

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
THURSDAY, SEPTEMBER 15, 2022 AT 8:30 A.M.  
COUNTY CITY BUILDING, 555 S. 10<sup>TH</sup> STREET  
ROOM 112 - CHAMBERS**

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

Commissioners Absent: Deb Schorr, Chair

Others Present: David Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; 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 September 14, 2022. Notice was also published in the Lincoln Journal Star print and digital editions on September 12, 2022.*

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 FROM SEPTEMBER 13, 2022**

**MOTION:** Vest moved and Flowerday seconded approval of the minutes (Exhibit 1). Amundson, Flowerday, Vest and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

**2. SECOND QUARTER 2022 INVESTMENT REVIEW (401(A) AND 457(B) PLANS) – Julie Klassen, Empower Vice President, Key Accounts; Robb D. Craddock, Empower Vice President, Investment Strategy; and Frank Picarelli, Segal Marco, Senior Vice President**

Cory Callahan, Empower Retirement Counselor, and Klassen appeared in person. Bart Jeffreys, Prudential Retirement Counseling Director, Craddock and Picarelli appeared via Zoom.

Craddock discussed the Lancaster County Plan Summary economic review, including the market returns, domestic equity, international index returns, fixed income returns, and treasury yield curve (see agenda packet, page 27-33). COVID, supply chain issues, inflation and the war in the Ukraine continue to be problems. The U.S Treasury Yield Curve indicates the beginning of a recession.

Vest inquired if there is a way to track funds when they leave the stock market. Craddock answered when reviewing cash flows funds are moving towards safer investments including cash and short-term bonds.

Picarelli discussed the economic and market outlook (see agenda packet, pages 3-20) including inflation, rising interest rates, supply chain, budget deficit and the war in Ukraine. The market is down globally. He also reviewed the SECURE 2.0 bills and regulations as pertaining to fees and best practices (see agenda packet, pages 23-29).

While discussing the 401(a)-plan activity, Picarelli noted that for the period from July 1, 2021 through June 30, 2022 there was over \$16,000,000 dispersed while there was over \$8,000,000 contributed (see agenda packet, page 31). Similar percentages of contributions and disbursements were seen in the 457 Deferred Compensation Plan (see agenda packet, page 34). Participants should continue to take advantage of Goal Maker.

Picarelli stated there are no recommendations for further action on funds at this point. American Funds Fundamental is on the watchlist (see agenda packet, pages 42-43).

Klassen discussed the migration of the Prudential to the Empower accounts. The recordkeeping will move from Prudential to Empower in the third quarter of 2023. More information will be released to participants closer to that time.

Callahan introduced himself and discussed his background. He noted he has been successful in connecting with participants and is looking forward to holding more sessions through the various County campuses.

### **3. RISK MANAGEMENT DIRECTOR REPORT – Sue Eckley, Risk Manager**

Eckley discussed the director report (Exhibit 2), highlighting the department's commitment to keeping costs down for all departments. The department has been working with medical clinics to make the providers aware of modified duty options for employees. They have also been working with departments in reviewing their safety data to ensure best practices. Long term disability claims are also being reviewed.

Amundson asked what the injury trends are and if there have been any increases in modified duty requests. Eckley answered there have been more physical injuries. As to modified duty requests, Corrections will limit the number of employees impacted by modifications to three individuals per shift.

Eckley said information on the upcoming flu clinic and heart aware screenings will be released soon. She noted heart aware screenings are offered on a quarterly basis.

## **DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

### **A. District Energy Corporation (DEC) Meeting – Schorr/Flowerday**

Flowerday reported the valve leaks in the Haymarket will be repaired at an estimated \$300,000-\$400,000. He noted he was also elected DEC secretary.

### **4. LEGISLATIVE PRIORITIES – Joe Kohout, Kissel, Kohout, ES Associates LLC**

Kohout reviewed the priorities (see agenda packet). He stated finding a second water supply for communities in Lancaster County is a new standing priority.

It was the consensus of the Board to move the Legislative priorities to a Tuesday agenda for Board action.

Kohout said the first week in December is being discussed for the Lancaster 101 senator informational event. More information will follow in upcoming weeks.

## **DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

### **B. Public Building Commission – Amundson/Flowerday**

Flowerday stated there were discussions on the security of the parking garage doors and on the County Treasurer's front desk remodel.

Yoakum exited the meeting at 9:55 a.m.

### **C. Lincoln - Lancaster County Board of Health – Flowerday**

Flowerday said updates on air quality control guidance and universal home visits were given. New environmental health specialist and animal control officer positions were noted.

## **5. BREAK**

The meeting was recessed at 9:57 a.m. and reconvened at 10:18 a.m.

Yoakum returned to the meeting at 10:18 a.m.

## **6. WEED CONTROL AUTHORITY DIRECTOR REPORT – Brent Meyer, Superintendent, Weed Authority**

Meyer discussed the director report (Exhibit 3) and said the goals are identification of noxious weed locations, education, outreach and education, management and control. The use of helicopters and drones are instrumental in controlling weed populations. A drone pilot must have the same license as a helicopter pilot. Most of the drone use is over agriculture land.

Flowerday noted the County should review the recent legislative changes to the drone use codes to ensure compliance.

Meyer stated his department provides weed abatement for the City. Seasonal employees are used during the summer months to assist in this process. Approximately 8,000-11,000 weed abatement inspections are conducted every year as well as 3,500 noxious weed inspections. Information Services (IS) technology has allowed these inspections to be mapped and uploaded in real time.

Concerning trainings, Meyer reported the upcoming annual national conference will be held in Lincoln in October 2023. An estimated 500-600 attendees will be at the three-day conference.

Also, Meyer was recognized as the State Weed Superintendent of the Year.

When asked about diversity training, Meyer stated he would be open to any trainings. The department works with a diverse population within the City and attempts to explain each case, although language barriers can cause issues.

**7. ASPLUND CEMETERY – Brent Meyer, Superintendent, Weed Authority**

Meyer stated his department currently manages six abandon cemeteries. He was made aware of Asplund Cemetery at North 84<sup>th</sup> Street and Agnew Road which he felt meets the criteria of an abandoned cemetery except for the maintenance aspect as a local resident has recently been mowing the area (see agenda packet). Cemeteries are required to be mowed two weeks prior to Memorial Day. Lincoln Tree Service assists with tree removal.

John Ward, Deputy County Attorney, said the main issue is if the cemetery has been abandoned or neglected for five years as per Nebraska Revised Statute 12-808 (Abandoned or neglected pioneer cemetery, defined). Nebraska Revised Statute 12-805 (Abandoned or neglected cemeteries; care and maintenance) allows for \$1,000 per year per cemetery to be budgeted by the County for the maintenance of abandoned cemeteries.

Yoakum inquired who forms cemetery boards. Derbin answered there are cemetery associations for actively maintained cemeteries. Once a cemetery is abandoned, it is the County's responsibility to maintain it.

It was the consensus of the Board to direct the County Attorney's Office to draft a resolution concerning the Asplund Cemetery for future Board action.

**8. EXECUTIVE SESSION (PENDING AND POTENTIAL LITIGATION AND LEGAL ADVICE)**

**MOTION:** Vest moved and Amundson seconded to enter Executive Session at 10:58 a.m. for the purposes of pending and potential litigation, receiving legal advice, and to protect the public interest.

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

**ROLL CALL:** Flowerday, Vest, Amundson and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

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

**MOTION:** Amundson moved and Vest seconded to exit Executive Session at 11:14 a.m. Vest, Amundson, Flowerday and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

**9. MISCELLANEOUS ITEMS**

**A. COVID-19 UPDATE AND RESPONSE**

No updates were given.

**B. CLAIMS FOR REVIEW – Kevin Nelson, Accounting Operations Manager**

Nelson stated this week's claims include Purchasing Card (P-card) transactions and an employee reimbursement request. The P-card transactions will be paid next week regardless of any Board action.

- 1. P-Card transactions for Kim Etherton ending in 7137 for Delta Air Seat Fees, dated August 19, 2022, for a total of \$439.94. This claim includes fees for seat assignments for two passengers traveling October 4, 2022, and October 7, 2022.**

Nelson reviewed the claim (see agenda packet). Seat selection or upgrade costs are not specifically addressed in the County's travel policy (R-21-0053), although the policy does state that "travelers shall exercise reasonable judgement to acquire all travel necessities at the lowest reasonable cost to the County." He added the seat reservation fees, which were listed separately, are not being seen on other County employees' transactions.

**MOTION:** Amundson moved to delay Board action pending County Attorney and Clerk's Office recommendations on a resolution.

Yoakum asked if there was a reason that there needed to be this accommodation. Landon Parks, Deputy Community Corrections Director, said his understanding is that this was required to ensure a seat on the plane. Nelson noted the charge was only applied on three of the four legs of the trip. Parks stated on one leg of the trip there was no option to reserve a seat.

Flowerday felt Board action should be delayed until the Board speaks with Kim Etherton, Community Corrections Director.

Flowerday seconded the motion.

Vest inquired what would be achieved by the motion. Amundson answered to have the County Attorney's Office review the charges in relation to the County's travel policy.

Flowerday stated the way the purchasing was handled for this conference was not a good stewardship of taxpayer funds.

Amundson said there needs to be a determination on how to best handle these scenarios in the future.

**ROLL CALL:** Flowerday, Vest, Amundson and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

Nelson reminded the Board that this claim will still show up on Tuesday's claims report for payment.

- 2. P-Card transactions for Landon Parks, card ending in 4444, for parking fees, dated July 24, 2022, through July 27, 2022, for a total of \$144.20. This claim includes valet parking.**

Nelson reviewed the claim (see agenda packet). Parks stated there was no valet parking at the facility. One receipt says self-park at \$33 per day and the other receipt says valet parking at \$33 per day. He felt there was an error in the hotel's coding system.

Nelson said his concern from an audit perspective is if the expenditure would be considered an allowable cost. If valet parking was not used, he recommended documentation be submitted with the

invoices showing as such or work with the hotel to correct any coding. Flowerday agreed.

Yoakum inquired if the parking receipts were for the same lot. Parks answered yes. Nelson suggested a new invoice be obtained from the hotel showing the self-park option. If that is not possible, documentation from the employees attesting to self-parking should be submitted with the reimbursement request.

Vest asked about the number of vehicles involved. Parks said there were two vehicles. Parks stated he would request a new invoice from the hotel reflecting self-park and not valet parking. Nelson reiterated if that is not possible, then a written statement from the employees attesting to having self-parked would be acceptable.

**MOTION:** Flowerday moved and Amundson seconded to roll the claim to Tuesday as a regular claim with the understanding staff will be contacting the hotel asking for updated documentation for self-parking. If that documentation is not obtainable, staff will provide documentation stating it was for self-parking. Flowerday, Vest, Amundson and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

**3. P-Card transactions for:**

- a. **Steven Wesley, card ending in 5713 for: rental car fees, dated August 5, 2022, for \$1,580.18 and August 9, 2022, for \$437.99; lodging dated August 3, 2022, through August 8, 2022, in the amount of \$1,028.14; monthly subscription to iCloud+ storage dated August 17, 2022, in the amount of \$.99; and rental car fees, dated August 21, 2022, for \$333.52 and August 24, 2022, for \$322.72**
- b. **Melissa Hood, card ending in 5721 for lodging dated August 3, 2022, through August 9, 2022, in the amount of \$1,196.28; and lodging dated August 3, 2022, through August 9, 2022, in the amount of \$1,196.28.**

Nelson reviewed the claims (see agenda packet).

Yoakum asked if Hilton Honor points are automatically applied at check in. Flowerday and Vest added with different hotel chains, the points are tracked by customer last name. Yoakum said she does not know how to avoid personal benefits for these types of situations unless the employee requests no points be awarded. Nelson stated the P-card policy says "any and all rebates or special offers offered to the card holder must be designated to the applicable County office, received by that County office and used on another purchase for that County office. At no time may a rebate personally benefit an employee or a card holder." He added the concern lies in that if an employee is a member of a particular rewards program, they may not select the most economical option.

Candace Berens, Deputy County Attorney, asked if the P-card policy applies if an employee uses their personal credit card. Nelson said he did not know if it addresses that specifically.

Flowerday said he does not know how to hold someone accountable. In this regard, Nelson provided a recent example whereby an employee contacted the hotel and requested reward points be

removed retroactively so as not to receive personal benefits.

Cori Beattie, Deputy County Clerk, questioned if free airfare or hotel rooms received by employees become taxable benefits.

**MOTION:** Amundson moved and Flowerday seconded to delay Items 3A and 3B to allow the County Attorney and County Clerk's Office to make recommendations.

Flowerday questioned the iCloud storage charge. He voiced his concern about violating the Freedom of Information Act. Steven Wesley, Youth Services Center (YSC) Director, answered the charge is for extra storage as the YSC was running out of space on their devices. Yoakum asked if Wesley had brought this concern to Information Services (IS) for their guidance. Wesley stated he had not discussed this with IS.

Flowerday requested Wesley discuss storage needs with IS. Nelson encouraged Wesley to contact Abby Eccher, Chief Information Officer.

Vest asked how the additional report provided by the Clerk's Office came about (Exhibit 4). Nelson said the Clerk's accounting staff reviews claims and if there is something that qualifies as a claim for review, he also reviews it. In the process of his review on this particular claim, he said he found items that warranted additional research which resulted in the report given to the Commissioners. He added the report is not officially a part of today's claim for review.

Concerning the rental cars, Wesley stated the reservations were made in June prior to notification of the Enterprise rental contract. He understood YSC was told to keep the rentals with Hertz as there would be a cancellation penalty. He added Hertz has been reserved for an upcoming trip.

Yoakum said she appreciated Wesley's email with explanations (Exhibit 5).

**ROLL CALL:** Vest, Flowerday, Amundson and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

Nelson noted these claims will be on Tuesday's claims report as they were paid by P-card.

- 4. Voucher 777214 on Batch 284640 to Steven Wesley, dated September 2, 2022, for a total of \$188.98. This claim includes an airfare reimbursement outside of the Travel Reimbursement policy R-21-0053.**

Nelson reviewed the claim (see agenda packet). The reimbursement request is for an airline ticket for travel on September 26. An airline ticket was also purchased by P-card for travel on this date from Omaha to Louisville in Wesley's name.

Wesley said the original ticket should have been cancelled as he needed to change his original travel time due to a medical appointment. Additionally, he was unaware that he was able to purchase airline tickets on his personal P-card as opposed to the department's P-card. Nelson stated the cancellation has not been reflected on the P-card as of August 25.

**MOTION:** Amundson moved to delay Board action until there is confirmation of a credit from the

anceled flight.

Nelson confirmed the Board can hold the reimbursement request payment until the credit is confirmed.

Flowerday seconded the motion.

**ROLL CALL:** Flowerday, Amundson, Vest and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

## 10. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

- A. **District Energy Corporation (DEC) Meeting** – Schorr/Flowerday
- B. **Public Building Commission** – Amundson/Flowerday
- C. **Lincoln - Lancaster County Board of Health** – Flowerday

Items A-C moved forward on agenda.

- D. **Lancaster County Mental Health Crisis Center Advisory Committee** – Yoakum

Yoakum reported there were discussions on the LiveWell crisis training sessions, the update needed to Credible for required reporting items, and the retirement of the psychiatrist.

- E. **Other meetings attended since the last staff meeting**

No other meetings were reported.

## 11. SCHEDULE OF BOARD MEMBER MEETINGS

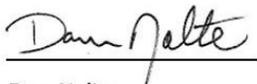
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## 12. EMERGENCY ITEMS

There were no emergency items.

## 13. ADJOURNMENT

**MOTION:** Vest moved and Flowerday seconded to adjourn at 11:51 a.m. Amundson, Vest, Flowerday and Yoakum voted yes. Schorr was absent. Motion carried 4-0.

  
Dan Nolte  
Lancaster County Clerk

