

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
THURSDAY, APRIL 2, 2020
VIEWING AVAILABLE VIA YOUTUBE
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; and Dan Nolte, County Clerk

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on April 1, 2020.

The Chair called the meeting to order at 8:38 a.m. and announced the Open Meetings Act is available at Neb. Rev. Stat. § 84-1401-1414.

AGENDA ITEM

1. APPROVAL OF STAFF MEETING MINUTES FOR MARCH 26, 2020

MOTION: Schorr moved and Yoakum seconded approval of the March 26, 2020 Staff Meeting minutes. Schorr, Amundson, Yoakum, Vest and Flowerday voted yes. Motion carried 5-0.

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

Kohout provided a weekly report noting the Legislature is in recess until further notice. He is working with Douglas County to determine additional corrections costs related to the COVID-19 crisis. Assistance was also provided from Brad Johnson, Corrections Director; Kim Etherton, Community Corrections Director; and Sheli Shindler, Youth Services Center Director.

3. COVID-19 INSURANCE RELATED ISSUES – Sue Eckley, County Risk Manager; and Tom Champoux, UNICO President

Eckley said there could be Worker's Compensation claims filed by employees working from home during the pandemic.

Champoux said this situation – Worker's Compensation claims arising as employees telework - is new ground and claims will be investigated as they occur. Regarding insurance carriers covering relocation expenses, it is not likely as the situation is not similar to the destruction of a building due to fire or natural disaster.

Eckley and Champoux said that there will be a protocol for filing a Worker's Compensation claim for those working from home.

DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

Amundson said she believes the Board should stay focused on their list of priorities and revisit them once the pandemic is over. Ames noted the list the Board has is not the current list and that she will provide them with the updated version. Regarding the 2020 Census, Flowerday noted Lancaster County has a 45% self-reporting rate as of April 1st which is higher than the State rate of 43%.

4. **HUMAN RESOURCES POLICY BULLETIN NO. 2020-2 (PANDEMIC LEAVE; EMERGENCY PAID SICK LEAVE; AND EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION)** – Kristy Bauer, Deputy County Attorney; David Derbin, Deputy County Attorney; and Doug McDaniel, Human Resources Director

Bauer explained that the new bulletin mirrors the federal regulations which went into effect on April 1. Leave previously granted by the County to 19 employees will not be impacted. She noted that new employees only have to be employed and working 30 days before they qualify for the leave. Bauer added that the Board can exempt certain workers from the leave policy.

Sheriff Terry Wagner expressed concern that if his staff is covered under this policy, it could result in up to 12 weeks of leave per person making it very challenging for the office to accomplish essential duties.

Flowerday asked if the Board wants to leave the policy as is, with it ending March 31st, or if they want to provide an additional 80 hours of coverage. Currently only the 19 employees who used the pandemic leave during March are eligible for up to 240 hours of leave with the federal policy that became effective April 1st.

Eagan reviewed responses from various department heads regarding their concerns with the policy (Exhibit 1). He noted Brad Johnson, Corrections Director, Scott Etherton, Mental Health Crisis Center Director, and Sheli Shindler, Youth Services Center Director, all expressed concerns about expanding the number of leave hours and the impact that would have on staffing levels. James Davidsaver did not have concerns as his staff can work remotely and volunteers are available to assist.

The consensus of the Board was to exempt first responders from coverage under the updated policy.

Bauer said the policy will be discussed by the County Personnel Policy Board on Monday and, if approved, it will be on the County Board agenda for action on Tuesday.

5. **BREAK**

The meeting was recessed at 10:10 a.m. and reconvened at 10:17 a.m.

6. **COVID-19 UPDATE AND RESPONSE**

Eagan noted the challenges of citizens being able to speak to the County Board when meetings are conducted by Zoom. He said allowing public comment is not a requirement for each meeting. A room with a screen for viewing the meeting as well as a copy of the agenda and items under consideration must also be made available for public inspection.

A. Resolution No. R-20-0018, Amending resolution No. R-20-0016, to Authorize the County Board to Suspend Public Speaking at County Board Meetings During a Declared Emergency

A redlined copy of the document was previously distributed (Exhibit 2).

MOTION: Schorr moved and Amundson seconded approval of Resolution No. R-20-0018. Vest, Schorr, Amundson, Yoakum and Flowerday voted yes. Motion carried 5-0.

B. Resolution No. R-20-0019, Suspending Public Speaking at County Board Meetings During the COVID-19 Emergency Pursuant to Resoluition R-20-0018

MOTION: Schorr moved and Vest seconded approval of Resolution No. R-20-0019. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.

C. County Board Representation at Incident Command Meetings

Flowerday and Ames have been attending the daily 8:00 a.m. meetings which are coordinated by Lincoln Fire and Rescue. Representatives from the Sheriff's Office and County Corrections also attend.

For the 9:00 a.m. meeting, it was the consensus that Ames should represent the Board.

Schorr asked if an appeal process should be created for any emergency leave issues that might arise. Eagan said those would be handled by the Personnel Policy Review Board.

Flowerday informed the Board that he has been contacting departments and agencies on Fridays to find out what needs they may have during the pandemic.

7. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

Item moved forward on agenda.

8. SCHEDULE OF BOARD MEMBER MEETINGS

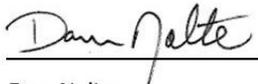
Informational only.

9. EMERGENCY ITEMS

There were no emergency items.

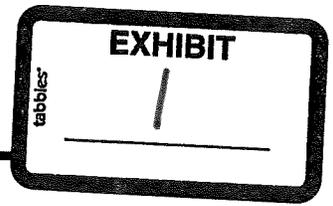
10. ADJOURNMENT

MOTION: Schorr moved and Amundson seconded to adjourn the meeting at 10:45 a.m. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





Cori R. Beattie

From: Kerry P. Eagan
Sent: Thursday, April 02, 2020 8:52 AM
To: Sean H. Flowerday; Rick W. Vest; Deb E. Schorr; Roma B. Amundson; Christa G. Yoakum
Cc: Dan F. Nolte; Cori R. Beattie; Leslie E. Brestel; Ann E. Ames
Subject: FW: Emergency Responder Exemption
Attachments: 20200402074622333.pdf

Attached are responses from Brad Johnson, Jim Davidsaver, Terry Wagner, Scott Etherton, and Sheli Schindler. I have not yet received a response from Pam Dingman.
-kpe

From: Kerry P. Eagan
Sent: Tuesday, March 31, 2020 3:05 PM
To: Terry T. Wagner <twagner@lanaster.ne.gov>; Pamela L. Dingman <PDingman@lanaster.ne.gov>; Bradley L. Johnson <bjohnson@lanaster.ne.gov>; Sheli Schindler <mschindler@lanaster.ne.gov>; James Davidsaver <JDavidsaver@lanaster.ne.gov>; Scott E. Etherton <setherton@lanaster.ne.gov>
Cc: Kristy R. Bauer <KBauer@lanaster.ne.gov>; David A. Derbin <DDerbin@lanaster.ne.gov>; Ann Ames (AAmes@lanaster.ne.gov) <AAmes@lanaster.ne.gov>
Subject: Emergency Responder Exemption

Greetings,

At this Thursday’s Staff Meeting on April 2, 2020 the County Board will be addressing the 3 questions listed below regarding Human Resources Policy Bulletin 2020-2 (copy attached). Questions 2 and 3 deal with the authority of the County Board to exclude “emergency responders” from Emergency Family and Medical Leave and Emergency Paid Sick Leave. Your department has employees who qualify as emergency responders. To help the Board make informed decisions on these questions, please respond to this email to give your position on whether employees in your department who qualify as emergency responders should be excluded from receiving Emergency Family and Medical Leave and/or Emergency Paid Sick Leave under HR Policy Bulletin 2020-2. I will share this information with the Board at the Staff Meeting.

We recognize that how the new federal legislation affects HR Policy Bulletin 2020-2 is extremely complicated, so don’t hesitate to contact me if you have any questions about this request.

Questions for the County Board regarding Human Resources Policy Bulletin No. 2020-2

1. Beginning April 1, 2020, an employee who is subject to an isolation order is eligible for 80 hours of Emergency Paid Sick Leave. In the event the employee exhausts the 80 hours of Emergency Paid Sick Leave and continues to be subject to an isolation order, does the County Board wish to provide an additional 80 hours of paid Pandemic Leave? Please note that the employee was entitled to 80 hours of paid Pandemic Leave for the period March 16th through March 31st.
2. The Emergency Family and Medical Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, “emergency responder” means employees who are necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19, and includes law enforcement officers, correctional institution personnel, emergency management personnel, public works personnel, public health personnel, and employees with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities

employing these individuals and whose work is necessary to maintain the operation of the facility. Does the County Board wish to exclude any or all of those emergency responders from Emergency Family and Medical Leave?

3. The Emergency Paid Sick Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, “emergency responder” has the same meaning as provided above. Does the County Board wish to exclude any or all of those emergency responders from Emergency Paid Sick Leave?

Kerry P. Eagan
Chief Administrative Officer
Lancaster County Board of Commissioners
County-City Bldg.
555 S. 10th Street, Rm 110
Lincoln, NE 68508
Telephone: (402) 441-7447 Direct (402) 441-6865
email: keagan@lancaster.ne.gov

The mission of the Lancaster County Board is to provide sustainable governmental services for a safe, healthy and diverse community.

Kerry P. Eagan

From: Bradley L. Johnson
Sent: Tuesday, March 31, 2020 3:50 PM
To: Kerry P. Eagan
Subject: RE: Emergency Responder Exemption

As I have said, I would recommend taking the exemption on the FMLA portion of this for child care. This is a significant amount of available leave. I understand this can be a hardship, I raised three kids with a spouse who worked full time as well. When these employees are gone somebody else has to work for them. For those employees who decide to continue to work they will need to find child care for their shift and then for the shift they got held over for. Many of my officers are younger and in the age group of people who are raising families. This could be a major impact.

I do not believe we should be giving anymore more sick leave than what is authorized by the Federal legislation. We as an employer give significantly more leave than anybody I know on the private sector. These are the reasons we give 104 hours a year in sick leave.

Because we will have the ability to have essential staff tested in the near future I would support giving employees the original 80 hours of emergency sick leave. So far all of my staff who have used this leave have been for symptoms and then their Dr. ordered them quarantined. That can quickly get excessive. If I can get them tested and rule out COVID 19, I can get them back to work much faster. This would also provide some protection to those who are new and don't have any sick leave to use.

I understand the emotional desire to provide as much leave and benefit to our work force. I struggle with labor decision all the time in which my heart is telling me to make a decision in the best interest of the employee. However, as the manager I have to make tough decisions that are based on the needs of the department, county and tax payers as well.

I can tell you that I believe our department is ready for just about any outcome the pandemic can deliver as long as I have staff members showing up to work.

Sincerely,

Brad Johnson
Director
Lancaster County Department of Corrections



From: Kerry P. Eagan <KEagan@lancaster.ne.gov>
Sent: Tuesday, March 31, 2020 3:05 PM
To: Terry T. Wagner <twagner@lancaster.ne.gov>; Pamela L. Dingman <PDingman@lancaster.ne.gov>; Bradley L. Johnson <bjohnson@lancaster.ne.gov>; Sheli Schindler <mschindler@lancaster.ne.gov>; James Davidsaver <JDavidsaver@lancaster.ne.gov>; Scott E. Etherton <setherton@lancaster.ne.gov>
Cc: Kristy R. Bauer <KBauer@lancaster.ne.gov>; David A. Derbin <DDerbin@lancaster.ne.gov>; Ann E. Ames

Kerry P. Eagan

From: James Davidsaver
Sent: Wednesday, April 1, 2020 11:15 AM
To: Kerry P. Eagan
Subject: RE: Emergency Responder Exemption

Kerry,

Exclusion should not be an issue for Emergency Management.

Regardless of the board's decision to exclude 'emergency responders' from the Emergency Family Medical and Leave Act and/or the Emergency Paid Sick Leave Act, Emergency Management will be able to fulfill its operational responsibilities.

Thank you.

Jim D.

Jim Davidsaver, Director
Lincoln-Lancaster County Emergency Management
1200 Radcliff, Suite 200
Lincoln, NE 68512
(402) 441-7441
jdavidsaver@lancaster.ne.gov



From: Kerry P. Eagan <KEagan@lancaster.ne.gov>
Sent: Tuesday, March 31, 2020 3:05 PM
To: Terry T. Wagner <twagnèr@lancaster.ne.gov>; Pamela L. Dingman <PDingman@lancaster.ne.gov>; Bradley L. Johnson <bjohnson@lancaster.ne.gov>; Sheli Schindler <mschindler@lancaster.ne.gov>; James Davidsaver <JDavidsaver@lancaster.ne.gov>; Scott E. Etherton <setherton@lancaster.ne.gov>
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Kerry P. Eagan

From: Terry T. Wagner
Sent: Wednesday, April 1, 2020 3:28 PM
To: Commish
Cc: Kerry P. Eagan
Subject: FW: Emergency Paid Sick Leave

Dear Commissioners,

Several questions arose regarding the County's Emergency Paid Sick Leave Policy and whether or not Emergency Responders should be exempted from this policy. Just so I don't get confused, the Emergency Sick Leave Policy is from Lancaster County; the Emergency Sick Leave Act and Emergency Family and Medical Leave Act are federal.

Emergency Responders (specifically Sheriff's employees, [not just deputies]) should be excluded from the Acts for the following reasons;

Allowing our employees to take 12 weeks of paid Emergency Family and Medical Leave to care for a child who is out of school or day care because of the COVID-19 pandemic could severely hinder our ability to provide law enforcement services to the citizens of Lancaster County, namely our staffing levels could be reduced below our minimum acceptable level. I need to be able to mandate employees report for duty when the need arises.

In spite of what I wrote above, Sheriff's Employees who test positive for COVID-19 or are caring for a house hold member SHOULD be given up to 80 hrs of paid sick leave, especially if is suspected to have been infected while on duty. It just doesn't seem fair to exempt our employees from this provision, while other non-Emergency employees would receive the 80 hrs. Non-Emergency employees are able to maintain distance from their customers or close their offices altogether and not have contact with the public. Although we can reduce our public contact, we simply cannot shut down our public counter. For example, we have several thousand sex offenders annually who are still required by law to come to our offices to register or verify their information. The chances of our (Sheriffs) employees getting infected are probably the highest of any group of employees in the county.

Sheriff Terry Wagner

Kerry P. Eagan

From: Scott E. Etherton
Sent: Wednesday, April 1, 2020 5:11 PM
To: Kerry P. Eagan
Subject: RE: Emergency Responder Exemption

From: Kerry P. Eagan <KEagan@lanaster.ne.gov>
Sent: Tuesday, March 31, 2020 3:05 PM
To: Terry T. Wagner <twagner@lanaster.ne.gov>; Pamela L. Dingman <PDingman@lanaster.ne.gov>; Bradley L. Johnson <bjohnson@lanaster.ne.gov>; Sheli Schindler <mschindler@lanaster.ne.gov>; James Davidsaver <JDavidsaver@lanaster.ne.gov>; Scott E. Etherton <setherton@lanaster.ne.gov>
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I have not had an employee use any time related to themselves or caring for another person. I had one employee use 24 hours for child care. Did the initial 80 hours only cover till April 1st, maybe county office staff has used some of this time? Our community has not yet seen the worst and the vast majority of my staff has been working in this initial stage without using any time. Is so there could be some parity. The amount of sick and vacation time is fairly generous but in my environment some use the majority of their time.

2. The Emergency Family and Medical Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, "emergency responder" means employees who are necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19, and includes law enforcement officers, correctional institution personnel, emergency

management personnel, public works personnel, public health personnel, and employees with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. Does the County Board wish to exclude any or all of those emergency responders from Emergency Family and Medical Leave?

One issue is that in my understanding that this act allows for persons to utilize FMLA for issues of childcare. I think this is too broad of an allowance and could lead to difficulty in being able to adequately staff my shifts at the MHCC. It will be difficult enough to find coverage for those who may become ill rather than opening it up to those who could be able to work.

3. The Emergency Paid Sick Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, "emergency responder" has the same meaning as provided above. Does the County Board wish to exclude any or all of those emergency responders from Emergency Paid Sick Leave?

I think my staff should be afforded the benefits that others are receiving.

I employ over 20 on-call technicians and have been utilizing several on a full time basis lately. They are not included in this act. As I stated in my Director presentation I will look to making some of those hours to a full time position.

Scott E. Etherton

Kerry P. Eagan
Chief Administrative Officer
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email: keagan@lancaster.ne.gov

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Kerry P. Eagan

From: Sheli Schindler
Sent: Thursday, April 2, 2020 7:31 AM
To: Kerry P. Eagan
Subject: RE: Emergency Responder Exemption

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Kerry P. Eagan" <KEagan@lancaster.ne.gov>
Date: 4/2/20 7:17 AM (GMT-06:00)
To: Sheli Schindler <mschindler@lancaster.ne.gov>
Subject: FW: Emergency Responder Exemption

From: Kerry P. Eagan
Sent: Tuesday, March 31, 2020 3:05 PM
To: Terry T. Wagner <twagner@lancaster.ne.gov>; Pamela L. Dingman <PDingman@lancaster.ne.gov>; Bradley L. Johnson <bjohnson@lancaster.ne.gov>; Sheli Schindler <mschindler@lancaster.ne.gov>; James Davidsaver <JDavidsaver@lancaster.ne.gov>; Scott E. Etherton <setherton@lancaster.ne.gov>
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No

2. The Emergency Family and Medical Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, "emergency responder" means employees who are necessary for the provision of transport, care, health care, comfort, and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19, and includes law enforcement officers, correctional institution personnel, emergency management personnel, public works personnel, public health personnel, and employees with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. Does the County Board wish to exclude any or all of those emergency responders from Emergency Family and Medical Leave?

Yes for the continued effective operations to continue

3. The Emergency Paid Sick Leave Act allows employers to exclude an employee who is an emergency responder from the provisions of the Act. For purposes of this legislation, "emergency responder" has the same meaning as provided above. Does the County Board wish to exclude any or all of those emergency responders from Emergency Paid Sick Leave?

Yes see above

Kerry P. Eagan

Chief Administrative Officer

Lancaster County Board of Commissioners

County-City Bldg.

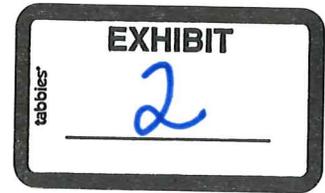
555 S. 10th Street, Rm 110

Lincoln, NE 68508

Telephone: (402) 441-7447 Direct (402) 441-6865

email: keagan@lancaster.ne.gov

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA



IN THE MATTER OF AMENDING)
THE OPEN MEETINGS POLICY FOR)
THE LANCASTER COUNTY BOARD)
OF COUNTY COMMISSIONERS, THE)
LANCASTER COUNTY BOARD OF)
EQUALIZATION, THE LANCASTER)
COUNTY BOARD OF)
CORRECTIONS, AND ALL)
LANCASTER COUNTY TASK)
FORCES AND ADVISORY)
COMMITTEES)

RESOLUTION NO. _____

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, ("Board") believes that its meetings should be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at such meetings; and

WHEREAS, the Board formally enacted an open meetings policy that will ensure that all citizens are afforded every opportunity to appear before and address the Board, the Lancaster County Board of Equalization, and the Lancaster County Board of Corrections ("the Boards") at their respective meetings;

WHEREAS, on February 13, 2018, the Board adopted its policy by County Resolution No. R-18-0011, which was later amended by: County Resolutions No. R-19-0004 and R-20-0016; and

WHEREAS, the Board desires to revise the policy to ~~include all task forces and advisory committees established by the Board, set a time limit for applicant testimony at public hearings, and to define the process to defer or withdraw items placed on the Board's regular Tuesday meeting agendas~~ provide for the temporary suspension of public speaking at meetings during a declared emergency.

NOW, THEREFORE, BE IT RESOLVED, by the Board, as follows:

1. POLICY STATEMENT

It is hereby declared to be the policy of the Board that every meeting of the Boards, and every meeting of all task forces and advisory committees established by the Board, shall be open to the public except as otherwise provided by law, in order that citizens may exercise their democratic privilege of attending and speaking at meetings of the Boards; and at meetings of task forces and advisory committees established by the Board.

2. MEETING DEFINED

Meeting shall mean all regular, special, or called meetings, formal or informal of the Boards, and all meetings of task forces and advisory committees established by the Board, for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of action. Meeting as herein defined shall include, but is not necessarily limited to, all regularly or specially called meetings of the Boards; and task forces and advisory committees established by the Board; furthermore, meeting shall include all staff meetings of the Board that are presently being held each Thursday morning.

a. Regular Tuesday Meetings

The main meetings of the Board shall be held on Tuesday mornings at 9:00 a.m. Any matters to be considered by the Board may be heard at these meetings. The Tuesday meetings are intended to be formal in nature, and the types of actions taken by the Board shall include but not be limited to the following: consideration of all claims against Lancaster County ("County"), official adoption of all resolutions and policies of the County, execution of contracts, and the general exercise of the legislative and quasi-judicial powers of the Board.

Regular meetings of the Lancaster County Board of Equalization shall be held in conjunction with the Tuesday meetings of the Board, typically on the first and third

Tuesday of each calendar month, and additional meetings shall be held as deemed necessary by the Lancaster County Board of Equalization.

b. Staff Meetings

The Board shall conduct a staff meeting on Thursday mornings at 8:30 a.m., and as deemed necessary by the Board. The main purpose of the staff meetings is to provide an informal forum for briefing the Board on issues facing the County and for in depth discussion of public business by the Board. The structure of these meetings shall be designed to encourage the free flow of information and extensive dialogue between the Board and individuals scheduled on the agenda, as well as among Board members. Topics of discussion shall be limited to items on the agenda, and any items of an emergency nature added at the meetings in accordance with this Policy.

The staff meetings shall serve as a forum for receiving reports and information from County directors and elected officials, staff members, officials from other governmental entities, and any other individuals who can provide information that will assist the Board in the formation of public policy and the efficient administration of County government. Reports from Board members regarding committee meetings and other Board-related activities shall also be presented at the staff meetings.

Although the main purpose of the staff meetings shall be the gathering and dissemination of information by the Board, limited actions consistent with this purpose and which further the open and efficient administration of County government will be taken by the Board at staff meetings. Generally, such actions will be ministerial in nature and will involve the administration of existing policies and contracts, rather than their formal adoption.

Meetings of the Lancaster County Board of Corrections shall be held quarterly on

an annual basis and shall be scheduled in conjunction with the Thursday Staff Meetings of the Board.

c. Task Forces and Advisory Committees

From time to time the Board will establish a task force to study a specific issue and to present a final report to the Board. The Board has also established various advisory committees which provide information and advice to assist the Board in making decisions and formulating public policy. Such task forces and advisory committees are defined as public bodies under the Open Meetings Act, NEB. REV. STAT. §§ 84-1407 through 84-1414, and all meetings of such task forces and advisory committees shall be held in strict compliance with the Open Meetings Act.

3. AGENDAS

Each of the Boards shall give reasonable advance publicized notice of the time and place of its meetings, and shall transmit notice of the meetings to the public, by posting copies of the agendas on the Lancaster County website and on the bulletin board located in the entry way of the County-City Building and outside the County Commissioners' Offices. In addition, the Lancaster County Clerk ("Clerk") shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide notice to them of each of the Boards' meetings. The Clerk's responsibilities set forth under this paragraph shall not apply to task forces and advisory committees established by the County Board. The notice also shall be transmitted to all members of the Boards. The notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection in the offices of the Board and the Clerk during normal

business hours

Agendas for the Tuesday meeting shall typically be posted not later than the Friday immediately preceding the meeting. The agenda for the regular Tuesday meetings shall be prepared by the Clerk, subject to the authority of the Board as to the final form and content of the agenda. The Board will work with the Clerk to resolve any disagreement with respect to the final form of the agenda. The deadline for submitting items to the Clerk for placement on the agenda of the Board's regular Tuesday meeting shall be 4:30 p.m. on the Thursday immediately preceding such meeting, or at such days/times as designated by the Clerk with advance written notice as necessary. Any item requiring legal review shall be submitted to the County Attorney's Office for review before that item may be submitted to the Clerk for scheduling. Items may be added to the agenda after the deadline but more than twenty-four hours before the regular Tuesday meeting only with the consent of a Board member, the Board's Chief Administrative Officer, Deputy Chief Administrative Officer, or the County Attorney. Except for items of an emergency nature, the agenda for any meeting shall not be amended less than twenty-four hours before the scheduled commencement of the meeting.

Routine business items that are expected to be adopted without dissent shall be placed under the "Consent Items" portion of the Board's Tuesday meeting agenda. These items include contracts that have received unanimous approval of a Purchasing Department recommendation at a previous meeting, contract renewals and extensions, right-of-way contracts, utility permits, reports, and grant contracts for grant awards (e.g., Juvenile Justice Prevention Funds, Joint Budget Committee Funds, or Community Aid Funds) that received unanimous approval at a previous meeting. Any individual Consent Item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, Consent

Items not removed for special discussion and consideration will be approved as one with a single vote of the Board.

Any Board agenda item arising out of an application (e.g., applications submitted pursuant to the Zoning Resolution of Lancaster County, amusement license applications, special event permit applications, or liquor license applications) may be withdrawn by the applicant at any time before the Clerk has called the agenda item.

For any Board agenda item that requires a public hearing, the Clerk, following receipt of notice of such an agenda item, shall place on the Board's next Regular Tuesday Meeting agenda under consent an item for the Board to set the time and place of such public hearing. Once the Board has set the time and place of such public hearing, the Clerk shall advertise the time and place and subject matter of such public hearing. The Board will consider an applicant's or a County department's written request for deferral of a public hearing if such request is made prior to the opening of the public hearing. In the event the Board defers a public hearing after the Clerk has advertised the time and place of the public hearing, the Board shall: open the public hearing pursuant to the advertisement; allow all interested persons an opportunity to appear and present testimony and evidence at the public hearing; keep the public hearing open and continue the public hearing at the time and date specified by the Board.

Staff meeting agendas shall be posted not later than twenty-four hours in advance of the meeting. The staff meeting agendas shall be prepared by the Chief Administrative Officer for the Board.

4. EMERGENCY ITEMS

The Board shall have the right to modify its agenda less than twenty-four hours before the scheduled commencement of a meeting to include items of an emergency

nature, provided that the modification is made only at such public meeting and is recorded in the minutes of the meeting as required by law.

The policy of the Board is to conduct all of its meetings in a manner designed to maximize public awareness and input into such meetings, therefore, only items of a true "emergency" nature will be accepted by the Board for placement on its agenda as emergency items.

5. CONDUCT OF MEETINGS

Each meeting herein shall be conducted in strict compliance with the Open Meetings Act of the State of Nebraska, NEB. REV. STAT. §§ 84-1407 through 84-1414.

Roberts Rules of Order shall serve as a procedural guide for all meetings of the Board, but strict adherence to the Rules shall not be required.

The conduct of persons attending and speaking at meetings of the Board shall be governed by the provisions of Exhibit "A", which is attached to this Resolution and incorporated herein by reference, and ~~Ww~~ritten copies of the public participation guidelines reproduced in Exhibit "A" shall be made available to persons attending Board meetings, except when public speaking has been suspended during an emergency declared by the Board. Notwithstanding the foregoing or anything to the contrary in this policy, during an emergency declared by the Board, the Boards temporarily may suspend public speaking at their meetings.

The Lancaster County Sheriff shall serve as the sergeant-at-arms for all meetings of the Board.

a. Minutes

Each of the Boards must keep minutes of all its meetings, showing the time, place, members present and absent, and the substance of all matters discussed. The Clerk or

the Clerk's designee shall prepare and maintain minutes of all meetings of the Boards mentioned herein, but shall not be responsible for preparing and maintaining the minutes of task forces and advisory committees established by the County Board.

Actions taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or non-voting.

The vote to elect leadership within any of the Boards may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days or prior to the next convened meeting, whichever occurs earlier. Minutes of the Tuesday meetings will be considered for approval at the next Tuesday meeting, and minutes of the staff meeting will be considered for approval at the next staff meeting.

The Board will carry as an agenda item on its Tuesday agenda an announcement of the times and locations of all meetings, including staff meetings, that the Board will hold during the week following the meeting at which such announcement is made. The agenda shall also contain a statement that all such meeting agendas shall be kept continually current and available for public inspection in the office of the Clerk and the Board during normal business hours.

6. EXECUTIVE SESSIONS

Any of the Boards may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual

and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons stated in NEB. REV. STAT. § 84-1410(1).

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. Consideration of matters during the closed session shall be restricted to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. Formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators during the closed session.

Any member shall have the right to challenge the continuation of a closed session if the member determines the session has exceeded the reason stated in the original motion to hold a closed session or the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Any of the Boards conducting an executive session may request the presence of the Clerk as an observer-only at an executive session, and may request other persons to attend an executive session when necessary.

7. REVIEW

This Meeting Policy shall be subject to continuous review and update. The Board

shall meet with the Clerk as necessary for the purpose of evaluating how the Policy is working and discussing and adopting any changes that will improve the Policy.

8. RESCISSION

~~Resolution Number 5465, adopted by the Board on March 11, 1997, is hereby repealed.~~

AND BE IT FURTHER RESOLVED, that the foregoing policy shall be effective upon the date of execution of this Resolution, and that this Resolution shall supersede Resolution No. R-~~19-0004~~20-0016 and any previously existing County resolutions on the same subject matter.

Dated this _____ day of _____, 20____

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM

this _____ day of _____,
20__.

For PAT CONDON
Lancaster County Attorney

