

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
THURSDAY, OCTOBER 28, 2021 AT 8:30 A.M.  
COUNTY CITY BUILDING, 555 S. 10<sup>TH</sup> STREET  
ROOM 112 - CHAMBERS**

Commissioners Present: Rick Vest, Chair; Deb Schorr, Vice Chair; and Christa Yoakum

Commissioners Absent: Roma Amundson and Sean Flowerday

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 October 27, 2021. Notice was also published in the Lincoln Journal Star print and digital editions on October 25, 2021.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:35 a.m.

**AGENDA ITEM**

**1. APPROVAL OF STAFF MEETING MINUTES FOR OCTOBER 19, 2021**

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

**2. BRIEFING ON TX21009 – David Cary, Director, Steve Henrichsen, Development Review Manager, and Tom Cajka, County Planner, Planning**

Henrichsen reported the Planning Commission held a public hearing on October 13 and recommended unanimously to deny the application. The Planning Department also recommended denial of the application. He reviewed the text amendment including proposed changes to the noise standards for substations within a Community Unit Plan (CUP), the addition for a fire protection plan, an environmental impact study, increased screening requirement and increased setbacks to non-participating properties (see agenda packet). The Lincoln-Lancaster County Health Department, Lincoln-Lancaster County Planning Department, and Lincoln Fire and Rescue felt that the current protections were adequate and that none of the requested changes were necessary for the health or safety of the residents.

Regarding visual screening, Henrichsen stated a special permit would have maintenance requirements which if the screening were not properly maintained, the applicant would be notified to correct it. If the applicant does not fix the screening, the special permit could be revoked.

Henrichsen noted the Planning Commission voted 4-2 to approve Special Permit No. 21402. Since action requires approval by a minimum of five (5) members, the Commission will hold another vote on November 17. A County Board briefing will be held on the Commission's final recommendation.

Schorr asked what was differing between Special Permit No. 21402 and Special Permit No. 19036A. Henrichsen answered much of the difference was due to the outlots created through CUPs. Cary added there had been a permit previously approved in the City of Lincoln's jurisdiction whereas the County has never had an approved permit.

Schorr inquired as to the duration of the public testimony. Henrichsen said there was over two hours on the text amendment and three hours on the special permit. Many individuals testified on both applications.

Jen Holloway, Deputy County Attorney, requested the Commissioners relay proposed amendment language to her before the public hearing.

Vest confirmed that the public hearing before the County Board will be on November 9 and the voting session will be on November 16.

**3. CYBER LIABILITY INSURANCE** – Sue Eckley, Risk Manager; and Tom Champoux, President and Risk Consultant, UNICO

Eckley stated one quote for cyber liability insurance was received (see agenda packet) and added purchasing cyber liability for the year will allow her to work with the City to combine the City and County into a single cyber liability insurance policy. If the Board would choose not to purchase the policy, then there will be no coverage and she recommended self-insuring.

Champoux reviewed the quote (see agenda packet) and said the \$1,000,000 policy will cost the County \$77,594.85. There is an offer from the carrier to work with the County for cyber primary care for an additional \$25,000, which would include a monthly assessment review and roadmap update call with their Security Engineering Team. Vendor risk assessments and asset monitoring capabilities would also be included. Schorr asked if the extra cost for primary care could be split with the City. Eckley replied she could include that in her discussions with the City.

Derbin reported a briefing with Information Services (IS) will be held at a future staff meeting.

**MOTION:** Schorr moved and Yoakum seconded to accept the cyber liability insurance proposal at a cost of \$77,594.85.

Vest said he would like to know what IS thinks of the additional primary care package before accepting that proposal. Eckley added she has forwarded that proposal to IS.

**ROLL CALL:** Yoakum, Schorr and Vest voted yest. Amundson and Flowerday were absent. Motion carried 3-0.

**4. INTRODUCTION** – Amanda Phillips, Lancaster County District Court Administrator

Jodi Nelson, District Court Judge, introduced Amanda Phillips as the new District Court Administrator. Phillips discussed her background.

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

– Dan Zieg, Chief Deputy County Attorney; Eric Synowicki and Candace Berens, Deputies County Attorney; and Sue Eckley, Risk Manager, and Kari Wiegert, Risk Management Specialist, Risk Management

**MOTION:** Schorr moved and Yoakum seconded to enter Executive Session at 9:07 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:** Schorr, Yoakum and Vest voted yes. Flowerday and Amundson were absent. Motion carried 3-0.

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

**MOTION:** Schorr moved and Yoakum seconded to exit Executive Session at 9:35 a.m. Yoakum, Schorr and Vest voted yes. Flowerday and Amundson were absent. Motion carried 3-0.

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

Vest noted the mask mandate has been extended.

**7. CHIEF ADMINISTRATIVE OFFICER REPORT**

**A. PENSION REVIEW COMMITTEE RECOMMENDATION: Prudential Retirement Authorization/Directive regarding Beneficiary Required Minimum Distributions (“Beneficiary RMD”) under SECURE Act § 401**

Derbin reviewed the recommendation (see agenda packet). The SECURE Act loosened restrictions on how retirement funds are distributed to particular beneficiaries upon the death of the retirement plan holder, especially the non-spouse eligible designated beneficiaries. Prudential defaults the receiving method to a 10-year distribution for the non-spouse eligible designated beneficiaries in an effort to alleviate those beneficiaries from paying penalties. The recommendation of the Pension Review Committee was to accept the default provisions as proposed by Prudential.

**MOTION:** Schorr moved and Yoakum seconded to accept the Pension Review Committee recommendation. Schorr, Yoakum and Vest voted yes. Flowerday and Amundson were absent. Motion carried 3-0.

**B. SP21402 SCHEDULING (Staff Meeting Briefing November 18th)**

There was general discussion on the scheduling of meetings for the pending solar energy special permit, including the Board briefing on November 23, the hearing on November 30, and a voting session on December 7.

## 8. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

### A. District Energy Corporation Meeting – Schorr/Flowerday

Schorr reported the committee adopted an amendment to increase the budget for the State boiler plant burner upgrade, authorized funding for a new City-County thermal storage expansion project and for the Operational Rate Stabilization Fund, approved rates for 2022 customers and insurance coverage recommendations, and hired new legal counsel. Additionally, the capital projects were reviewed.

### B. Tri-County Meeting – All

Vest stated he felt the discussion between Lancaster, Douglas and Sarpy counties was helpful in planning for upcoming legislation.

### C. Monthly Meeting with Planning – Schorr/Vest/Derbin

Vest said there were discussions on the text amendment and special permit applications, the 2050 Comprehensive Plan and the Long-Range Transportation Plan.

## 9. SCHEDULE OF BOARD MEMBER MEETINGS

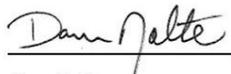
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## 10. EMERGENCY ITEMS

There were no emergency items.

## 11. ADJOURNMENT

**MOTION:** Schorr moved and Yoakum seconded to adjourn at 9:54 a.m. Yoakum, Schorr and Vest voted yes. Flowerday and Amundson were absent. Motion carried 3-0.

  
Dan Nolte  
Lancaster County Clerk

