

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, FEBRUARY 20, 2020
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; and Cori Beattie, Deputy 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 February 19, 2020.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:34 a.m.

AGENDA ITEM

1. APPROVAL OF STAFF MEETING MINUTES FOR FEBRUARY 13, 2020

MOTION: Amundson moved and Vest seconded approval of the February 13, 2020 Staff Meeting minutes. Vest, Amundson and Flowerday voted yes. Schorr and Yoakum were absent. Motion carried 3-0.

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

Schorr arrived at 8:35 a.m.

Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC provided an overview of the weekly legislative report (Exhibit 1), bill information (Exhibit 2) and the hearing schedule (Exhibit 3).

Kohout said debate will continue today on LB974 (Change taxation and school funding provisions), as will bill prioritization. He added that bills heard after the prioritization deadline would likely have little chance of moving this session.

It was noted that Senator Bolz did request a speaker prioritization of LB247 (Adopt the Advance Mental Health Care Directives Act). Kohout suggested a representative contact the Speaker's Office regarding Lancaster County's support.

Yoakum arrived at 8:39 a.m.

Regarding LB744 (Authorize appointment of county engineer in certain counties and change powers and duties), Kohout said the entire Sarpy County delegation signed on to the bill. Kerry Eagan, Chief Administrative Officer, said a legal opinion strongly suggests that once an elective office is created, it

would require a vote of the people to eliminate it. Schorr asked Eagan to forward a copy of the opinion to NACO (Nebraska Association of County Officials).

Kohout said he was not aware of NACO's position on LB1022 (Provide for election of election commissioners in certain counties and change powers and duties). He did not feel the County needed to do anything at this point, nor did he hear anything from Lancaster County Election Commissioner Dave Shively.

Kohout recommended a position of opposition to LB1192 (Limit the total amount reimbursed by the state for homestead exemptions). This would cap homestead reimbursement statewide at \$100,000,000 per fiscal year. Scott Gaines, Deputy Assessor/Register of Deeds, said the cap would be exceeded in either 2020 or 2021.

MOTION: Schorr moved and Amundson seconded to prepare a letter of opposition to LB1192 to be introduced by a Commissioner at next week's hearing. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.

Kohout recommended the County follow NACO's lead and oppose LB1212 (Adopt the Property Tax Request Act). It was noted that LB1213 (Change tax and school funding provisions) has similar provisions to LB1212 but would likely not advance.

Additional discussion followed on LB1022. Schorr felt the County should be out in front of the bill. Flowerday felt the County should oppose it.

MOTION: Yoakum moved and Schorr seconded to oppose LB1022.

Kohout felt this could be done through a letter to the Committee.

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

3. EXECUTIVE SESSION FOR PENDING LITIGATION – Doug Cyr, Chief Deputy County Attorney; Jenifer Holloway, Deputy County Attorney; and Dan Zieg, Deputy County Attorney

MOTION: Vest moved and Schorr seconded to enter Executive Session at 9:02 a.m. for the purposes of protecting the public interest and for discussing pending litigation and receiving legal advice.

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

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

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

MOTION: Amundson moved and Yoakum seconded to exit Executive Session at 9:43 a.m. Vest, Schorr, Amundson, Yoakum and Flowerday voted yes. Motion carried 5-0.

4. P-CARD PROGRAM UPDATE – Robert Walla, City of Lincoln / Lancaster County Purchasing Agent

Bob Walla, City of Lincoln/Lancaster County Purchasing Agent; and Chris Lollar, Purchasing Card (P-Card) Administrator, were present for the discussion.

Walla said Lancaster County's P-Card program is going well. Initial projections were \$2,000,000 in annual P-Card purchases and \$30,000-\$34,000 in rebates. The 2020 estimates are for \$5,300,000 in purchases and \$80,000 in rebates. Walla added that the County's P-Card program has become a leader in the state with Douglas and Sarpy Counties soon to follow. Schorr recommended that Walla make a P-Card presentation at the December NACO Conference.

5. MENTAL HEALTH COURT – Kim Etherton, Community Corrections Director; and Bruce Prenda, Chief Deputy County Attorney

Kim Etherton, Community Corrections Director, said she initially sat on the committee that wrote the program standards for mental health courts but resigned as she felt strongly that the first option for those with serious mental illness should be diversion programs and not the criminal justice system. Etherton pointed out that the veterans diversion program has low enrollment while veterans court is at full capacity and she was concerned that the same thing could happen with mental health courts noting that some of the participants may be a better fit for diversion versus court. She also felt that it would be better for the state to fund local diversion programs.

Bruce Prenda, Chief Deputy County Attorney, noted that the opinion of the Lancaster County Attorney's Office is consistent with Etherton in that courts are not the optimal place for someone with mental health issues. Additionally, he felt County Court (rather than District Court) would be a better fit for meeting the immediate and comprehensive mental health needs of individuals. He discussed the impact on local law enforcement of repeat offenders who do not receive treatment and efforts made to amend bills this legislative session dealing with mental health issues and competency.

Etherton indicated that some of the proposed language changes could fit nicely with the County's SAMHSA (Substance Abuse and Mental Health Services Administration) grant whereby individuals could get into rehabilitation and not the Crisis Center. Schorr added that it would have been nice for counties to have the flexibility to designate court placement (County vs. District). Etherton added that the larger counties have options but when these things are mandated by the state, it takes away local control. She also noted that diversion expansion is being discussed statewide.

Prenda also discussed the impact the state correctional facilities in Lincoln are having on the Lancaster County Attorney's Office. He said there were 101 referrals in a previous 12-month period. In the last nine months, there have been 140 referrals – all felonies - which is causing a burden on existing staff. Prenda said the Attorney's Office will present a future plan aimed at better managing these cases without adding more attorneys and more charges. Schorr said the District Court judges are also concerned about their caseloads.

6. COMMUNITY CORRECTIONS ANNUAL REPORT – Kim Etherton, Community Corrections Director

Etherton gave an overview of her 2019 Annual Report (Exhibit 4).

7. WEEKLY CLAIMS LIST – Dan Nolte, Lancaster County Clerk; and Cori Beattie, Chief Deputy, Lancaster County Clerk's Office

Cori Beattie, Chief Deputy County Clerk, said the Clerk's Office is continuing to review ways to digitize and post the weekly claims list with the Board of Commissioners agendas. Part of the difficulty included the timing of payments and payroll, as well as the inclusion of personal and/or confidential information. Staff has worked with the County Attorney's Office to identify data that can be redacted and the list will be reformatted and posted with the agenda. It was noted that due to the timing of payroll processing, this information will not be available online (Fridays) but can be submitted as an amendment to the claims list at the Tuesday meeting.

8. HIRING OF DEPUTY SHERIFF – Terry Wagner, Sheriff; and Todd Duncan, Chief Deputy Sheriff

Sheriff Terry Wagner and Todd Duncan, Chief Deputy Sheriff, discussed a previous request to hire an additional deputy sheriff and sought authorization to do so this budget year. Duncan noted that the number of deputies on patrol has not been increased for many years and 36 of 90 recent shifts have started at below the minimum staffing level for a variety of reasons. He distributed information on death investigations (Exhibit 5) and Nebraska Revised Statute §23-1719 (Sheriff; deputy; uniform; specifications)(Exhibit 6). **Note:** Uniform costs were discussed at the Mid-Year Budget Review on February 6, 2020. Duncan said death investigations are adding to the Office's workload, as is the overall population growth of Lancaster County which is expected to be 440,000 by 2050.

MOTION: Amundson moved and Yoakum seconded to authorize the Sheriff's Office to hire one (1) additional deputy.

Vest stated that everyone is aware of the financial dynamics the County is facing and that adding staff impacts the budget permanently. It was also noted that other departments will have similar requests which may have to be denied. Vest inquired about the need for a new patrol car. Wagner indicated that deputies do take patrol cars home. He said he is aware of the County's fiscal status and would be willing to pay for a new car and equipment out of the forfeited assets fund.

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

9. CHIEF ADMINISTRATIVE OFFICER REPORT

A. Payment of \$1,500.00 to Segal Marco Advisors from Prudential Expense Account

MOTION: Schorr moved and Yoakum seconded approval of the expense. Schorr, Vest, Amundson, Yoakum and Flowerday voted yes. Motion carried 5-0.

B. Claims for Review from the Lancaster County Engineer's Office

1. Voucher #675576 in the amount of \$11.25 (Claim was not charged to a P-Card)

Ron Bohaty, Road Maintenance Superintendent, County Engineer's Office, indicated that claim B1 was for parking at a conference whereby the employee was unaware of the need to use a Purchasing Card (P-Card). It was noted that a departmental or individual P-Card would be used in the future.

2. Voucher #675579 in the amount of \$32.00 (Claim exceeds the 90-day payment guidelines)
3. Voucher #675581 in the amount of \$173.00 (Claim exceeds the 90-day payment guidelines)
4. Voucher #675582 in the amount of \$32.00 (Claim exceeds the 90-day payment guidelines)
5. Voucher #675583 in the amount of \$714.72 (Claim exceeds the 90-day payment guidelines)
6. Voucher #675584 in the amount of \$173.00 (Claim exceeds the 90-day payment guidelines)
7. Voucher #675586 in the amount of \$132.00 (Claim exceeds the 90-day payment guidelines)
8. Voucher #675590 in the amount of \$32.00 (Claim exceeds the 90-day payment guidelines)

Bohaty indicated that these claims are his fault - he put them in an envelope for the Account Clerk who took extended leave and they did not get forwarded to anyone else for processing. He also noted that the County would be reimbursed more from the State, who reimburses off an invoice/receipt, than the actual employees, who receive the per diem from the County.

Ann Ames, Deputy Chief Administrative Officer, inquired if anyone asked the State if they would only reimburse the per diem. Bohaty reiterated that the State reimburses off receipts and only to the County not to individuals. Kevin Nelson, Accounting Operations Manager, County Clerk's Office, felt the grant language should be reviewed. It was the consensus of the Board that Nelson and Bohaty review the issue with the State.

Returning to the claim for parking, Nelson added that the County's policy language references parking tied to lodging which did not apply in this case. He felt the wording should be clarified. Nelson also reminded everyone that claims are to be submitted to department heads within ten (10) days and to the Clerk's Office within ninety (90) days.

MOTION: Amundson moved and Schorr seconded to forward claims B1-8 to a Tuesday meeting as regular claims. Schorr, Yoakum, Vest, Amundson and Flowerday voted yes. Motion carried 5-0.

C. Claim for Review from the Lancaster County Human Services Office

1. Voucher #674146 in the amount of \$2,210.24 (Claim Requires a Purchase Order)

Nelson explained that the County has a contract with Office Interiors and Design (OID) for office furniture but the item purchased was not included in the current contract. The vendor supplied the item but no purchase order was issued. In consultation with the Purchasing Department, Nelson recommended the invoice be paid. He added Purchasing will amend the contract to include other items being requested by departments.

Sara Hoyle, Human Services Administrator, was also present for the discussion.

MOTION: Schorr moved and Amundson seconded to forward the claim to a Tuesday meeting as a regular claim. Schorr, Amundson, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

10. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Parks & Recreation Advisory Board Meeting - Thursday, February 13, 2020, Vest

Vest said additional parking for the Lincoln Children's Zoo, playground equipment at Van Dorn Park and fees for women's golf tournaments were discussed.

B. Realtors Association Government Affairs Committee - Friday, February 14, 2020, Amundson / Schorr

Amundson said she reported on SENDD (Southeast Nebraska Development District) grants, the 2050 Comprehensive Plan, current bridge closures and the County's Mid-Year Budget Review. Schorr said the Realtors Association also reviewed legislative bills of interest and City Council Representatives discussed short-term rentals, food trucks and scooters. It was also announced that Dustin Antonello is leaving LIBA (Lincoln Independent Business Association). Other items mentioned included the 150th Anniversary of the Lincoln Chamber of Commerce, affordable housing and a groundbreaking for the South Beltway (tentatively scheduled for March 11 at 5:00 p.m.).

C. Mutual Aid Meeting - Monday, February 17, 2020, Schorr / Amundson

Amundson said the May exercise with the National Guard and training classes for firefighters and first responders were discussed.

D. LIBA Elected Officials Forum - Tuesday, February 18, 2020, Flowerday / Vest

Vest said he discussed recent public hearings before the County Board and the SENDD program changes. He noted several individuals voiced support for a County infrastructure bond issue. Eagan confirmed that counties have broad authority to bond for roads and bridges with voter approval (Nebraska Revised Statute §23-397).

E. Lincoln Chamber of Commerce Growth and Development Forum - Wednesday, February 19, 2020, Amundson

Amundson did not attend.

Schorr said she attended the LPED (Lincoln Partnership for Economic Development) Investor's meeting. Zelle Recruiting is a new member. Dan Duncan gave a presentation on Innovation Campus including how the 33rd Street and Cornhusker Highway project will link east and west campus, as well as hotel development on the campus. She recommended Mr. Duncan attend a future Common meeting. Schorr also reported on the Launch Lincoln grant recipient – FileFuse – who developed a platform which allows people to share audio files.

F. Visitors Promotion Advisory Committee - Wednesday, February 19, 2020, Amundson

Amundson said three grant requests were discussed: (1) \$50,000 from Lincoln Calling for music festival marketing; (2) \$15,000 from the Lincoln Children's Museum for the Once Upon a Time exhibit; and (3) \$1,800,000 from the Optimist Club for improvements to their sports complex along Highway 77.

Amundson said the VPC recommended approval of the Lincoln Calling grant request in the amount of \$25,000. Discussion followed on the popularity and growth of the event. Commissioners felt this would be a good fit for the promotional (versus improvement) grant fund which has a current balance of over \$1,000,000. There was consensus from the Board that Eagan contact the Chamber to discuss future usage of the promotion grant fund.

The request for the Children's Museum was recommended for approval and the request from the Optimist Club was recommended for denial. The VPC felt the Optimist Club should first consider potential proceeds from an upcoming land sale as well as other grant opportunities.

11. SCHEDULE OF BOARD MEMBER MEETINGS

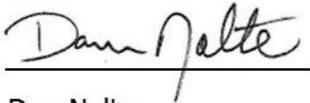
It was noted that the Juvenile Detention Alternatives (JDAI) Collaborative meeting was today at 1:00 p.m.

12. EMERGENCY ITEMS

There were no emergency items.

13. ADJOURNMENT

MOTION: Schorr moved and Vest seconded to adjourn at 11:49 a.m. Vest, Amundson, Schorr, Yoakum and Flowerday voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

