

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
THURSDAY, APRIL 16, 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 Leslie Brestel, 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 15, 2020.

The Chair called the meeting to order at 8:32 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 APRIL 9, 2020

MOTION: Amundson moved and Schorr seconded approval of the April 9, 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 and Miller reviewed the weekly legislative update (Exhibit 1).

Regarding the reopening of the Legislature, Kohout stated it may depend on when the financial impact data of the COVID 19 virus is available. Sales tax data may not be available until mid-June.

Kohout discussed the interim studies (Exhibit 1) noting the timeframe for studies may be constrained. Eagan stated he sent a memo to elected officials and department directors for their recommendations. He received responses related to full per diem compensation for youth housed for the State at the Youth Services Center and providing facilities for the Department of Health and Human Services as they existed in 1983. Regarding the latter, Kohout added the Board will need to be mindful of how the State will look at this from a fiscal status.

Schorr suggested the County look at legislation to be able to increase fines and fees due to other reductions in revenue.

Schorr inquired if the League of Municipalities was looking for compensation for law enforcement at a broad level as the County has only discussed it in the context of the regular Workers Compensation plan. Eagan added this was discussed with the insurance broker and Sue Eckley, County Risk Management Director, at the April 9 staff meeting.

Eagan stated he received an email from Cori Beattie, Deputy County Clerk, regarding the possibility of Governor Ricketts waiving face to face Board of Equalization hearings. Lancaster County typically holds property protest hearings in late-June through mid-July. The Board was supportive of phone hearings for property protests.

Beattie will work with the County Attorney's Office to research this more and will report back next week.

3. UPDATED TIMELINE FOR FACILITIES STUDY – Kerin Peterson, Facilities and Properties Director

Peterson reviewed the changes to the facilities study dates (see agenda packet). She noted the work study session had been canceled due to COVID 19. The project is still set to complete on time.

DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Realtors Association Government Affairs Committee – Amundson / Vest

Amundson and Vest reported on how the County and City focused entities are adjusting to current circumstances. The City will also be conducting their meetings via Zoom. Amundson added there is a smaller jail population and two pods have been reserved for quarantine.

B. Public Building Commission – Amundson / Flowerday

Flowerday noted the Hall of Justice redesign is delayed due to manufacturer slowdowns. Additionally, three contracts were approved.

SCHEDULE OF BOARD MEMBER MEETINGS

Schorr stated the April and May Mutual Aid meetings have been cancelled. They are expecting to meet in June.

Amundson asked if the Lincoln Independent Business Association (LIBA) Elected Office Form will be electronic. Vest said last month's meeting was conducted via phone; however, he has not seen any communication regarding the upcoming meeting.

The Chair recessed the meeting at 9:00 a.m. and reconvened at 9:05 a.m.

4. SECOND CHANCE ACT: COMMUNITY- BASED REENTRY GRANT APPLICATION (TOTAL OF \$750,000 FOR 3 ADDITIONAL YEARS) –Kim Etherton, Community Corrections Director

Etherton asked the Board’s permission to submit an application for a community-based reentry grant. In 2017, the Department of Community Corrections was awarded \$2,000,000 for a reentry project and that grant is ending. The requested three-year grant would be to continue implementation of the program. Etherton said an additional three years of data is needed to ensure the program is doing what it is intended. There is no County match for the new grant.

MOTION: Schorr moved and Yoakum seconded to approve Etherton to submit the reentry grant application. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.

DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

Ames and Amundson reviewed the changes to the priorities list (see agenda packet).

Amundson asked how the Public Defender attorneys are meeting with clients at the jail. Flowerday answered there is a room available at the jail for electronic meetings.

OTHER BUSINESS

Schorr noted Joint Budget Committee (JBC) applications need to be completed by Monday.

5. COVID-19 UPDATE AND RESPONSE

A. Vacation Maximums – Doug McDaniel, Human Resources Director; and Kristy Bauer, Deputy County Attorney

McDaniel stated this item is a follow up to the Sheriff’s Office request to allow vacation maximums to be exceeded and carried over during the pandemic. He said there are currently 102 employees at an average rate of pay of \$35.95 that are within 20 hours of the maximum allowed of vacation carryover. At that pay level, the vacation payout would be \$27,868 per pay period. There are 15 pay periods left for a possible total of approximately \$420,000. McDaniel added he was unaware of any vacation requests being denied at this time.

Flowerday asked how many pay periods would be considered. Schorr felt she might be supportive of allowing vacation maximums expanded through May, but not the end of the calendar year.

Amundson inquired if there would be a way to put extra vacation hours in a vacation bank and pay them out at a later date. McDaniel said paying out towards retirement is a plan design issue.

Vest said he did not see a compelling business reason to change the County's current vacation policy.

Yoakum agreed with a limited timespan as mentioned by Schorr.

Flowerday agreed with Vest as the County has incurred unexpected expenses.

McDaniel added if other vacation arrangements were made there are processes that would have to be followed, especially regarding unions and payroll areas. Due to those processes, those may take as long as or longer than an anticipated timeframe.

Amundson was supportive of leaving the vacation policy as it is now.

Schorr reminded the Board that employees have the option to donate their vacation to fellow employees under the catastrophic leave policy.

Eagan stated accumulating 280 hours of vacation is very generous policy and employees donating extra vacation hours to other employees would be in the spirit of the situation.

Pat Lopez, Interim Lincoln-Lancaster County Health Director, reported there are three new cases of COVID 19 in the County, bringing the total to 62 positive cases with 41 of those cases being community acquired. To date, there have been 1,900 negative tests with 9 pending at the public health lab, and an additional 63 individuals are being monitored due to exposure. One individual has died.

Statewide there are 987 cases and 21 deaths. Hall County has the largest number of COVID 19 positive patients at 278 with many of those cases due to a business and a nursing home. The City of Omaha has 263 cases.

Bryan Hospital has four COVID 19 positive patients, while St. Elizabeth has none from Lancaster County. The County has a relationship with critical access hospitals in the area that would be able to care for patients recovering from COVID 19 should the hospitals hit surge numbers. Additionally, the County is working with long-term care entities, the Homeless Coalition, cultural centers and the People's City Mission. The People's City Mission moved 51 residents to another location to reduce the number of individuals at the Mission. There is also a quarantine area at the Mission.

Regarding Personal Protective Equipment (PPE), an electronic system has been developed to allow PPE to be requested and allocated to the highest needs areas. Decontamination units and processes are also in place for PPE to be able to make the most use of the limited supply.

Gowns are the largest shortage of PPE. Lincoln Public Schools (LPS) has individuals working on making gowns. Duncan Aviation is making face coverings.

Lopez said additional testing supplies have been received. She urged members of the public to make an appointment to get tested if they are symptomatic. Testing sites include North Star High School, and Bryan LifePoint. Drive-thru testing is also available at Bryan Health and upcoming through Catholic Health Initiatives (CHI). Flowerday reiterated Lopez's statement to the media.

When asked if there will be an influx of patients from neighboring communities to hospitals in Lancaster County, Lopez stated the surge capacity numbers are based off of a population of 450,000.

Regarding national discussions about antibody tests, Lopez said there are no solid recommendations right now.

Lopez encouraged the Board to contact her with any concerns or questions.

The Board expressed their thanks to the Health Department team.

6. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Lancaster County 2020 Priorities

Item moved forward on agenda.

7. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Realtors Association Government Affairs Committee – Amundson / Vest

B. Public Building Commission – Amundson / Flowerday

Items moved forward on agenda.

8. SCHEDULE OF BOARD MEMBER MEETINGS

Informational only.

9. EMERGENCY ITEMS

There were no emergency items.

OTHER BUSINESS

McDaniel and Bauer were available for the discussion.

Kevin Nelson, Accounting Operations Manager, expressed concern about sick leave and vacation leave accruals while an employee is using leave associated with the pandemic. Employees who took the pandemic and emergency sick leave during the time period between March 16 and April 8 did accrue sick and/or vacation leave.

When the pandemic leave policy was amended in April, the intent of the Board was that employees using the leave would not accrue sick and/or vacation leave. Nelson asked if the change was to be retroactive to March 16th.

Vest and Amundson said the policy should be retroactive to March. Flowerday agreed as long as there were no legal problems. McDaniel and Bauer stated there did not appear to be any legal ramifications. It does have to be considered for retirement purposes due to Internal Revenue Service (IRS) policy. Yoakum added if employees used the pandemic leave it preserves their sick and vacation leave.

Amundson asked how many employees were on pandemic leave in March. Nelson answer approximately 40 employees.

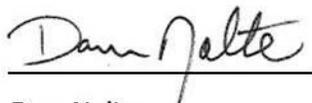
When asked for the fiscal impact of those using pandemic leave in March, Nelson stated it would be a maximum of 12 hours of accruals (4 hours of sick and 8 hours of vacation) per employee. McDaniel added the dollar amount would not be as large as the earlier discussion on vacation maximums.

It was the consensus of the Board that employees who used pandemic leave prior to April 1 would be allowed to accrue sick and vacation leave. Those who use emergency sick leave or emergency medical and family leave on or after April 1 will not accrue sick or vacation hours related to such leave.

Schorr said, at the budget hearings, she would like to hear how the pandemic is impacting the departments.

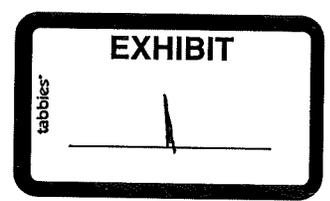
10. ADJOURNMENT

MOTION: Schorr moved and Vest seconded to adjourn the meeting at 10:18 a.m. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





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LEGISLATIVE MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Joseph D. Kohout
Brennen L. Miller

DATE: April 16, 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. Since the last report on April 9, 2020, the Legislature has remained in recess due to COVID-19 concerns. There has been no definitive timetable offered as to when the Legislature will reconvene. In light of the lack of legislative action beyond the scope of LB1198, we have abbreviated our report.

Last week, a letter under the signatures of Chairs Duda, Flowerday and Kelly was sent to the Governor. A copy of that was attached to last week's report for your review. Along with the letter, we received a response from the Governor's Chief of Staff Matt Miltenberger via email acknowledging receipt and indicating they would be getting back to all of us.

Additionally, following last week's request received from the office of Senator Suzanne Geist regarding in-person reporting for those on the sex offender registry, we have been told that Sheriff Wagner was in touch with the constituent requesting information. In a follow up conversation with the senator's staff, we were informed that the constituent was pleased with the quick response from Sheriff Wagner.

Yesterday, in conversations with the League of Nebraska Municipalities, we were made aware that there has been a request from a statewide police bargaining unit to meet to discuss how cities are providing for potential workers compensation in situations where law enforcement are exposed to and test positive for COVID-19. We have been asked by them to obtain information from the County on whether or not there is a process to address this.

As mentioned last week, we would also recommend that we pull together any interim studies in the coming weeks for filing when the Legislature returns. So far, those that have been identified by the Board include a follow up to last years' LR183, potential increasing of fees and fines, and 24/7 sobriety.

This concludes our report for this week.