

**LANCASTER COUNTY BOARD OF COMMISSIONERS  
2022 LEGISLATIVE RETREAT  
THURSDAY, AUGUST 18, 2022  
JUSTICE AND LAW ENFORCEMENT CENTER, 575 SOUTH 10TH STREET  
LANCASTER COUNTY SHERIFF'S TRAINING CLASSROOMS B & C  
8:30 A.M.**

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

**Elected Officials Present:** Pat Condon, County Attorney; Troy Hawk, Clerk of the District Court; Joe Nigro, Public Defender; Rachel Garver, County Treasurer; and Pam Dingman, County Engineer;

**Others Present:** Joe Kohout and Brennen Miller, 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; Jim Davidsaver, Emergency Management Director; Kim Etherton, Community Corrections Director; Karen Wobig, County Extension Educator Unit Leader; Mikayla Johnson, Grants Coordinator; 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 17, 2022. Notice was also published in the Lincoln Journal Star print and digital editions on August 15, 2022.*

The Chair opened the meeting at 8:34 a.m. A copy of the Open Meetings Act was available.

Due to construction, the meeting was moved to the County-City Building, 555 S. 10<sup>th</sup> Street, Room 113.

**AGENDA ITEM**

**1. APPROVAL OF STAFF MEETING MINUTES FROM AUGUST 11, 2022**

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

**2. OPENING COMMENTS AND REVIEW OF 2022 LEGISLATIVE SESSION – Deb Schorr, Lancaster County Board Chair; and Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC**

Kohout provided an overview of the 2022 legislative session (see agenda packet). Schorr noted the decrease in wait time for individuals waiting to go to the Lincoln Regional Center (LRC) and attributed it to the success of LB921 (Provide for reimbursement for lodging of certain defendants, require medicaid enrollment assistance for inmates, change priority for admission to state hospitals for the mentally ill and require minimum numbers of beds at the Lincoln Regional Center, and create the Legislative Mental Health Care Capacity Strategic Planning Committee). Brad Johnson, Corrections Director, added the legislation had a great impact, as did a recent lawsuit in Sarpy County and pressure from the Department of Justice and the American Civil Liberties Union (ACLU) on this issue.

Kohout felt there will be ongoing pressure to eliminate inheritance tax. This past year the thresholds were raised, but it is a short-term fix. He and Miller met with members of the Nebraska Association of County Officials (NACO) and Douglas County to discuss potential strategies.

Kohout and Miller are working with Senator Brandt on drafting amended language for LB242 (Provide for county bridges under the Political Subdivisions Construction Alternatives Act).

Schorr asked about any interim studies developments. Kohout stated to date there have not been interim studies scheduled.

### **3. NEW PROPOSALS**

#### Funding for East Beltway

Derbin reviewed East beltway funding (see agenda packet). Kohout added he and Dingman will meet to discuss the continuation of the legislation and how the partnerships between various government divisions could operate. Kohout felt the funding mechanisms may be something the State senators are interested in pursuing.

#### County Bridge Match Program

Kohout said the legislation would focus on extending the sunset on the County bridge program. He noted Lancaster County and NACO are the most interested parties in bridge issues.

#### Office of Conflict Counsel

Derbin and Flowerday stated this idea came from recent County budget hearings to try to save property tax dollars by creating an office at an in-house counsel rate to assist in court cases that have conflicts within the Public Defender's Office.

When asked what statutory changes would be required to continue this proposal, Derbin answered court appointment statutes and public defender statutes.

Joe Nigro, Public Defender, said conflict counsel offices exist in many places throughout the country, and he felt, if one were started in Lancaster County, that it could provide the same quality of services as the Public Defender's Office while saving on court-appointed attorney fees. Some reasons the Public Defender's Office could have a conflict in cases include not being able to represent co-defendants in the same case, or witnesses in cases. He said his office tries to keep the most serious cases if there are conflicts. Also, Nigro stated there are workload standards which make conflicting out of cases due to workload a possibility.

Schorr asked if a conflict counsel office would be able to assist with juvenile cases. Nigro replied that his office does not handle abuse or neglect cases; Legal Aid of Nebraska handles those cases in Lancaster County. He felt an office of conflict counsel could potentially handle some of those cases.

Flowerday stated the County could contract with a private law firm. Nigro said he felt social workers and investigators have been a positive addition to his office and could also work well in an office of conflict counsel. Nigro added he is willing to assist with additional research on this issue.

Pat Condon, County Attorney, said there is the Commission on Public Advocacy, which was set up by statutes and has been used in some major court cases in Nebraska. Some senators may ask to expand

that office as opposed to creating a new counsel. Kohout added there is an interim study for consistent funding for the Commission on Public Advocacy.

#### Other new proposals

Flowerday reported he is on the Mayor's task force for a second water source for the City of Lincoln and there could be legislative proposals to discuss regional water providers.

#### **4. BREAK**

No break was taken.

#### **5. PRIOR PROPOSALS**

Miller reviewed LB663 (Require the Nebraska Commission on Law Enforcement and Criminal Justice to create a mental health indicator in a criminal justice information system to alert emergency dispatch operators). He and Kohout felt this is an important bill to keep as mental health is frequent discussion topic at the Legislature. Kim Etherton, Community Corrections Director, said Community Corrections brought the issue forward as they were having difficulty receiving mental health information especially related to programming. Kohout noted there was a bill last year that passed that addressed juvenile mental health designations that could be accessed by the Criminal Justice Information System (CJIS). There was general discussion about the difficulty of sharing mental health information between various governmental and law enforcement divisions.

Concerning LB242 (Provide for county bridges under the Political Subdivisions Construction Alternatives Act), Kohout stated the bill has been sent to the bill drafters.

Amundson said she would like to continue work on LB73 (Direct a portion of the proceeds from the Nebraska Racetrack Gaming Act to county agricultural societies). Kohout noted Nebraska law allows only one racetrack per county and that casinos must be more than 50 miles from each other. He will research this topic and report back to the Board.

Kim Etherton voiced support for keeping Medication Assisted Treatment (MAT) in problem-solving courts as she felt without it individuals could have a likelihood to return to drug use. Schorr said she is on the opioid settlement taskforce and she felt that this would be addressed by the State allocation of settlement funds and is probably not appropriate to keep on the legislative priorities list.

It was the consensus of the Board to remove Authorize a Reasonable Fee for the Filing of a Petition to Vacate or Abandon a County Public Road under Neb. Rev. Stat. § 39-1723 from the list of priorities.

Dingman voiced her support for Reasonable Fees for Services Provided by the County Engineer for Issuance of Driveway Permits, Right-of-Way Utility Permits, Subdivision Reviews, and Load Permits noting that there are significant staff costs associated with these processes. Derbin felt there may be an opportunity for interlocal agreements for some fees.

Concerning LB242, Dingman stated if the design/build mode of construction language is included in the bill then she will not be able to publicly support it.

#### **6. STANDING PRIORITIES**

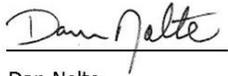
No discussion.

Kohout and Miller will work on scheduling a date for the Lancaster County 101 meeting with the Lancaster County senator delegation.

Derbin will send out a memo regarding preferred communication methods from the departments intended for the lobbyists.

## 7. ADJOURNMENT

**MOTION:** Amundson moved and Flowerday seconded to adjourn the meeting at 9:51 a.m. Flowerday, Vest, Amundson, Yoakum and Schorr voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk

