed below, including the guidance:

A. **Administrative Requirements**

1. 2CFR, Part 200, Sub-Parts A-E – Reforms to Administrative Requirements
2. Federal Funding Accountability & Transparency Act (FFATA) [2CFR, Part 170]

B. **Cost Principles**

1. 2CFR, Part 200, Sub-Part E – Reforms to Cost Principles

C. **Audit Requirements**

1. 2CFR, Part 200, Sub-Part F – Audit Requirements

7. The EMPG program has a fifty percent (50%) Federal and a fifty percent (50%) Non-Federal Cost Match requirement

8. The Sub-Recipient agrees to use the Nebraska Grant Management System (GMS) for all financial transactions and tracking for the EMPG grant from NEMA, www.nebraskagms.com .

9. Prior to disbursement of any FY2017 grant funds, the sub-recipient will have:

A. The current and approved County Local Emergency Operation Plan (LEOP)
B. NIMS report that has been completed and submitted to NEMA Training Section for 2018

10. County/Counties located within a Region will not be allowed to receive any FY2019 grant funds for projects located with the county/counties, if the county/counties is/are not current on prior and current year DHS/FEMA/NEMA program requirements. The sub-recipient is not allowed to receive or expend funds in support of non-compliant county/counties within the Region.

11. Notwithstanding any other agreement provisions, the parties hereto understand and agree that NEMA's obligations under this agreement are contingent upon the receipt of adequate funds to meet NEMA's liabilities herein. NEMA shall not be liable to the Sub-Recipient for costs under this agreement which exceed the amount specified in the *Notice of Sub-Recipient Award*.

12. ***Micro-Purchase*** *(2CFR, Part 200.67)* – means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-Purchase procedures comprise a sub-set of a Non-Federal entity's small purchase procedures. The Non-Federal entity uses such procedures in order to expedite the completion of its lowest dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48CFR, Sub-Part 2.1 (Definitions). It is $3,000, except as otherwise discussed in Sub-Part 2.1 of the regulation, but this threshold is periodically adjusted for inflation.

13. *All Purchase above the $3,000 Micro-Purchase limit* – are procurement transactions that must be conducted in a manner providing for full and open competition, and quotations are obtained from an adequate number of sources.

14. Administration of the grant will be accomplished through the Nebraska GMS website:

www.nebraskagms.com .

15. 2CFR, Part 200.501: The Sub-Recipient must prepare and submit quarterly requests for reimbursement with their quarterly narrative report to NEMA for the duration of the grant performance period, on the dates set by NEMA, or until all grant activities are completed and the grant is formally closed. The Sub-Recipient may also be required to submit additional information and data requested by NEMA. Sub-Recipients must submit their documentation in a timely manner as outlined by grant guidance. Should your request come in later (an additional two quarters or more) than the quarterly due date, **you will forfeit reimbursement for those goods and services, since they are outside the quarter for their submission**.

16. The Sub-Recipient agrees to comply with all *Reporting Requirements* inclusive of submittal deadlines, and shall provide such information as required to NEMA for reporting as noted in the 2018 Federal Grant Guidelines. The jurisdiction is required to complete and submit the *Biannual Strategy Implementation Report (BSIR)* each July 15th and January 15th until the end of the grant. **The report will included a narrative summary on the projects in each program and program's progress.** A final BSIR is due 90 days after the end of the grant award period. The BSIR is accessed through the online *Grant Reporting Tool (GRT)* at: www.reporting.odp.dhs.gov . **Failure to complete the BISR and/or the EMPG Quarterly Reports is considered non-compliance with the grant guidance, and may result in grant funds being suspended or terminated.**

17. Per 2CFR, Chapter1, Part 170: NEMA will send the Sub-Recipient the *Federal Funding Accountability and Transparency Act (FFATA)* form that must be completed, signed, and returned to NEMA by the date specified in the cover letter to meet the FFATA reporting deadline for the 2018 EMPG grant.

18. NEMA may perform periodic reviews of Sub-Recipient performance of eligible activities and approved projects. These reviews may include, without limitation: performance of on-site visits or desk reviews, compliance and program monitoring – including inspection of all grant related records and items; comparing actual sub-recipient activities to those approved in the sub-award application and subsequent modifications if any; ensuring that advances have been disbursed in accordance with applicable guidelines; confirming compliance with grant assurances; information provided on performance reports and payment requests; needs and threat assessments and strategies.

19. Per 2CFR 200.338 – Remedies for Non-Compliance: If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

(a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.

(b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(c) Wholly or partly suspend or terminate the Federal award.

(d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).

(e) Withhold further Federal awards for the project or program.

(f) Take other remedies that may be legally available.

20. Per 2CFR 200.213 – Suspension and Debarment: Non-Federal entities and contractors are subject to the non-procurement debarment and suspension regulation implementing Executive Order 12549 and 12689, 2CFR, Part 180. These regulations restrict awards, sub-awards, and contracts, with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. The Sub-Recipient agrees to check the listing on www.sam.gov prior to doing business with a vendor or contractor, and to retain a screen-shot of the check in their records.

21. The Sub-Recipient agrees to retain all grant records for this, and any Federal grants, for three (3) years after they are notified by NEMA that the grant has been closed by DHS/FEMA.

22. The Sub-Recipient understands and agrees that it cannot use any Federal Funds, either directly or indirectly, to Lobby in support of the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government.

23. When implementing the DHS/FEMA funded activities, the sub-recipient must comply with all Federal Civil Rights Laws, to include – Title VI of the Civil Rights Act, as amended. The sub-recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting *Grant Programs Directorate (GPD)* funded activities.

24. All Recipients of financial assistance will comply with the requirements of:

a. Drug Free Workplace Act of 1988 (41 USC 701 et seq.)

b. Trafficking Victims Protection Act of 2000, as amended (22 USC 7104), located in 2CFR Part 175

c. Title I, II, and III of the Americans with Disabilities Act of 1990

d. Age Discrimination Act of 1973 (40 USC 6101 et seq.)

e. Title IX of the Education Amendments of 1972 (44 CFR Part 19)

f. Rehabilitation Act of 1973 (29 USC 794)

g. Limited English Proficiency, Executive Order 13166

h. Animal Welfare Act of 1966 (7 USC 2131 et seq.)

i. Clean Air Act of 1970 and Clean Water Act of 1977 (42 USC 7401), and Executive Order 11738

j. USA Patriot Act of 2001, which amends 18 USC 175-175C

k. Civil Rights Act of 1964 – Title VI

If, during the past three years, the sub-recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or

familial status, the sub-recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to **NEMA** by mail to the **Grant Manager's attention at: 2433 NW 24th Street, Lincoln, NE 68524**. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the sub-recipient, or the sub-recipient settles a case or matter alleging such discrimination, sub-recipients must forward a copy of the complaint and findings to NEMA by mail at the address listed above.

25. Dues and Conference registration fees will only be paid for the following organizations:

A. Nebraska Association of Emergency Managers
B. Nebraska Infrastructure Protection Conference
C. Nebraska EMT Association
D. Nebraska Hazardous Materials Association
E. Nebraska Fire School
F. Nebraska Association of County Officials
G. International Association of Emergency Manager
H. Other Associations with **direct ties** to Emergency Management like the Nebraska Floodplain and Storm Water Association (tied to the Hazard Mitigation Program)

26. The Sub-Recipient will not be reimbursed by EMPG funds for meals or lodging when travelling to meetings, conferences, or trainings. Mileage will be paid if recorded as defined in the grant application and submitted with the quarterly reimbursement request.

27. Allowable equipment categories are listed in the Grant Guidance package as categories 4, 5, 6, 7, 10, 11, 12, 14, 19, and 21. Besides being allowable, equipment must also be necessary, reasonable, and applicable to the Emergency Management Program. 2CFR 200.33 defines equipment as "tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level establish by the non-Federal entity for financial statement purposes, or $5,000." In this case, the capitalization threshold for equipment would be the established State level of $1,500.

28. The Sub-Recipients are required to provide the *Authorized Equipment List (AEL)* numbers for all equipment purchased with grant awarded funds. For any item requiring an *Environmental & Historic Preservation (EHP) review*, payment will not be made if the invoiced date is prior to the EHP approval, or if there is no EHP approval on file.

29. Repair and replacement parts may only be purchased for equipment that has been purchased using DHS/FEMA preparedness grant funding.

30. No communication equipment can be purchased until approved by NEMA Communications Specialist.

31. Title to equipment costing $5,000 or more, and acquired by the sub-recipient with funds provided under this award shall vest in the sub-recipient. When the equipment is no longer needed by the sub-recipient, and the per unit fair market value is less than $5,000, the sub-recipient may retain, sell, or dispose of the equipment with no further obligation to NEMA. If, on the other hand, the per- unit fair

market value is $5,000 or more, then the sub-recipient must submit a written request to NEMA for disposition instructions.

32. The sub-recipient agrees to cooperate with an assessment, national evaluation efforts, information, or data collection requests, including but not limited to; the provision of any information required for the assessment or evaluation of any activities within this project.

33. To the extent that sub-recipients of a grant use contractors or sub-contractors, such recipients shall use small, minority, women owned, or disadvantaged business concerns and contractors or sub-contractors to the extent practicable.

34. Sub-Recipients must maintain an updated inventory of equipment purchased through this grant program. The approved *Inventory Record* template is available at: www.nebraskagms.com , or https://nema.nebraska.gov/preparedness/grants .

35. All Communications projects involving towers and tower buildings cannot be ordered until the EHP is approved by DHS/FEMA. NEMA will coordinate the approval process, and the sub-recipient agrees to provide all documents as required.

36. The Sub-Recipient shall not undertake any project having the potential to impact the EHP resources **without the prior approval of DHS/FEMA**, including, but not limited to: communications towers; physical security enhancements; new construction; and modifications to building, structures, and objects, that are fifty (50) years old or older, or as indicated by the AEL list. Sub-Recipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with the EHP requirements. If ground disturbing activities occur during project implementation, the sub-recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the sub-recipient will immediately cease construction in that area and notify DHS/FEMA, and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a **non-compliance finding and will not be eligible for DHS/FEMA funding**.

I have read and understood the Special Conditions for the 2019 EMPG Grant.

_____

Signature of Jurisdiction Official

_____

Date signed

	Staff Lead	Sean Flowerday	Christa Yoakum	Deb Schorr	Roma Amundson	Rick Vest
Fiscal Accountability Priorities						
Increase County Cash Reserves	D. Meyer	X				
Expand County Fleet Program	R. Walla				X	
Miscellaneous Expenses Policy	???				X	
Increase Usage of Enterprise Rental Car Program	R. Walla				X	
Establish Retirement Committee as Standing Committee	K. Eagan	X				
County Infrastructure Priorities						
Facility Study for County Engineering Buildings	P. Dingman			X	X	
Fund for Roads and Bridges Crisis	???	X			X	
Good Governance Priorities						
Draft and Implement County-wide Strategic Plan	New CAO	X			X	
Write County Task Force SOP's	D. Cary	X				
Create a County Central Code	K. Eagan	X				
Fee and Fine Reform Grant	A. Ames	X				
Annual Report (Rolling Report?)	A. Ames					
Monthly Updates from Planning and IS Depts	K. Eagan					
On-board new CAO	K. Eagan	X		X		
Leadership Academy	A. Ames			X		
Establish New Employee Onboarding Program	D. Schorr			X		
Establish Realtor Association Legislative Committee as Standing Committee	R. Amundson				X	
Technology Upgrades/Improvement Priorities						
CJIS Construction and Implementation	T. Duncan	X				
County-wide Implementation of Pay Roll Software	D. Meyer	X				
Legislative Priorities						
24/7 Drug Testing	Kissel Kohout	X				
Mental Health Shared Information	Kissel Kohout	X				
Bridge Bonding	Kissel Kohout	X				
Mental Health Advance Directives	Kissel Kohout	X				
Funding for Adult Criminal Justice Reform and Bond Reform	Kissel Kohout	X				
Funding for Juvenile Justice Reform	Kissel Kohout	X				
Property Tax Relief	Kissel Kohout	X				
Criminal Justice Reform Priorities						
Examine Internal Lower Incarceration Efforts	S. Flowerday	X				
Examine Internal Lower Incarceration Efforts for Females	D. Schorr			X		
SAMHSA Learning Collaborative	D. Schorr			X		
Stepping Up Summit	D. Schorr	X		X		
Sherriff Body Camera Program	T. Duncan	X				
Inclusive Community Priorities						
Work with City of Lincoln to secure Welcoming Community certification	C. Yoakum			X		
Reinstating the Lincoln/Lancaster Women's Commission	C. Yoakum	X				
Adding Additional VBM Drop Boxes	S. Flowerday	X		X		
Successful 2020 Census Promotions	S. Flowerday	X				
My City Academy - Ready to Run Initiative	C. Yoakum			X		
County Inclusive Benefits Policy	S. Flowerday	X				
Safe Community Priorities						
Norris School EMS Coverage	D. Schorr	X		X		
Establish Mutual-Aid Meeting as Standing Committee	R. Amundson			X	X	
Human Service Priorities						
Increase Human Service JBC Funding	S. Flowerday	X				
Explore Expanded Home Visiting Program to Combat Childhood Trauma	S. Flowerday	X				
County Employee Priorities						
County Employee Prescription Drug Initiative	D. Schorr	X		X		