

**MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
2023 LEGISLATIVE RETREAT
THURSDAY, AUGUST 10, 2023, AT 8:30 A.M.
COUNTY CITY BUILDING, 555 S. 10TH STREET
ROOM 112 – CITY COUNTY CHAMBERS**

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

Elected Officials Present: Troy Hawk, Clerk of the District Court; Kristi Egger, Public Defender; Rachel Garver, County Treasurer; Dan Nolte, County Assessor/Register of Deeds; Terry Wagner, County Sheriff; Mark Lakamp, Veterans Services Officer

Others Present: Joe Kohout and Sarah Wagelie, Kissel, Kohout ES Associates LLC, Legislative Consultants; Dave Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; Dennis Meyer, Budget & Fiscal Officer; Brad Johnson, Corrections Director; Sara Hoyle, Human Services Director; Scott Etherton, Mental Health Crisis Center Director; Kerin Peterson, Facilities and Properties Director; Jeff Kilpatrick, Community Corrections Director; Landon Parks, Deputy Community Corrections Director; Melissa Hood, Youth Services Center Administrator; Derrick Niederklein, Nebraska Association of County Officials representative; and Leslie Brestel, County Clerk's Office

Advanced public notice of the meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, website and emailed to the media on August 16, 2023. Notice was also published in the Lincoln Journal Star print and digital editions on August 14, 2023.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:39 a.m.

AGENDA ITEM

- 1. OPENING COMMENTS AND REVIEW OF 2023 LEGISLATIVE SESSION** – Christa Yoakum, Lancaster County Board Chair; and Joe Kohout, Brennen Miller, and Sarah Wagelie, Kissel, Kohout, ES Associates LLC

Kohout provided an overview of the 2023 legislative session (see agenda packet). He noted the last session was a unique session and felt the next session will continue with efforts to limit growth of political subdivisions, property valuations and inheritance taxes. The next session will be a 60-day session.

Flowerday felt the County had a good legislative year and successful partnerships with various entities.

Interim Studies

Kohout reviewed the interim studies (see agenda packet). Interim studies will be brought to the Board's attention for discussion and potential Board action.

Priority Bills

Kohout stated all priority bills lose their priority designation and will need to be reprioritized by the Senators. All bills monitored for Lancaster County during the last legislative sessions were attached to the agenda (see agenda packet).

2. NEW PROPOSALS

Expansion of Veteran's Aid

Mark Lakamp, Veterans Services Officer, stated the County has different veterans aid requirements than State requirements. A veteran is eligible for County aid if they served on active duty. Those who are not eligible for County Veterans Aid are referred to the local VFW. He noted the State will not assist with past due bills, while the County can. He added it is a policy issue, not a statute issue. The proposal is to adopt a single standard of eligibility for the County and the State and to review active service and other requirements for eligibility.

Flowerday asked how stakeholders feel. Lakamp answered the County Veterans Services Committee is in favor as is the Nebraska Association of County Veterans Services.

Amundson said she is in support of this proposal.

Kohout stressed the importance of knowing where the various stakeholders stand on this proposed change.

Radios for Rural Fire Departments

Flowerday said he has assisted with the rural radio steering committee to research and hire a consultant to find a non-antiquated radio option for the rural fire departments in the County. The County designated \$500,000 in American Rescue Plan Act (ARPA) funds to help with costs. The committee has determined it could cost between \$7,300,000 and \$15,000,000 to replace the current radios. He stressed the importance of finding funding streams. There was a state bill that aimed to provide each rural fire department with two radios. Kohout added \$5,000,000 was appropriated to the Department of Administrative Services (DAS) to assist with radios across the state.

Section 42 Valuations

Derrick Niederklein, Nebraska Association of County Officials (NACO) representative, stated the current law for Section 42 housing is structured in a way that the process used to value those properties is not constitutional. There is a provision in the law that if the method the assessor's office uses results in a value that is not correct, the assessor's office can petition the Board and the Board can request the Tax Equalization and Review Commission (TERC) to grant relief. If the assessor does not petition, then the incorrect process becomes correct. This creates another hurdle when TERC ruled a professionally accepted method had to be used to value properties. This creates a scenario where property owners can appeal a decision multiple times. The Nebraska Supreme Court has a case pending on TERC's decision to grant assessors' offices the ability to use professionally accepted mass appraisal methods. There will be appeals pending on both the individual valuations and any legislative attempt to correct the structure.

Flowerday asked Niederklein to expand on what the Nebraska Supreme Court decision could be. Niederklein said the Supreme Court typically rules on procedural items, but it would depend on how deep the Court goes in its ruling.

Schulte inquired what would be a proposed change? Flowerday said this Board has expressed an interest in rent-restricted buildings. Legislative committees are looking at developing more low-income housing.

Kohout asked Niederklein if the Board directs the lobbyists to work with other interested parties, what would be the quickest timeframe to see the effects of any legislation. Niederklein stated two years, though there have been some emergency clauses that have gone into effect sooner. These are complex properties that many counties do not have enough of to have an area of expertise.

Schulte inquired what is the difference between traditional rental properties versus Section 42 properties? Niederklein said the rentals for more traditional properties are based on rental rates, not the contents of the building. For Section 42 properties, it is based on the rental of the real property. Some entities are including elderly care and other business-related items in their income and expense filings.

Yoakum, Amundson and Flowerday felt the County should be involved in these continued discussions.

Special Agriculture Valuations

Dan Nolte, Assessor/Register of Deeds, said with the passing of LB727 last session resulted in over 200 properties that currently have a special agricultural and horticultural valuation to be eliminated from that special valuation, as they are not five acres or more. A technical amendment to add language to include contiguous or adjacent parcels would solve those concerns.

Flowerday highly recommended that the County not be the first to challenge LB727.

Schulte asked Nolte for clarification on the issue. Nolte said properties smaller than five acres would be excluded from the special valuations. Many of these properties have had the valuation for many years. Properties owners excluded from the valuation can appeal to the Board of Equalization.

Kohout said the bill was introduced at the request of Vala's Pumpkin Patch in Sarpy County. He is concerned that not all provisions for LB727 have gone into effect yet.

Vest asked if the 5-acre limit was intentional. Flowerday stated he would want to find that out before doing anything.

Kohout recommended the lobbyists do research before the Board takes action on setting next year's legislative priorities.

Modernizing Amusement License Provisions

Courtney Lyons, Deputy County Clerk, reported the current statues pertaining to amusement licenses are very outdated and need to be updated to reflect current language and processes.

Flowerday suggested getting rid of statutes related to amusement licenses.

Schulte asked when an amusement license is required versus a special event permit. Lyons answered amusement licenses are required for particular events that are open to the public. Leslie Brestel, Administrative Services Officer, added special event permits are for activities located in the County right-of-way that are open to public participation. There are events that would need to have both licenses if an event were to be in the public roadway and have a qualifying condition for an amusement license.

The Board requested the Clerk's Office come back with the number of amusement licenses issued per year.

Pending Interim Studies/Legislation

Kohout said LR130 was introduced at the request of the County. He recommended this stay on the County's priority list.

Kohout recommended the Board support LB190 and LB449 (see agenda packet).

While discussing LB420, Sara Hoyle, Human Services Director, said the County has not been invoiced in the last two years for Department of Health and Human Services (DHHS) spaces.

The Board voiced their support for LB316 (see agenda packet).

3. BREAK

The meeting was recessed at 9:52 a.m. and reconvened at 10:05 a.m.

4. PRIOR PROPOSALS

Kohout stated it was his understanding that opioid settlement funds will be used for medication assisted treatment in problem-solving courts. At this point, the status of the funds to be dispersed is pending. Derbin added the decision from the committee that was charged with dispersing the funds is also pending.

Flowerday discussed the possibilities to broaden enforcement remedies for violations of special permits outside of revocation. He said he would be supportive of an option to hold permit holders accountable at a reasonable level. Schulte said he would like to have discussions on how these enforcements would be administered.

Kristi Egger, Public Defender, said the expungement of criminal records is a confusing process and advocated for the automatic expungement of certain criminal records.

Brad Johnson, Corrections Director, discussed his support for house arrest for work release inmates, noting if individuals who are on work release can be trusted to be in the community for work, then they should be trusted to be in the community on house arrest. He said the County Attorney's Office may argue against this, especially those related to child support cases. The daily per diem rate for jailed individuals is \$125 per day per inmate. Currently, there are 10 individuals on house arrest.

Amundson asked what type of supervision those on house arrest have. Johnson answered there is a monitored ankle bracelet.

Flowerday said he would be supportive of this proposal.

Flowerday asked about the wait times for admittance to the Lincoln Regional Center (LRC). Johnson stated the wait times have increased to an average of 102 days. Kohout said he expects to hear about a study group determined by the Executive Board of the Legislative Council.

Scott Etherton, Mental Health Crisis Center Director, said he has had difficulty getting people into the LRC. The LRC has completed their construction, so he was not sure why the wait times continue to be so long.

Vest asked if the LRC has continued to send assistance to the jail to stabilize people as they wait to be admitted to the LRC. Johnson responded they were though that support has waned.

Amundson stated the Board of Equalization (BOE) has been having discussions relating to Destroyed Property filings (Form 425s). Kohout said legislation that diversifies how this statute is being interpreted has been introduced. Derbin added there is also pending litigation.

5. STANDING PRIORITIES

Yoakum led discussion on standing priorities (see agenda packet). Flowerday felt it was important to include the East Beltway in the standing priorities. Derbin added the Board will make decisions on standing priorities at a future meeting.

Terry Wagner, County Sheriff, said counties with a population under 85,000 have a statute that defines parts of a retirement contribution. He would like to explore Lancaster County having a similar statute. Kohout stated an actuarial study may need to be conducted.

6. ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn the meeting at 10:47 a.m. Flowerday, Schulte, Amundson, Vest and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

