

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, MARCH 17, 2020**  
**9:00 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, website and emailed to the media on March 13, 2020.*

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

Others present: Kerry Eagan, Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk, Cori Beattie, Deputy County Clerk; and Leslie Brestel, County Clerk's Office

The meeting was called to order at 9:00 a.m., the Pledge of Allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

**1) MINUTES:**

- A.** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 10, 2020.

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

**2) CLAIMS:**

- A.** Approval of all claims processed through March 17, 2020.

Nolte noted there was an amendment to the claims for payroll for the pay period of February 27, 2020 – March 11, 2020 (Exhibit 1).

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

- 3) CONSENT ITEMS:** These are routine business items that are expected to be adopted without dissent. Any individual 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, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A.** Amendments to the following contracts for Annual Supply – Anti-Freeze/Coolants/Windshield Washer Fluid. (Bid No. 19-069. The amendments renew the contracts for an additional one (1) year term beginning April 10, 2020 through April 9, 2021.

- 1.** C-19-0274 with Sapp Bros. Inc. (The cost to the County is not to exceed \$5,000.) (C-20-0133)

2. C-19-0275 with Thermo King Christensen Inc. (The cost to the County is not to exceed \$1,000.) (C-20-0134)
- B.** Amendment to contract C-16-0526 with Information First, Inc., for professional services to support the County's use of HPE RM and for additional services for software integration and upgrades. (The amendment corrects the upgrade version to CM V9.3 or later and rescinds County Contract No. C-20-0094.) (C-20-0137)
- C.** Right-of-way contracts with the following:
1. Brandon and Natalie Cole, Southwest 23rd and Green Acres Boulevard, in the amount of \$775. (C-20-0125)
  2. Melvin and Kevin Lostroh, Co-Trustees, 13701 West Adams Street, in the amount of \$812. (C-20-0126)
  3. Alan and Cheryl Rezac, 13801 North 1st Street, in the amount of \$541. (C-20-0127)
  4. Joshua and Hannah Rowell, 700 North 90th Street, in the amount of \$595. (C-20-0128)
  5. Mark and Judith Sullivan, Trustees, 9084 North 14th Street, in the amount of \$4,646. (C-20-0129) (C-20-0131)
  6. John Wells, Sr and Carol Wells, 801 North 190th Street, in the amount of \$307. (C-20-0130)

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

**4) NEW BUSINESS:**

- A.** Resolution recognizing March 23-27, 2020 as Severe Weather Awareness Week and April 4, 2020 as Storm Spotter Appreciation Day (R-20-0014)

Jim Davidsaver, Emergency Management Director, stated the statewide tornado drill has been cancelled, and encouraged each department to review shelter options for severe weather.

The Board thanked Davidsaver for his leadership on keeping the citizens of Lancaster County safe.

**MOTION:** Amundson moved and Yoakum seconded approval of the resolution.

The resolution was read into the record.

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

- B.** Authorize the Lancaster County Election Commissioner to mail an application for a mail ballot to every active voter.

Dave Shively, Election Commissioner, said early ballot applications will be mailed to approximately 140,000 registered voters that are not on the permanent mailing list. He added the voting polls are still required to be open on election day, but this effort is to minimize the foot traffic to the polls.

When asked if this effort will add individuals to the permanent list for voting by mail, Shively answered there will be a box on the application individuals can check if they want to be added to the permanent mailing list.

Flowerday stated other counties are planning on having this option also.

Dennis Meyer, Budget and Fiscal Director, noted there are no foreseen fiscal issues with this option.

Shively said he is anticipating needing additional poll workers. Poll workers must be registered voters and able to sit for long periods of time. High school students were encouraged to consider this opportunity. Additionally, elected officials can work as poll workers as long as they are not on the ballot.

**MOTION:** Vest moved and Yoakum seconded to authorize the Lancaster County Election Commissioner to mail an application for a mail ballot to every active voter. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

- C. Recommendation from the Purchasing Agent and the County Engineer to award a contract for So. 82nd Street Paving, (Bid 20-046) to Constructors, Inc. The total amount of the award is \$1,269,723.65. (B-20-0046)

Pam Dingman, County Engineer, reviewed the area to be paved (Exhibit 2) and noted the bid was \$200,000 under the estimate.

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

- D. Contract with Haworth, Inc. to provide Furniture, Installation and Related Products and Services, (Using the City of Charlotte, North Carolina Master Agreement No. 2020000606MOU068.) Term of the contract is upon execution through December 31, 2020. Upon conclusion of the initial term, the Owner has the option of renewing for four (4) additional one (1) year terms. The cost to the County is not to exceed \$20,000. (C-20-0132)

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

- E. Agreement with the State of Nebraska, Department of Transportation, to establish the terms upon which the County and State will resurface a state recreational road for Project SRR-55(185). The County's share of the total project cost is estimated to be \$550,979.44. The agreement is effective upon execution by the State. (C-20-0135)

Dingman thanked Larry Legg, Assistant County Engineer, for his help on the agreement. She noted the road will return to gravel, and, because it is a recreational road, it will be eligible for funding (Exhibit 3).

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

- F. Professional services agreement between Innerspace Studios, Ltd., and Lancaster County on behalf of the Lancaster County Sheriff's Office, for services related to renovation of certain portions of the Sheriff's office space at the property located at 575 S. 10th Street. The cost to the County is not to exceed \$10,800. Work is to be completed on or before September 30, 2020. (C-20-0136)

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

- G. Collective bargaining agreement between International Brotherhood of Electrical Workers (Engineering) Local 1536 and Lancaster County. The term of the agreement is August 15, 2019, through August 31, 2021. (C-20-0138)

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

- H. Agreement among Thomson Reuters, the City of Lincoln, and Lancaster County for computerized legal research (Westlaw) for the City Attorney, County Attorney and Public Defender. Total billing will be \$2,129.79 per month for the first year, with 1% increases each year thereafter. Based on current usage, the County's share will be approximately 75% of the total monthly billing. The term of the agreement is from date of execution through March 31, 2024. (C-20-0139)

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

- I. Agreement between Thomson Reuters and Lancaster County for computerized legal research (Westlaw) for Lancaster County Department of Corrections. Corrections will be billed \$435.84 per month for the first year, with 1% increases each year thereafter. The term of the agreement is from date of execution through March 31, 2024. (C-20-0140)

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

- J. Update on COVID-19 and Lancaster County response.

Flowerday stated the City of Lincoln signed an emergency declaration yesterday and expected the Board to do the same. He felt the Board's next step should be the County's policy towards employees, especially regarding sick leave, quarantine measures and employee retention.

The Board supported employees being in compliance with safety measures that have been set regarding the COVID-19 virus. Amundson, Flowerday and Yoakum also felt employees should be paid their regular salaries.

Schorr encouraged department directors and elected officials to use their discretion on alternative work options.

Vest added the emergency declaration allows the County to have access to additional funding sources.

Schorr stated a draft memo to employees has been prepared (Exhibit 4).

Jen Holloway, Deputy County Attorney, cautioned the Board to follow the appropriate steps to implement policies.

David Derbin, Deputy County Attorney, said if the email is general, then the attorneys have no issue with it being sent out employees. He advised against getting into details that have not yet been worked out.

He also advised the Board to amend the agenda to add an agenda item.

The Board directed the County Attorney's Office and Human Resources Department to work together on additional policies and procedures with the Deputy Chief Administrative Officer regarding the County's COVID-19 response.

**MOTION:** Schorr moved and Yoakum seconded to amend the agenda to add a Declaration of Emergency as an emergency item (D-20-0001). Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

## **EMERGENCY ITEM**

The Clerk read the Emergency Declaration into the record (Exhibit 5).

Kerry Eagan, Chief Administrative Officer, requested a copy of the signed resolution be delivered to the Emergency Management Director to be filed with the Nebraska Emergency Management Association as required by law.

**MOTION:** Schorr moved and Yoakum seconded to approve the Emergency Declaration.

Schorr noted the Governor has given approval for Boards to meet virtually.

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

- 5) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

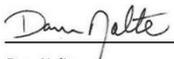
No one appeared for public comment.

6) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a meeting regarding the Chief Administrative Officer hiring process on Tuesday, March 17, 2020 at 11:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, March 19, 2020 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, March 24, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).
- D. County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).
- E. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTVCity. For the rebroadcast schedule visit [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: LNKTVCity). Meetings are also streamed live on LNKTVCity and can be viewed on YouTube (LNKTVCity).

7) **ADJOURNMENT**

**MOTION:** Schorr moved and Vest seconded to adjourn at 9:38 a.m. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

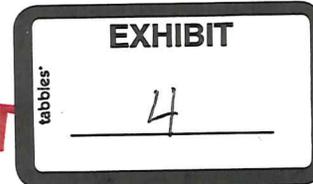
  
Dan Nolte  
Lancaster County Clerk









**DRAFT**

## Draft of Staff Guidelines

Ann E. Ames <AAmes@lanaster.ne.gov>

Mon 3/16/2020 1:36 PM

To: Deb E. Schorr <DSchorr@lanaster.ne.gov>; Roma B. Amundson <RAmundson@lanaster.ne.gov>; Rick W. Vest <RVest@lanaster.ne.gov>; Sean H. Flowerday <SFlowerday@lanaster.ne.gov>; Christa G. Yoakum <CYoakum@lanaster.ne.gov>; Kerry P. Eagan <KEagan@lanaster.ne.gov>; Dennis M. Meyer <DMMeyer@lanaster.ne.gov>

Below you will find a draft of some communication to our employees based on some discussion that I had this morning with Sean and Dennis regarding compensation. Below you will find a combination of guidelines and procedures for our staff. The one issue that has come up that we haven't figured out a solution to is for employees in their probationary period who have no access to sick or vacation time but have to be gone due to lack of child care. I haven't come up with a solid solution to that issue yet. I wouldn't think it would be a huge amount of people but I know that Brad has one person it may apply to. He is going to look into the feasibility of her working from home. With 5,000 VPN licenses for the City and County that barrier to working from home is now cleared up. I also have #7 highlighted as I need to confirm that with the Health Department.

We have COVID-19 as a general discussion item on tomorrow's Board agenda. Kerry had expressed to me some concern about discussing this in a televised format but we were both hesitant about waiting until Thursday to discuss. Hopefully you have enough time to review, revise and discuss tomorrow.

Please let me know if you have questions.

Thanks,  
Ann

Good afternoon,

As you know the novel coronavirus has been declared a pandemic by the World Health Organization and declared as a National Emergency in the United States. Understandably this has caused a great deal of uncertainty and disruption. We want you as our employees to know that we are doing everything we can to work with state and local leaders and our Incident Command group in an effort to prepare Lancaster County.

We want you to know that our employees are our biggest concern. Your health, well-being, safety, and that of your family is of utmost importance to us. To that end we want to go over a couple of common questions that you may have.

First and foremost, the goal of Lancaster County is that you continue to be paid. We recognize the importance of stability during this difficult time and we want to do our part to ensure that our employees remain whole. We do not want the virus to harm your financial health and will do our part to see that it doesn't. Ensuring pay also allows us to take action to reduce the spread of the virus and we are committed to doing our part to keep Lancaster County a healthy place.

For those of you working in our 24/7 facilities and/or public safety services that must continue, we appreciate your commitment and dedication and we will do everything we can to support and protect you.

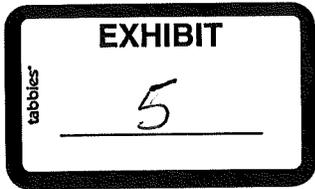
This is a rapidly evolving situation, and we are actively working through plans to respond to the variety of challenges that each of you may face as a result of this public health emergency. We know that some of you will need to quarantine because of exposure to the virus, others may need to stay home and care for a sick family member, and potentially some of you will not be able to come to work in the event that we need to close a County facility or modify our operations. These are just a few of the possible scenarios for which we are planning. It is our sincere hope that many of you will continue to be healthy and well and will be able to continue working without issue. However, in an effort to address possible changing scenarios we have implemented the following plans effective immediately:

1. For employees who can perform their duties remotely, with approval from their director, a new emergency tele-working option is available. Your department will receive the new emergency telework information, agreement and VPN access by Wednesday, March 18, 2020.
2. If you need to stay home because your child's school or day care provider is closed, you are now authorized to use sick leave as an option to cover your time. If you are still on your probationary period and do not yet have sick or vacation time please contact your Department Director.
3. If you are quarantined by the Lincoln/Lancaster County Health Department Lancaster County will pay your regular salary while you are under official quarantine. If you are authorized by your Department Director to utilize telework, you will be expected to continue working during the quarantine time and will be compensated regularly.
4. If you test positive for COVID-19 and are unable to work, Lancaster County will pay your regular salary while you are out sick and recovering. FMLA regulations will apply in that you will need documentation from your doctor that you have tested positive as well as a release from your physician when you are able to return to work.
5. If you are part of the population that is at a higher risk for the virus (over the age of 60, immunocompromised, or dealing with another health condition that would put you at greater risk of getting the virus) we encourage you to discuss the potential of utilizing the telework option with your director and implementing it immediately. If your position is such that you are unable to work from home and your physician feels that it would be best for you to self-isolate you may bring us a note from your doctor indicating that and we will allow you to self-isolate for the time per the timeline your doctor states (up to two weeks that would be associated with quarantine) and you will be compensated regularly.

3. Aetna is waiving any co-pays for employees who are required to undergo coronavirus testing.
4. At this time we ask that you limit all business-related, nonessential travel until further notice. If you must travel as part of your employment with Lancaster County please consult with your supervisor on appropriate action. If you choose to travel for personal reasons employees may find themselves subject to certain restrictions upon their return as recommend by the CDC, WHO and the Lincoln/Lancaster County Health Department.
5. Stay home when you are ill. If you are presenting with symptoms of the virus we ask that you not report to work and contact your personal health provider. If you do not have a health provider, please contact the Lincoln/Lancaster County Health Department hotline at (402) 441-8006. Employees must abide by the healthcare provider recommendations and they are legally bound to abide by any directions given to them by the health department (if you are placed under quarantine it is a misdemeanor if you do not follow it). If employees violate these recommendations and/or orders, they may be subject to discipline and or law enforcement actions.
6. Department Heads will report to the Human Resources Director the name of any employee who is under quarantine (either mandated or voluntary) and/or receives a positive conformation of the infectious disease on the same day they are informed or take action. Human Resources will maintain this information in a separate, confidential file. Disclosure of medical information will be in limited circumstances with the employee's manager/supervisor, local and state health department(s), human resources personnel, and government officials as required by law.
7. If someone in your department or work area were to test positive you will be notified by the Lincoln/Lancaster County Health Department and instructions will be given regarding quarantine and next steps.
8. Don't panic! This is a difficult and unwieldy situation and it is critical that we offer each other support, grace and compassion as we deal with the many unknowns that this virus brings. We have many resources available and a great public health team that is working with us to ensure our health and safety. If you are feeling overwhelmed or anxious and need someone to talk to or would like to access services to help cope with the uncertainty we face, you can find support by calling Continuum Employee Assistance Program (EAP) at 402-476-0186. This service is provided to you at no charge.

Please know that we are here to answer any questions you may have and that you are our highest priority. Remember that you can find the most accurate and timely public health information about the coronavirus by visiting [health.lincoln.ne.gov](http://health.lincoln.ne.gov) or calling the Health Department's hotline at (402) 441-8006. We will continue to reach out to you on an as needed basis and in the interim if you have questions or need help please reach out to our office, your Elected Official or Department Director.

Thank you for your commitment and dedication to Lancaster County, it is sincerely appreciated.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA**

**DRAFT**

**IN THE MATTER OF DECLARING A )  
DISASTER OR EMERGENCY PURSUANT )       DECLARATION No. \_\_\_\_\_  
TO NEB. REV. STAT. § 81-829.50 IN )  
RESPONSE TO THE COVID-19 PANDEMIC )**

WHEREAS, Neb. Rev. Stat. § 81-829.50 provides that a local emergency may be declared only by the principal executive officer of a local government who finds that conditions defined as a disaster or emergency exist or by a person who by resolution has been authorized and designated by the governing board of a local government to determine that an emergency within the scope of his or her authorization exists;

WHEREAS, for purposes of the Emergency Management Act, Neb. Rev. Stat. §§ 81-829.36 through 81-829.75 (“Act”), local government means a county, village, or city of any class;

WHEREAS, for purposes of the Act, an “Emergency” means any event or the imminent threat thereof causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause which, in the determination of the person authorized by resolution by the governing board of a local government, requires immediate action to accomplish the purposes of the Act and to effectively respond to the event or threat of the event;

WHEREAS, for purposes of the Act, a “Disaster” means any event or the imminent threat thereof causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause;

WHEREAS, pursuant to Neb. Rev. Stat. §§ 22-155 and 23-101, the County of Lancaster is a county of the State of Nebraska;

WHEREAS, Neb. Rev. Stat. § 23-103 provides that the powers of a county as a body corporate or politic shall be exercised by a county board;

WHEREAS, the Board of County Commissioners of the County of Lancaster, Nebraska (“Board”) is

the governing board of the County of Lancaster, Nebraska (“County”);

WHEREAS, on March 13, 2020, the President of the United States of America declared the ongoing Coronavirus Disease 2019 (“COVID-19”) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207; and found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020, pursuant to sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5);

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared that a state of emergency exists within the State of Nebraska regarding the impacts of COVID-19 on the State of Nebraska, including the abilities of state and local governments to meet the needs of their citizens and respond to the pandemic;

WHEREAS, on March 16, 2020, the Mayor of the City of Lincoln, Nebraska, declared an emergency to protect the residents of the City of Lincoln from the health threat arising out of the spread of COVID-19;

WHEREAS, the Board finds that conditions defined as a Disaster or an Emergency exist in the County; and

WHEREAS, the Board therefore wishes to declare that a local emergency is occurring in the County as a result of the COVID-19 pandemic.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LANCASTER, NEBRASKA, DECLARES AS FOLLOWS:**

1. The Board finds that the COVID-19 pandemic:
  - a. Constitutes an Emergency because it is causing serious damage, injury, or loss of life or property resulting from a natural or manmade cause which, in the determination of the Chair, requires immediate action to accomplish the purposes of the Act and to

effectively respond to the event; and

b. Constitutes a Disaster because it is causing widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.

2. Therefore, the Board hereby declares that a local emergency is occurring in the County as a result of the COVID-19 pandemic.

3. In order to effectively respond to this local emergency, the Board shall, as necessary:

a. Expend emergency funds from all available sources;

b. Invoke mutual aid agreements;

c. Apply to the State of Nebraska for assistance from the Governor's Emergency Fund and any other resources as deemed necessary; and

d. Take all other steps the Board deems necessary.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

BY THE BOARD OF COUNTY COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sean Flowerday, Commissioner and Chair

\_\_\_\_\_  
For PATRICK F. CONDON  
Lancaster County Attorney

\_\_\_\_\_  
Rick Vest, Commissioner and Vice-Chair

ATTEST:

\_\_\_\_\_  
Deb Schorr, Commissioner

\_\_\_\_\_  
Dan Nolte

\_\_\_\_\_  
Roma Amundson, Commissioner

Lancaster County Clerk

\_\_\_\_\_  
Christa Yoakum, Commissioner